

August 17, 2020

**ORDINANCE
NO. 2020 - 241**

**AN ORDINANCE TO AMEND APPENDIX B OF THE
CITY'S CODE OF ORDINANCES TITLED "ZONING" AND
TO ADOPT A NEW APPENDIX B-1 TITLED "CITY OF ELMIRA
ZONING CITY-CENTER FORM BASED CODE"**

By Councilmember Stermer:

BE IT ORDAINED by the Council of the City of Elmira, New York, duly convened in regular session this 17th day of August, 2020, as follows:

Section 1. Article I, Section 110 of Appendix B is repealed in its entirety.

Section 2. A new Section 110 be and is hereby adopted to read as follows:

Section 110. Definitions.

Accessory Surface Parking Lot: An area used for parking vehicles for a use located on a separate lot with a shared use agreement.

Accessory Use: A use which is controlled by the person exercising a Principal Use, incidental to and customarily associated with the Principal Use and located on the same lot as the Principal Use.

Accessory Structure: Shall mean a subordinate structure located on the same lot as the principal structure, occupied or devoted to an accessory use.

Adult Care Facility: Shall mean any entity, whether public, private or parochial, which provides, with or without compensation, care and supervision, to three (3) or more persons over the age of minority, for any period of time less than twenty four (24) hours per day per person

Adult Entertainment: Includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets and other premises, enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

Adult Use: “See Sexually Oriented Business”.

Agriculture, Urban: The production, keeping or maintenance of plants and animals in urban or developed areas, with animal production, keeping, or maintenance limited to chickens, rabbits, and bees.

Alley: A narrow, supplementary thoroughfare for the public use of vehicles or pedestrians affording secondary access to abutting property.

Alteration: Any change, rearrangement, modification, addition, or enlargement to a building, other than repair; any modification in construction or building equipment.

Amusement and Recreational Establishments, Indoor: Commercial activities conducted indoors for the purposes of recreation and amusement including, but not limited to, amusement arcades, billiard parlors, theaters, dance halls, bowling alleys and indoor skating rinks.

Amusement and Recreational Establishments, Outdoor: Commercial activities conducted outdoors for the purposes of recreation and amusement including, but not limited to, driving ranges, miniature golf, swimming pools, tennis courts, motorized cart and motorcycle tracks, water parks, amusement parks, batting cages, trampoline facilities, and paintball courses.

Animal Boarding/Kennel: Any lot or premises, or portion thereof, on which more than four dogs, cats, and other household domestic animals over four months of age are kept for sale, or on which more than two such animals are boarded for compensation.

Antenna/Satellite Dish: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

Appeal: Shall mean a request for review of the Superintendent of Building’s interpretation of any provisions of this ordinance or a request for a variance from the requirements of this Ordinance.

Awning: Any non-rigid material that is supported by a frame that is attached to an exterior wall.

Bank or Financial Institution: A freestanding or attached building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Bar/Restaurant: An establishment whose principle business is the selling of unpackaged food or beverages to the customer in a ready-to-consume state, where the customer usually consumes these foods or beverages while seated at tables or counters located within the building.

Basement: A story partly underground but having at least one-half ($\frac{1}{2}$) of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or if it is used for business or dwelling purposes.

Bed and Breakfast: An owner occupied one-family dwelling used for providing overnight accommodations and a morning meal to not more than ten (10) lodgers containing at least three (3), but not more than five (5) bedrooms for such ten (10) lodgers. This category shall be subject to the conditions of Section 740.18 of this ordinance. (*Ord. No. 2003-314 dated Sept. 8, 2003*).

Billboard: A freestanding sign greater than one hundred (100) square feet, but not greater than two hundred (200) square feet in surface area.

Board of Appeals: Shall mean that entity charged with carrying out the requirements delegated to it by the Zoning Ordinance.

Boarding, Lodging, Rooming house: A dwelling or other residential structure in which lodging facilities are supplied for pay, with or without meals, over an extended period of time. The term "boardinghouse" shall include "rooming house", "lodging house" and "tourist house". This term shall not include "hotel", "motel" or "Bed and Breakfast" accommodations.

Brewery: An establishment that manufactures beer.

Building: Any structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals or property.

Building Articulation: The elements in the massing of a building, which establish character and visual interest, such as window or wall recesses or projections.

Building height: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a roof.

Buildings, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk and Density Regulations: Shall mean those regulations set forth in Article III of the Zoning Ordinance governing the development of lots in the various districts.

Carport: Shall mean an open-sided automobile shelter usually formed by an extension of a roof from the side of a building.

Car Wash: A building, lot, or portions thereof where vehicles are washed either by the patron or others using machinery and mechanical devices specifically designed for this purpose.

Cellar: That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

Cemetery: Land used or intended to be used for the burial or deceased human beings and dedicated for cemetery purposes.

Church: See "Place of Worship".

Clear Vision Zone: A volumetric zone at an intersection, of any combination of roads, drives, internal drives and driveways permitting a visual line of sight and defined by a geometric sector of certain radius in a base plane in feet above finished grade and by a zone height extending a certain number of feet above the base plane.

Club: Any organization catering exclusively to members and their guests, or premises and buildings for recreational, social, or athletic purposes which are not conducted primarily for profit.

College: See "Institution of Higher Education".

Commercial Parking Facility: The use of a lot or structure, or any portion thereof, for the parking of motor vehicles for profit, other than by a municipal corporation.

Commercial vehicle : Any vehicle having a maximum carrying capacity of more than one (1) ton; and/or more than three (3) axles; or trailer longer than eighteen feet (18') , used or designed to be used as part of the operations of commercial enterprises such as the transportation of goods, wares and merchandise.

Communal space: Privately owned land, under the care and control of the owners of residential parcels or units within a planned residential project. Such land generally is designed, developed and landscaped for use as lawns, tree areas, walkways, parks and outdoor recreational facilities, as part of the overall unified residential development.

Community Residential Facility: A residential facility for the mentally disabled operated pursuant to the New York State Mental Hygiene Law and regulation promulgated thereunder, including an alcoholism facility, a hostel, a half-way house and any other such facility as defined in such regulations and any similar facilities operated under the supervision of federal departments and agencies.

Concession: A grant by a government of land or property, or of a right to use land or property for some specified purpose.

Condominium unit: The units in a multi-unit structure wherein each unit is individually owned and is able to be sold, mortgaged or exchanged independent of the other units. Each condominium unit is to be considered as a single-family or one-family dwelling.

Controlled-Access Highway: Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Convalescent home: A building used for accommodation and care of persons receiving non-skilled, long-term care, meeting the New York State Department of Social Services (NYSDSS), or their successor's definition of a proprietary facility (see also "Nursing Home").

Convenience Store with Gasoline Sales: A retail use that combines two principal uses on a single lot; the sale of motor vehicle fuel and accessory substances, as well as the sale of groceries.

Convention Center/Sports Arena: A commercial facility used for indoor sporting events, conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. This term does not include banquet halls, clubs, lodges, or other meeting facilities of private or non-profit groups that are primarily used by group members.

Cultural Service Facility: A library, museum, art gallery, performance venue or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

Day Care Center: A place, person, association, corporation, institution, or agency which provides day care for children as defined and licensed by the New York State Department of Social Services (NYSDSS) pursuant to the NYS Social Services Law and related Rules and Regulations. The name, description, or form of the entity which operates a day care center shall not affect its status as a day care center.

The term “day care center” shall not refer to care provided in:

- (1) A day camp as defined in the State Sanitary Code (10 NYCRR Chapter 1); or
- (2) An after-school program operated by a Private School or religious organization; or
- (3) A facility operated by a public-school district or providing day services under an operating certificate issued by the Department of Mental Health.

Day Care of Children: Shall be defined and licensed by the New York State Department of Social Services (NYSDSS), pursuant to the NYS Social Services Law and related Rules and Regulations, to include care provided for three or more children away from their own homes in a day care center, excluding those children receiving family day care as defined in this Ordinance. Such care shall be for more than three (3) hours and less than twenty-four (24) hours per day per child accepted for care therein. The term “day care of

children” includes services provided with or without compensation or payment.

Day Care, Family Home: Day care provided in the care givers’ residence in accordance with New York State Department of Social Services (NYSDSS) Rules and Regulations.

Day Care, Group Family Home: Day care provided in the care givers’ residence in accordance with New York State Department of Social Services (NYSDSS) Rules and Regulations.

Development: Any man-made change to improved or unimproved real property, including, but not limited to, the construction or demolition of buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

Drive, Internal: An improved way that provides or is designed to provide vehicular access between a drive and one (1) or more uses on the same lot.

Drive-Through: An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their vehicles.

Driveway: That designated portion of a lot used primarily as a means for motor vehicle ingress and egress from said lot and the temporary parking of one or more vehicles which are generally associated with the owner of said lot.

Dwelling: A building designed or used exclusively as the living quarters for one or more families.

- (a) **Dwelling, one-family:** A building containing one (1) dwelling unit used exclusively for occupancy by one family.
- (b) A **“two-family dwelling”** is a building containing two dwelling units.
- (c) A **“three-family dwelling”** is a building containing three dwelling units.
- (d) A **“four-family dwelling”** is a building containing four dwelling units.
- (e) A **“multiple-family dwelling”** is a building containing more than four (4) dwelling units or more than four (4) roomers with one family in a one- family dwelling.

Dwelling, Apartment Building: A building designed exclusively for or occupied exclusively by seven or more families living independently of each other in seven or more separate dwelling units.

Dwelling, Attached: A dwelling that is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached: A dwelling that is surrounded by open space on all sides of the lot.

Dwelling unit: One or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family.

Dwelling unit (Accessory): A second dwelling unit either in or added to a single-family dwelling, or in a separate accessory structure on the same lot as the principal structure, for use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling shall be clearly accessory and incidental to the principal dwelling.

Elevated building: A building having its lowest floor elevated above the ground.

Emergency Services: Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, emergency medical technicians and ambulance substations and headquarters, and police and sheriff substations and headquarters, including interim incarceration facilities.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electric, steam, fuel or water transmission of distribution system collection, communication, supply or disposal system including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety and welfare.

Facade: The exterior wall of a building that is set along a Frontage Line.

Factory Manufactured Home: Manufactured housing bearing the insignia of approval issued by the State of New York.

Family:

- 1) One of the following:
 - a) One, two or three persons occupying a dwelling unit; or
 - b) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
- 2) It shall be presumptive evidence that four or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- 3) In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
 - a) The group is one which in theory, size, appearance, structure and function resembles a traditional family unit;
 - b) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
 - c) The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
 - d) The group is permanent and stable. Evidence of such permanency and stability may include:
 - i) The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - ii) Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
 - iii) Members of the household are employed in the area;
 - iv) The household has been living together as a unit

for a year or more whether in the current dwelling unit or other dwelling units;

- v) There is common ownership of furniture and appliances among the members of the household; and
- vi) The group is not transient or temporary in nature;
- e) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

Fence: A structure, constructed of wood, masonry, stone, wire metal or any other manufactured material or combination of materials, erected in the minimum setback.

Finished Grade: The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or structure. If the line of intersection is not reasonably horizontal, the finished grade, in computing height of a building and structure, shall be the mean elevation of all finished grade elevations around the periphery of the building.

First Story Height: Is measured from the finished ground floor level to the surface of the second floor or, in the case of a one-story building, from the finished ground floor level to the surface of the roof.

Flea Market: A lot or parcel, or portion thereof, with outdoor stalls, booths, or selling spaces used for the display of used or new goods, wares, merchandise, antiques, collectibles and arts and crafts.

Floor Area: The aggregate sum of the gross horizontal area of the floor or several floors of the building or building group, measured from the exterior walls or from the centerlines of walls separating the buildings. The floor area of a building or building group shall include:

- (1) Basement space;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space for mechanical equipment, with structural headroom of 7'6" or more;
- (4) Penthouses;
- (5) Attic space (whether or not a floor has actually been laid) providing structural headroom of 7'6" or more

- for at least 50% of the area;
- (6) Interior balconies and mezzanines;
- (7) Enclosed porch or attached garage; and
- (8) Accessory use, exclusive of space for parking lots.

However, the floor area of a building shall not include:

- (1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;
- (2) Elevator and stair bulkheads, accessory water tanks, and cooling towers;
- (3) Floor space used for mechanical equipment, with structural headroom of less than 7'6";
- (4) Attic space (whether or not a floor has actually been laid) providing structural headroom of less than 7'6" for at least 50% of the area;
- (5) Uncovered steps and/or exterior fire escapes;
- (6) Terraces, breeze ways, open porches, and outside balconies and open spaces;
- (7) Accessory off-street parking spaces; and
- (8) Accessory off-street loading berths.

Front Yard (minimum yard dimensions): That space within and extending the full width of a lot from the front lot line to the part of the principal building which is nearest to such front lot line.

Frontage Element: Optional elements of a building or site that help provide a transition and interface between the public realm (street and sidewalk) and the private realm (yard or building).

Funeral home: A structure used by a licensed mortician for burial preparation and funeral services.

Garage, private: An accessory building or portion of main building used primarily for the storage of one or more motor vehicles, owned or leased by the occupants of the principal structure, provided that no business, occupation, or service is conducted for profit therein, nor space therein is leased to a nonresident of the premises, as otherwise may be permitted in this ordinance.

Garage, public: A building or portion thereof used for the storage of motor vehicles on a commercial basis.

Garage, mechanical: A building, or portion thereof, used for the servicing, painting, repair, or maintenance of the mechanical, structural, or electrical systems of motor vehicles, which may or may not include the sale of gasoline or other motor fuel.

Gasoline service stations: Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel.

Geothermal: Equipment for the collection of geothermal energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property.

Greenhouse: A business whose principal activity is the selling of plants grown on the site and having outside storage, growing or display.

Grocery Store: A store primarily devoted to the retail sale of foodstuffs and household supplies.

Health Care Clinic: A place where medical, dental, vision, nutrition, physical therapy, chiropractic, and other similar health care services are furnished to persons on an out-patient basis by three (3) or more physicians or professional health care providers who have common offices in a building which may also offer laboratory/testing facilities, medical or surgical procedures, and similar health care services.

Health/Sport Club: A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other customary and usual recreational activities, operated for profit or not for profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Heliport: Any lot or other facility used or designed to be used, either publicly or privately, by any person for the landing and taking off of helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic District/Property: A place located on the City, State or National Register of Historic Places. *(Ord. No. 2008-224; 6/23/08)*

Historic Preservation Commission: That committee of individuals charged with carrying out the mandates of all subsections found in Section 440 of this Ordinance, as the same may be amended from time to time. *(Ord. No. 2008-224; 6/23/08)*

Home Occupation: An occupation or profession carried on in a residential dwelling, or accessory structure thereto, and clearly incidental and secondary to the residential use of such dwelling or structure

Home Occupation (Category I): A home occupation employing the owner(s) of the premises plus no more than one (1) non-resident employee, agent, or sub-contractor and which is not open to the general public and which does not require a sign, parking or other exterior indicia of a home occupation. This category shall be subject to the conditions of Section 740.9(I) of this ordinance. *(Ord. No. 2002-60 dated 2/11/2002)*

Home Occupation (Category II): A home occupation employing the owner(s) of the premises plus no more than two (2) non-resident employees, agents, or sub-contractors, and which may be open to the general public. This category shall be subject to the conditions of Section 740.9(II) of this ordinance. *(Ord. No. 2002-60 dated 2/11/2002)*

Hospital: A “hospital” shall be a facility primarily engaged in providing, by or under the continuous supervision of licensed health care providers, to inpatients and outpatients, diagnostic and therapeutic services for diagnosis, treatment, and care of persons. The term “hospital” shall also mean on or more buildings or structures which provide facilities and services of a type customarily provided by a hospital including, but not limited to, any services and facilities in support of or in any way related to the hospital’s activities including nursing homes, convalescent homes, long term skilled nursing facilities and a school of nursing conducted within the hospital facility. (See Section 350).

Hotel: A multiple dwelling used primarily for the purpose of furnishing lodging, with or without meals, for more than fifteen (15) transient guests, for compensation.

House trailer: See “Mobile Manufactured Home”.

Industrial Facility, Heavy: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing process, or such that involves commonly recognized offensive conditions.

Industrial Facility, Light: Shall mean any manufacturing or research establishment which has limited external impacts (such as the emission of smoke, noise or vibrations) on surrounding areas because of said establishment's appearance, method of operation and use of public facilities and utilities.

Inn: A commercial facility, resembling traditional residential character with common access providing transient lodging and meals which is characterized by common dining facilities and leisure rooms available for use by lodgers and limited general public with no more than 12 guest rooms.

Institution of Higher Education: Any entity, whether public, private or parochial, which provides, as its primary purpose, educational instruction above the twelfth grade level including all academic, residential and service facilities attendant thereto and which is chartered, registered and/or certified, by the Commissioner of the New York State Department of Education or the Regents of the University of the State of New York, or their successors. (See Section 360).

Kennel: Any lot or structure, or portion thereof, used or maintained for the boarding, breeding, sale, letting for hire or the commercial training of dogs and/or cats.

Junk yard: A lot, land, or structure, or part thereof, used primarily for the collecting, storage and sale of refuse, scrap metal, used building materials, discarded material; or primarily for the collecting dismantling, storage and salvaging of machinery or vehicles for the sale of parts thereof.

Landscaped area: An area that is permanently devoted and maintained for the growing of shrubbery, grass and other planted material.

Landscaping: The improvement of a lot, parcel or tract of land with grass and shrubs, trees, and/or other planted material. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar

natural objects designed and arranged to produce an aesthetically pleasing effect.

Large Tree: A live tree that is a minimum of twelve inches (12") in diameter when measured forty-eight inches (48") above ground.

Limited Light Industrial: Shall mean any light industrial use employing fewer than twenty-five (25) persons.

Light Industrial: Shall mean any manufacturing or research establishment which has limited external impacts (such as the emission of smoke, noise or vibrations) on surrounding areas because of said establishment's appearance, method of operation and use of public facilities and utilities.

Lightwell: A Private Frontage type that is a below-grade entrance or recess designed to allow light into basements.

Live-Work Unit: A structure that contains a dwelling unit and one or more businesses or commercial uses in a single building where the resident owner or employee of the business resides within the structure.

Lot: A parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings and uses customarily incidental thereto including such open spaces as are arranged and designed to be used in connection with such buildings.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, corner: A lot at the junction of two or more intersecting streets.

Lot Coverage: The lot area or percentage of lot area covered by buildings, including accessory structures, and all other impervious surfaces.

Lot line: Line dividing one premise from another, or from a street or other public space.

Lot, width: The mean horizontal distance measured between the side lot lines.

Main Entrance: A main entrance is a principal point of access for pedestrians into a building, prominently visible from the adjacent

right-of-way or avenue of approach. To be considered a main entrance, a door must be open to and operable by the general public, for both entering and exiting, during business hours in the case of a non-residential use, or operable at any time by occupants in the case of a residential use.

Major Projects: Shall mean a specific plan, design or planned undertaking determined by a representative of the City of Elmira Bureau of Inspection Services which requires Planning Commission action and approval including, but not limited to, new industrial, commercial or residential construction, subdivisions, or business expansion, as well as any project requiring a special permit or a variance. In addition, fencing and plantings in a Junkyard, as defined in section 452 of this ordinance, shall be considered Major Projects. *(Ord. No. 2007-280, 7/9/07)*

Manufactured Modular Home: Shall mean a factory-manufactured home where the structure or component is wholly or in substantial part constructed in a manufacturing facility and is intended for permanent installation on a building site. Said home must bear the Insignia of Approval issued by the New York State Fire Prevention and Building Code Council which certified that the home or component is in compliance with the requirements of Subchapter B of said code.

Minor Projects: Shall mean a specific plan, design or planned undertaking determined by a representative of the City of Elmira Bureau of Inspection Services which does not require Planning Commission or Zoning Board of Appeals action and approval including, but not limited to, simple residential remodeling or the construction of a fence, pool or deck. However, any request for a special permit or variance arising out of a simple remodeling, construction or undertaking shall be considered Major Projects. Furthermore, fencing and plantings in a Junkyard, as defined in section 452 of this ordinance, shall be considered Major Projects. Minor Projects shall be handled through the City of Elmira Bureau of Inspection Services. *(Ord. No. 2007-280; 7/9/07)*

Mixed-Commercial/Residential Use: A building that contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use that is permitted in the zone.

Mobile/Manufactured home: A structure, transportable in one or more sections, which in traveling mode, is 8 Feet (2438 body mm) or more in width or 40 feet (12, 192 body mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum,

and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing heating, air conditioning and electrical systems contained herein, The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the certification required by the federal department of housing and urban development Housing Construction and Safety Act of 1974, as amended. The term label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture is **deemed acceptable**. For purposes of this ordinance mobile homes and manufactured homes shall be both be referred to as “mobile/manufactured homes”. *(Ord. No. 2003-163 dated May 5, 2003)*

Mobile Home: A moveable or portable dwelling unit that was built prior to June 15, 1976 and that was designed and constructed to be towed on its own chassis comprising frame and wheels; connected to utilities; and designed and constructed without a permanent foundation for year-round living, excluding travel trailers. For purposes of this ordinance mobile homes and manufactured homes shall be both be referred to as “mobile/manufactured”. *(Ord. No. 2003-163 dated May 5, 2003)*

Motel: A multiple dwelling, intended primarily for motorists, not over two stories in height, in which the exit from each dwelling unit or sleeping room is directly to the exterior (includes, but is not limited to, the terms motor court, motor hotel, tourist court).

Motor Vehicle Charging Station: A location that contains the equipment that supplies electric energy for the recharging of electric vehicles.

Motor Vehicle Gasoline Sales: Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel.

Motor Vehicle Repair: Shall mean a lot, structure, or portion thereof, that may have as a principal use welding, painting, vehicular body, or engine repair, and may also include as a secondary use, the sale of related vehicle parts and vehicle fuel sales.

Motor Vehicle Sales/Rental/Storage: Shall mean a lot, structure, or any part thereof, used for the display, sale, lease, or rental of new or used automobiles, trucks, trailers, or boats. A permanent

sales office building shall be located on the same lot as the vehicle sales.

Municipal Parks/Recreational Facilities: A lot, or portion thereof, owned by any public agency, used or intended to be used for recreation purposes including parks, playgrounds, play fields or other outdoor recreation facilities.

Nightclub: A business enterprise which provides or permits any musical entertainment, singing, dancing or other form of amusement, whether or not in connection with the service of food or beverage, but not including a restaurant or bar or cafe which provides incidental musical entertainment without dancing, either by mechanical electrical devices or by not more than four persons playing any non-amplified instrument. This will not include any restaurant or bar or cafe located in a hotel having more than 50 sleeping rooms.

Nonconforming use: Any use of a building, structure or parcel of land legally existing at the time of enactment of this ordinance, which does not conform to the regulations of the district in which it is located.

Nursery school: A school designed to provide temporary care or instruction for two or more children from two to six years of age inclusive.

Nursing home: An establishment, other than a hospital, licensed for nursing care by the State of New York, where persons are habitually housed, furnished with meals and nursing care for remuneration.

Office, General Business: A business, office or agency providing service to the general public or other offices and agencies, such as insurance brokers, real estate agents, computer programming, consulting organizations, or similar service businesses.

Office, Professional: A business office or agency providing services to the general public by a professional licensed by the State of New York such as a lawyer, engineer, architect, accountant, physician, chiropractor, therapist, dentist, or similar occupation.

Official Zoning Map: Shall mean that map identified by the signature of the Mayor and dated and attested to by the City Clerk

following the words: "This is to certify that this is the official Zoning Map of the City of Elmira".

Open Air Café (Accessory): An open-air seating area on a public sidewalk that is accessory to a restaurant located on the adjoining property, where restaurant patrons can eat or drink.

Parking Lot/Facility: Any lot whose principal use, or accessory use, is used for the parking of motor vehicles.

Parking space: An off-street space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto, and also exclusive of space necessary for maneuvering into or out of a parking space.

Parking Structure: A structure, other than accessory off-street parking areas for a charge or permit, motor vehicles may be stored for the purpose of off-street parking.

Personal Services Establishment: A non-retail use providing service related to an individuals' care and upkeep need, such as manicurist, barber shop or beauty parlor, and the upkeep of personal attire, such as tailor, seamstress, or shoe repair. This definition shall not include facilities used for appliance, vehicle, small engine repair or similar use.

Place of Worship: A building or lot used predominately for public worship by members or representatives of a religious sect, group, or organization recognized by State statute and any other use must be *de minimis*.

Planning Commission: Shall mean that entity charged with carrying out the requirements delegated to it by this Zoning Ordinance including, but not necessarily limited to, site plan review of Major Projects, the review and approval or disapproval of fencing and planting in Junkyards, as set forth in section 452 of this ordinance, the review and approval or disapproval of applications for a permit to establish a mobile/manufactured home park, the review and the making of a recommendation of approval or disapproval of all applications, as submitted or amended, for the establishment of a Planned Development District prior to any action taken by the Council, as well as make recommendations to City Council regarding any proposed zoning regulation amendments or changes or district boundary amendments or changes. (Ord. No. 2007- 280; 7/9/07)

Porch: Any veranda, gallery, terrace, piazza, portico or similar projection from a main wall of a principal building and covered by a roof, other than a carport.

Pre-Application Conferences: One or more meetings held prior to an applicant's appearance before the Zoning Board of Appeals or the Planning Commission and after a determination has been made that the applicant's proposed project is deemed a Major Project. The said Pre-Application Conferences will be scheduled with the applicant, a representative of the City of Elmira Bureau of Inspection Services, and at least one member of the Planning Commission or Zoning Board of Appeals. The said conference may also include the participation of other pertinent City of Elmira employees including, but not limited to, a member of the Law Department, Department of Public Services or Traffic Bureau. During the above Pre-Application Conference, the said participants shall address several issues including, but not limited to, the approval process in general, the documents and site plans required and any outstanding concerns which need to be addressed prior to the applicant's appearance before the Planning Commission or Zoning Board of Appeals. *(Ord. No. 2007-280; 7/9/07)*

Premises: A lot, plot or parcel of land including the building or structures thereon.

Principal Use: Shall mean the main or primary use of a building, structure, or parcel of land.

Principally above ground: At least fifty-one percent (51%) of the equalized assessed value of the structure, excluding land value, is above ground.

Printing Plant: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Printing Shop: An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

Private Club: Any organization catering exclusively to members and their guests, or premises and buildings for recreational, social, or athletic purposes which are not conducted primarily for profit.

Private School: Shall mean an elementary or secondary school facility operated by a person, firm, corporation, or organization (other than a public school district), registered and/or certified under the requirements of the Commissioner of the New York State Department of Education or chartered by the Regents of the University of the State of New York, or their successors.

Public Park: A lot, or portion thereof, owned by any public agency, used or intended to be used for recreation purposes including parks, playgrounds, play fields or other outdoor recreation facilities.

Public School: Shall mean an elementary or secondary school facility operated by a public school district, municipality, or subdivision thereof, which said school registered or certified under the requirements of the Commissioner of the New York State Department of Education or chartered by the Regents of the University of the State of New York, or their successors.

Public Utility: A business or service having an appropriate franchise from the State of New York, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water transportation or communications.

Railroad Facilities: The occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals, but excluding freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad or by a lessee for the purposes auxiliary to rail transportation, or by a lessee for the purposes auxiliary to rail transportation; provided, however, that the operation of such facilities as a hobby or as part of an amusement business shall not be considered a railroad use.

Rear Yard: Shall mean that space within and extending the full width of the lot from the rear lot line to the part of the principal structure which is nearest to such lot line.

Recreational Vehicle: Shall mean a motorized vehicle or trailer that can be registered by the New York State Department of Motor Vehicles, which is designed to be primarily used for temporary

living or sleeping purposes while traveling and which is customarily standing on wheels or removable rigid supports.

Recycling Center or Station: A facility designed to be a collection point where only recyclable materials are sorted and/or temporarily stored prior to delivery to a permanent disposal site, or shipment to others for reuse, and/or processing into new products. This facility can be a temporary and/or mobile, profit or not-for-profit operation, not accessory to the principal permitted use or a permanent installation that is the principal permitted use. This shall not include junk yards or wrecking yards.

Research and Development Facility: Buildings or portions of buildings used primarily for scientific, medical and/or high-tech research, development and product or equipment design activities in a setting that combines offices and laboratories and may include light assembly. Includes laboratories serving the medical profession by the testing and analysis of specimens submitted by physicians. Activities of such laboratories are confined to serving the medical profession.

Residential hotel: A building occupied by permanent guests only and not by transients. It may include restaurants, newsstands and other accessory services primarily for serving its occupants and only incidentally the public.

Restaurant, Fast Food: Any establishment with more than twenty (20) seats, whose principle use is the preparation and sale of food for consumption by patrons on the premises. *(Ord. No. 2005-427 dated November 28, 2005)*

(a) **Restaurant, Fast Food:** Any establishment with more than twenty (20) seats where food and beverages are sold in a form ready for consumption and where, by design, packaging and sales techniques, significant revenue is derived from food sales where consumption takes place off premises.

(b) **Restaurant, Retail:** Any establishment with twenty (20) or less seats whose principle use is the preparation and sale of food and beverages for consumption by patrons on or off the premises. This category shall be subject to the conditions of Section 740.19 of this ordinance. *(Ord. No. 2005-427 dated November 28, 2005)*

Retail: A business primarily involving the sale of goods to the general public, but which may include incidental fabrication of said goods on premises.

Retail Store, Corner Commerce: A retail sales business of less than 2,500 square feet of gross floor area per floor providing goods or merchandise to the general public, for a fee. Corner Commerce Retail establishments are similar in nature to Neighborhood Retail establishments, but on a smaller scale, and shall not be interpreted to include automobile uses, accessory drive through uses.

Retail Store, General: A retail sales business of greater than 4,000 square feet of gross floor area per floor providing goods or merchandise to the general public, for a fee.

Retail Store, Neighborhood: A retail sales business of greater than 2,500 square feet but less than 4,000 square feet of gross floor area per floor which specializes in providing household products and foods and may also provide for any or all of the following as an accessory use: the sale and/or rental of audio/video recordings of any format, provided that an adult-oriented business is specifically prohibited; and the preparation and sales of delicatessen sandwiches and foods. Neighborhood Retail stores shall not include the dispensing or sale of motor vehicle fuels.

Rooming house: See “Boardinghouse.”

Row house: A dwelling sharing a common wall with adjoining dwellings and said wall(s) are party or lot line walls.

Rummage Sale: A sale of generally second-hand items by a private individual, usually conducted on the individual’s premises.

Self-Storage Units: A building, or group of buildings, designed and constructed for the common, long-term and /or seasonal interior storage of individual or business property. This definition does not include a warehouse/distribution center, truck terminal or other transfer facility for goods, wares, or merchandise.

Setback: The area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures, with the exception of Encroachments.

Sexually Oriented Business: Shall mean any establishment having as a substantial or significant portion of its revenues or stock-in-trade, the presentation, selling, leasing, trading, or renting of, for any form of consideration whatsoever: any material, service,

matter or performance, by way of any visual or sensory medium now known, or later developed, which depicts or relates to any specified sexual activity and/or specified anatomical area as those activities are defined in Section 457.2 of this Ordinance, as same may be amended from time to time.

Shopping Center: Any group of two or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot, (b) are under common ownership or management, (c) other structural member to form one continuous structure, or if located in separate buildings, are interconnected by walkways and accessways designed to facilitate customer interchange between the uses, (d) share a common parking area and (e) otherwise present the appearance of one continuous commercial area.

Short-term Rental: The rental or lease of any dwelling unit or dwelling, for a period of thirty (30) days or less, to one entity. Motels, hotels, inns, and bed and breakfasts are excluded from this definition.

Side Yard: An open unoccupied space on the same lot with the building situated between the nearest part of the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

Sign: Any name, identification, description, display, illustration, or device, greater than one (1) square foot in area, which directs attention to a product, place, activity, person, institution or business.

Site Plan: A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in Section 1025.6 of this ordinance, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

Solar (Accessory): Any solar energy system that is an accessory use or structure, designed and intended to generate energy for a principal use located on site, and does not provide energy for any other buildings beyond the lot.

Solar, Large Scale: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

Start of construction: The point at which the premises begin to be physically altered; which shall also include the placement of construction trailers and the like. *(Ord. No. 2007-280; 7/9/07)*

Stepback: A building Setback of a specified distance that occurs at a prescribed number of Stories above the ground.

Stoop: A Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance.

Storage Facility: A building, or group of buildings, designed and constructed for the common, long-term and /or seasonal interior storage of individual or business property. This definition does not include a warehouse/distribution center, truck terminal or other transfer facility for goods, wares, or merchandise.

Storage Yard: The use of any space, whether inside or outside a building for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

Story: Portion of a building which is between one floor level and the next higher floor level or roof.

Story Height: Is measured from the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the top of the wall plate.

Street: Thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.

Structure: An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

Substantial improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, “substantial improvement” is considered to commence when the first

alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Superintendent of Buildings: The City's employee or designated agent charged with the enforcement of the ordinance and the provisions and regulations of the New York State Fire Prevention and Building Code, whom may also be referred to herein as the "Director of Code Enforcement".

Tavern, Bar: A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the lot, regardless of whether food or entertainment are provided as an accessory use.

Tourist house: See "Boardinghouse".

Trailer: See "Mobile home".

Transient guest: Any person who shares a dwelling unit on a non-permanent basis for not more than thirty (30) consecutive days.

Transit Passenger Station: Any structure or transit facility that is primarily used, as part of a transit system, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

Transparency: The total area of fenestration.

Transportation/ Trucking Terminal: Any premises used by a motor freight company as a carrier of goods that is the origin or destination point of goods being transported, for the purpose of dispatching, storing, transferring, loading and unloading goods.

Use: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Use Table: Shall mean that Table at Section 260 describing the types of uses that may or may not be permitted in specific Zoning Districts.

Utility/Storage Trailer: Shall mean any non-motorized vehicle of mechanism accessory to a motorized vehicle, which is capable of being towed by said motor vehicle.

Variance: A grant of relief from one or more of the requirements of this ordinance.

Vending Lot: Temporary use of a lot permitted by the Zoning Board of Appeals for up to a 12-month period where food, beverages, goods, merchandise, or service are displayed, offered for sale, or given away.

Veterinary Hospital/Office: The use of premises, structure, lot, or any portion thereof, for the treatment and/or examination of animal illnesses, including facilities for boarding animals receiving examination or treatment. This definition is deemed to include animal hospital or clinic.

Warehouse/Distribution Center: The use of premises, structure, lot, or any portion thereof, for the storing of goods, wares, and merchandise, whether for the owner or for others, prior to shipment elsewhere.

Wholesale Business: A business or establishment which is engaged in selling primarily to retailers rather than directly to the public.

Yard, front: An open unoccupied space on the same lot with a building situated between the street line and a line connecting the parts of the building located nearest to such street line, and extending to the sidelines of the lot.

Yard, rear: An open unoccupied space, on the same lot with a building, situated between the rear line of the lot and a line connecting the parts of the building located nearest to such rear lot line, and extending to the sidelines of the lot.

Yard, side: An open unoccupied space on the same lot with the building situated between the nearest part of the building and the sideline of the lot and extending from the front yard to the rear

yard. Any lot line not a rear line or a front line shall be deemed a sideline.

Zoning Board of Appeals: Shall mean that entity charged with carrying out the requirements delegated to it by this Zoning Ordinance, including but not limited to: interpreting the provisions of the Zoning Ordinance; reviewing actions of the Superintendent of Buildings; and the granting or denial of Special Permits or variances.

Zoning District: Shall mean a classification within which the regulations specified in this Ordinance are uniform and which is assigned to a particular area of the City by delineation upon the Zoning District Map as referenced in Article II hereof.

Zoning District Map: Shall mean the official, certified map upon which the boundaries of the various zoning districts are shown and which are an integral part of this Ordinance and together with the Zoning text make up the Zoning Ordinance for the City of Elmira.

Section 3. Article II, Section 200, is amended to delete zoning District “Business B – Central Business District” and to add “see the City-Center Form Based Code for additional zoning districts (Appendix B-1).”

Section 4. Article II, Section 210, is amended to read as follows:

The zoning districts are bounded and defined as shown on map A entitled “Zoning Map of the City of Elmira, New York”, which accompanies this ordinance and which, with all explanatory matter thereon, is hereby incorporated herein by reference. The official Zoning Map shall be filed in the Office of the City Clerk.

Section 5. Article II, Section 250.6 be and is hereby repealed.

Section 6. Article II, Sections 250.8, 250.9, 250.10, are renumbered to read: 250.7, 250.8 and 250.9.

Section 7. Article II, Section 250.11 be and is hereby repealed.

Section 8. Article II, Sections 250.12, 250.13, 250.14, 250.15, 250.16, 250.17, 250.18, and 250.19 are renumbered to read: 250.10, 205.11, 250.12, 250.13, 250.14, 250.15, 250.16, and 250.17.

Section 9. Article II, a new Section to be numbered 250.18 be and is hereby adopted titled City-Center Form Based Code Districts.

Refer to Appendix B-1 “City-Center Form Based Code”.

Section 10. Article II, Section 260 is amended to read: “Use Table Requirements”. Uses permitted in each Zoning District shall be those set forth in the “Use Tables” (Table 260 and the Use Table in Appendix B-1 City-Center Form Based Code”).

Section 11. Article III is amended to read:

“Article III: Bulk and Density Control Requirements:

NOTE: The provisions contained in Article III do not apply to Districts covered by the City-Center Form Based Code (Appendix B-1).

Section 12. Article III; Table 330, titled “Business Districts” is repealed in its entirety.

Section 13. Article III, a new Table 330 be and is hereby adopted to read as follows:

Table 330 – Business Districts

- (a) **Residential Uses in Business Districts.** Residential uses in the following Business Districts shall follow the requirements of the Bulk and Density Residential Table for Residential C Districts.
- (b) Residential uses are specifically prohibited in Business E Districts.
- (c) If a business use abuts a residential property, then screening and buffering requirements apply. (see Sec. 411.1 and 411.2).

	B-A Neighborhood Commercial	B-A-1 Neighborhood Commercial	B-C Specialized Commercial	B-D Historic Commercial	B-E General Commercial (see additional Requirements at Sec. 340)
Minimum Lot Area	Ten Thousand (10,000) SF	Ten Thousand (10,000) SF	Ten Thousand (10,000) SF	Ten Thousand (10,000) SF	N/A
Minimum Frontage Of Lot	Fifty Feet (50')	Fifty Feet (50')	Fifty Feet (50')	Fifty Feet (50')	N/A
Maximum Percentage Of Lot to be Covered By Building	(1)	(1)	(1)	(1)	Fifty Percent (50%)
Minimum Yard Dimensions: Front Yard	Ten Feet (10')	Ten Feet (10')	Fifteen Feet (15')	Fifteen Feet (15')	N/A
Minimum Yard Dimensions: Side Yards	Twenty Feet (20')	Twenty Feet (20')	Five Feet (5') but at least one side yard shall be no less than Ten Feet (10') to allow for a driveway area	Five Feet (5') but at least one side yard shall be no less than Ten Feet (10') to allow for a driveway area	N/A
Minimum Yard Dimensions: Rear Yards	Twenty Feet (20')	Twenty Feet (20')	Twenty-Five Feet (25')	Twenty-Five Feet (25')	N/A

Maximum Height of Principal Buildings	Two (2) Stories or Thirty Feet (30')	Two (2) Stories or Thirty Feet (30')	Four (4) Stories or Fifty Feet (50')	Four (4) Stories or Fifty Feet (50')	Four (4) Stories or Fifty Feet (50')
Maximum Height of Accessory Buildings	Twenty Feet (20')				

- (1) Maximum percentage of lot allowed to be covered by building will be determined by the regulations for off-street parking, yard Setbacks, lot dimensions and any other applicable regulations.

Section 14. Article IV, Section 400 is amended to read as follows:

These regulations are intended to supplement the district regulations in Article III; all of the following regulations and requirements in this Article IV shall apply in addition to those listed in Article III. The following supplemental regulations apply to areas regulated by the City-Center Form Based Code. The provisions of the City-Center Form Based Code shall take precedent if there be a conflict between Article III and Article IV and the City-Center Form Based Code.

Section 15. Article IV, Section 440.5 is amended to add a new subparagraph numbered (5) to read:

(5) Planning Commission Coordination:

(i) Applicability: Projects subject to Site Plan Review, with or without the need for a Special Permit and/or Variances within the City-Center Form Based Code Zoning District and within an Historic District.

(ii) Site Plan Review applications will be referred to the Historic Preservation Commission by the Planning Commission and shall be referred back to the Planning Commission within the 45-day review period for the Certificate of Appropriateness, unless the applicant and the Commission mutually agree upon an extension. The application shall be referred back even if the Certificate of Appropriateness is denied.

(iii) Upon receipt of a decision from the Historic Preservation Commission, the Planning Commission can accept the approval, overrule a denial, or modify the decision. Overruling a denial or modifying a decision requires a unanimous vote of all of the members currently serving on the Planning Commission.

Section 16. Article IV, Section 458.2 is amended to read as follows:

Mobile homes and manufactured homes shall be located only in parks designated for mobile homes, manufactured homes, or a combination of mobile homes and manufactured homes. Such parks are specifically prohibited from Residential AA, Residential A, Business E and Industrial Districts. For purposes of this ordinance, mobile homes and manufactured homes shall be both referred to as “mobile/manufactured homes”.

Section 17. Article V: SIGNS, Section 510 is amended to add a new Section 510.1 to read:

Awning: any non-rigid material that is supported by a frame that is attached to an exterior wall.

Section 18. Article V, Section 510 is amended to add a new Section 510.2 to read:

Awning Sign: A sign or graphic printed on or in some fashion attached directly to the awning.

Section 19. Article V, Sections 510.2 through 510.20 are renumbered to read: 510.3 through 510.21.

Section 20. Article V, a new subsection to be numbered 520.10 is adopted to read as follows:

520.10 Awning Signs: Awning graphics should be affixed flat to the surface of the valance provided they shall not extend vertically or horizontally beyond the limits of the awning.

- (a) Only awnings over ground floor doors and windows may contain signs.
- (b) A maximum one sign per awning face is permitted.
- (c) An awning sign may only be externally illuminated.
- (d) Awnings shall be affixed at a consistent height of eight (8) feet and extend no higher than twelve (12) feet.
- (e) Awnings shall project at least three (3) feet.

Section 21. Article V, Section 530 is amended to read as follows:

Signs permitted in each Zoning District shall be as shown on the “Sign Tables” at Section 530.1 and in Appendix B-1 CCFBC and shall further comply with the size and location requirements set forth in Section 540 for the district in which they are located.

Section 22. Article V, Section 540.1 is amended to read as follows:

Residential AA, A, B, C, D and the Residential Edge Mixed Use (REMU) Districts.

Section 23. Article V, Section 540.1, subparagraph (c) is amended to read:

For special permit uses, one sign shall be permitted, limited to “name plate” and an address, no more than two (2) square feet in area. Notwithstanding the above, no sign shall be permitted for a Category 1 Home Occupation. For special permit uses in the REMU District, size of sign shall be determined by the Planning Commission as part of the special permit review process.

Section 24. Article V, a new subparagraph (e) of Section 540.1 is added to read:

In the REMU District, a maximum of three signs is allowed per principal use.

Section 25. Article V, Section 540.3 is amended to read:

Central Business District and Urban Mixed Use (UMU) District:

Subsection 4 of Section 540.3 is amended to read:

A maximum of three signs is allowed per principal use.

Section 26. Article V, current Subsection 540.3(3) be and is hereby repealed.

Section 27. Article V. The title of Section 540.6 is amended to read:

Campus TECH and Campus Industrial Districts.

A new subparagraph 5 is adopted as part of Section 540.6 to read as follows:

(5) A maximum of three signs is allowed per principal use.

Section 28. The heading to Article VI: PARKING is amended to read:

Article VI: PARKING

NOTE: The provisions contained in this Article VI do not apply to areas covered by the City-Center Form Based Code (Appendix B-1).

Section 29. Article VI, Section 610 is amended to read as follows:

After the date when this Ordinance becomes effective, the following off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which is erected, enlarged, or converted from one principal use to another for use for any of the following purposes. If a building is used for a purpose which combines two (2) or more of the purposes listed below, only the requirement for the predominate purpose shall be provided and as if the entire structure were so utilized.

Section 30. Article VII be and is hereby repealed and a new Article VII is adopted to read as follows:

Section 700. General.

All uses identified in Article II, District Regulations, and Article V Signs, and in the City-Center Form Based Code as uses requiring special permits are hereby declared to possess distinctive characteristics requiring individual consideration to determine their suitability for particular sites and their impact on the district in which they are located and on surrounding property. Such uses identified as requiring special permits shall conform to additional standards and requirements as set forth in this article, and if such uses satisfy such standards and requirements, they shall be deemed to be permitted uses in their respective districts.

Section 701. Permits Limited to Specific Uses.

No special permit shall be granted by the Planning Commission, except specific uses designated in Article II, or Section 530.1, of this ordinance or specific uses in the City-Center Form Based Code as requiring a Special Permit.

Section 702. Existing Violations.

No special permit shall be issued for a property where there is an existing violation of this ordinance.

Section 710. Application Procedure.

710.1 Submitted to Superintendent of Buildings.

An application for a special permit shall be submitted to the Superintendent of Buildings. The application shall be

accompanied by a non-refundable fee of Seventy Five Dollars (\$75.00). (*Ord. No. 2007-280; 7/9/07*)

710.2 Required Plan.

Every application for a special permit shall include a plan showing:

- (a) the location of buildings;
- (b) parking areas;
- (c) traffic access and circulation;
- (d) open spaces;
- (e) landscaping;
- (f) height and number of buildings; and
- (g) such other information required in the standards for each special permit use as set forth in this article.

710.3 Planning Commission Approval Required.

- (a) The Planning Commission shall review every special permit application in accordance with the terms of the conditions and standards specified in Sections 720, 730, and 740 below.
- (b) It shall be the permit only if it finds that conditions and standards specified in Sections 720, 730, and 740 below have been met.
- (c) A majority vote of the Planning Commission shall be required for approval of an application for a special permit.
- (d) The Planning Commission shall follow the procedure for public hearing as well as all other requirements pertaining to special permits as set forth in Article X of this ordinance.
- (e) The Planning Commission shall render its decision within sixty (60) days, unless good cause is shown.
- (f) If the Planning Commission approves an application for a special permit, it shall notify the Superintendent of Buildings of such action, and the Superintendent of Buildings shall issue the permit for which application has been made.
- (g) The permit shall include such conditions and safeguards as were deemed reasonable and necessary when such application was approved by the Planning Commission.

- (h) If the applicant has not started work within one (1) year on the project for which the special permit was issued, such permit shall expire, and a new permit shall be required and shall follow all the procedures set forth herein.

Section 720. Conditions and standards application to all special permit uses.

The Planning Commission shall consider the following conditions and standards when reviewing an application for a special permit and the Planning Commission shall issue a permit only if it finds that the following conditions and/or standards have been met:

720.1 The location and size of the use, the nature and intensity of operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located, and will not discourage the appropriate development of adjacent land and buildings or impair the value thereof.

720.2 The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

720.3 Operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing of lights than would be the operations of any permitted use not requiring a special permit.

720.4 Parking areas will be suitable in size, properly located and suitably screened from any adjoining residential uses, and the entrance and exit drives shall be located so as to achieve maximum safety.

Section 730. Continual conformance to conditions and standards.

Uses granted a special permit shall conform continually to the conditions and standards set forth in Section 720 and 740. The Planning Commission may require additional safeguards and conditions as are reasonable and necessary to assure continual conformance to all applicable conditions and standards. Such

additional safeguards may include review by the Planning Commission or by the Superintendent of Buildings and his/her designee, at specified periods of time to ensure that conditions and standards are being met. Failure to comply shall result in suspension or revocation of said Special Permit.

Section 740. Conditions and standards for specific uses.

In addition to other provisions of this ordinance, the following conditions and standards shall be required for the following uses:

740.1 Agricultural uses such as Farms, Greenhouses and Commercial Gardens.

- (a) Such uses shall be on sites at least forty thousand (40,000) square feet in area. No manure, fertilizer or dust-producing substance shall be stored outside.

740.2 Antennae and Satellite Dishes – in Residential Districts and in the Residential Edge and Neighborhood Mixed Districts in the City-Center Form Based Code (Appendix B-1).

A satellite antenna greater than three feet (3') in diameter shall comply with the following minimum requirements:

- (a) Size and Height: A satellite antenna shall not exceed ten feet (10'). The total height of ground-mounted antenna shall not exceed fifteen feet (15') above finished grade. Roof mount installations of an antenna shall require a building permit and the total height of the antenna from finished grade shall not exceed the height restrictions for the Zoning District in which the antenna is installed.
- (b) Location: A satellite antenna shall be located only in the rear yard of any lot and must have a minimum setback of five feet (5') from any principal structure and/or a lot line as measured from the outermost diameter of the antenna.

740.3 Antennae and Satellite Dishes in Commercial Districts including the Central Business, Urban Mixed Use and Campus TECH Districts in the City-Center Form Based Code (Appendix B-1).

A satellite antenna greater than three feet (3') in diameter shall comply with the following minimum requirements:

- (a) **Size and Height:** A satellite antenna shall not exceed fifteen feet (15') in diameter. The total height of a ground-mounted antenna shall not exceed twenty feet (20') above the finished grade. Roof mount installations of an antenna shall require a building permit and the total height of the antenna from finished grade shall not exceed the height restrictions for the Zoning District in which the antenna is installed.
- (b) **Location:** All satellite antennae in Business District shall be roof-mounted.

740.4 Condominiums; Townhouses; Low-Density Apartment Development.

Such development shall be permitted only in those areas designated by this ordinance as Residence C and D Districts. Such developments shall be on sites of at least twenty thousand (20,000) square feet in area and shall have a minimum street frontage of one hundred feet (100'). In addition to the above minimum lot areas, the following requirements shall be met;

(a) Lot Area Requirements:

<u>Dwelling Unit</u>	<u>Residence C & D</u>
Efficiency and One-Bedroom	833 SF
Two Bedrooms	1,666 SF
Three Bedrooms	2,500 SF
Four or More Bedrooms	833 SF
	for each additional bedroom over three

(b) Yard Requirements:

Front Yard: Same as the requirement for the district for principal and accessory uses.

Rear Yard: Same as the requirement for the district for principal and necessary uses.

Side Yard: Same as the requirement for the district for accessory uses. For principal uses as follows:

<u>Required Lot Area</u>	<u>Side Yard Requirement</u>
Minimum 20,000 SF	10 feet (10') each side

20,000 to 39,999 SF	15 feet (15') each side
40,000 SF and above	20 feet (20') each side

740.5 Cemetery.

A cemetery shall be located on a site of at least ten (10) acres. Buildings shall be set back at least fifty feet (50') from property lines. A fence at least six feet (6') in height shall be placed around the entire site and, in addition, landscape screening shall be planted along the entire length of the fence.

740.6 Concessions Within a Park.

No building for a concession within a public park shall be nearer than one hundred feet (100') to any lot line.

740.7 Funeral Homes.

Funeral homes shall be on sites at least fifteen thousand (15,000) square feet in area. Parking requirements for funeral homes as stated in section 610.1 shall be met, but in no case shall there be less than twenty (20) off-street parking spaces. A funeral home shall not be considered a customary home occupation. Off-street loading areas for funeral homes shall be surrounded by a solid fence or wall of adequate width and height to shield the view of the loading area from neighboring properties.

740.8 Golf Course or Country Club.

A golf course or country club shall be located on a site of at least forty (40) acres. At least four (4) off-street parking spaces shall be provided for each tee, and all parking spaces shall be located at least fifty feet (50') from abutting property lines. Buildings shall be set back at least one hundred feet (100') from property lines.

740.9(I) Home Occupations (Category I). *(Ord No. 2002-62 dated Feb. 11, 2002)*

A home occupation shall not permit any exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building. Home occupations shall conform to the following requirements:

- (a) The “home occupation” is conducted solely by the residential occupants thereto, plus not more than one (1) non-resident employee, agent or subcontractor.
- (b) There shall be no change in the character of the use of the dwelling or structure as a residence.
- (c) There shall be “no outside storage” or display of materials or products in connection with such home occupation use.
- (d) There shall be no generation or vehicular traffic or parking beyond what is normal for the residential district.
- (e) There shall be no “noticeable” noise, vibration, glare, fumes, odor, or electrical interference beyond the lot line.
- (f) No sign shall be permitted to indicate the existence of a home occupation on the premises.
- (g) A home occupation that is open to the general public shall be specifically excluded from “Home Occupation (Category I)”.
- (h) No more than one (1) such home occupations shall be conducted on the premises.

740.9(II) Home Occupations (Category II).

A home occupation shall not permit an exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building. Special permits granted for home occupants shall conform to the following requirements:

- (a) The “home occupation” is conducted solely by the residential occupants thereto, plus not more than two (2) non-resident employees, agents, or subcontractors.
- (b) There shall be no change in the character of the use of the dwelling or structure as a residence.

- (c) Not more than twenty-five percent (25%) of the floor area of one story of the residence, or fifty percent (50%) of a basement, cellar, or permitted accessory structure, but not both, shall be devoted to the “home occupation”.
- (d) There shall be no “outside storage” or display of materials or products in connection with such home occupation use.
- (e) There shall be no generation of vehicular traffic or parking beyond what is normal for the residential district.
- (f) There shall be no “noticeable” noise, vibration, glare, fumes, odor or electrical interference beyond the lot line.
- (g) One (1) sign shall be permitted, limited to “name plate” and an address, no more than two (2) square feet in are.
- (h) Uses specifically excluded from “home occupancy” shall include barber shop or beauty parlor with more than one (1) chair; teaching or licensed day care of more than six (6) pupils at one time; antique or gift shop; medical or dental clinic; veterinary clinic; animal kennel; conversion of a single family home to a multifamily home, unless otherwise permitted by the Zoning Ordinance; a motor vehicle engine or body repair shop.
- (i) No more than one (1) such home occupation shall be conducted on the premises.

740.10 Junkyards

Such uses shall be on sites at least forth thousand (40,000) square feet in area. In addition, they shall conform to the requirements as set forth in Section 452.

740.11 Laundry; Cleaning; and Pressing Establishments with no Processing.

Such uses shall be permitted if they are accessory to the principal activity of such establishments which shall be taken to be the accepting of goods and garments at that location and the return of same processed according to the request of the customer.

740.12 Limited Light Industrial Uses.

Such uses shall be permitted as special permit uses in Business B. Districts if they are of the nature and character of small research, assembly, light manufacturing, laboratories or similar establishments employing fewer than twenty-five (25) persons and using light machinery. The intent of this section is to permit, under these conditions, certain types of establishments in the Central Business District which would use proper floor or loft space above or alongside business establishments; e.g., dental laboratories, jewelry manufacture and repair, lens grinding, optical instrument repair and sales and other establishments similar to these.

740.13 Motor Vehicle Sales and Sales/Repair.

Repair and service work, except for the sale of fuels and lubricants, shall be conducted entirely within a building. No outdoor storage of partially dismantled or wrecked motor vehicles shall be permitted, except for a period of no longer than seventy-two (72) hours. No more than four (4) other motor vehicles shall be stored outdoors at any time and all such other motor vehicles so stored shall be licensed and in such condition that they can pass New York State inspection. If the sale of gasoline or other motor vehicle fuels are sold or provided on the premises, the requirements of Section 740.14 shall also apply.

740.14 Motor Vehicle Gasoline Sales and Convenience Stores with Gasoline Sales.

Fuel pumps shall be at least fifteen feet (15') from any street line. Except for underground storage tanks, all other structures shall be at least forty feet (40') from street lines, ten feet (10') from side lot lines, and twenty feet (20') from rear lot lines, except when a gasoline service station abuts a Residential Property or Residential District in which case no structure shall be closer than twenty feet (20') to any side lot line. When a gasoline service station abuts a Residential Property or Residential District, there shall be maintained in suitable condition a landscaped area at least ten feet (10') wide or a solid screen fence six feet (6') high along the lot Residential District. No part of any gasoline service station or public garage shall be used for residence or sleeping purposes. All applications for permits to construct or alter a gasoline service station shall be referred to the Fire Chief and the Chief of Police for analysis of fire, traffic and other possible hazards. The Superintendent of Buildings shall review their comments on the proposed new or altered facility and may suggest modifications of

the site and construction plans to lessen potential fire, traffic and other hazards.

740.15 Nursery Schools; Day Care Centers.

Nursery Schools shall be on sites at least ten thousand (10,000) square feet in area. The front yard of the site shall not be used for outdoor play space for children. Any other part of the site used for play space shall be surrounded by a fence at least six feet (6') in height. No nursery school shall have more than thirty (30) children enrolled in any session. Any off-street parking place must be provided for each teacher in the school.

740.16 Nursing, Convalescent Homes, Adult Care Facilities and Community Residential Facilities.

Buildings to be constructed for such purposes shall be on sites of at least forty thousand (40,000) square feet in area. The building shall be of a size of at least two hundred (200) square feet for each patient bed or intended occupant. Parking requirements for these activities as stated in Article VI, Parking, shall be met. No yard, including side yards, shall be less than fifty feet (50') for nursing or convalescent homes in any district.

740.17 Utility Transmission Lines, Utility Substations and Public Utilities.

Transmission lines shall be also constructed as not to endanger the public or surrounding property. Public utility substations shall be on lots of not less than ten thousand (10,000) square feet in area. Suitable fencing shall be provided for protection of the public and in Residential Districts or when such utility transmission lines and/or substations abut a Residential Property, suitable landscaping and screening shall also be provided. Yards required in the district shall be provided for all structures.

740.18 Bed and Breakfast Establishments.

An owner-occupied, one-family dwelling is permitted to be converted for use as a bed and breakfast establishment under the following conditions:

- (a) The bed and breakfast establishment shall comply with all New York State Laws and Regulations as they pertain to the operation of bed and breakfast establishments,

specifically Section AJ-701 of the Residential Code of New York State.

- (b) An annual fire inspection must be conducted by the City's Department of Inspection Services to ensure compliance and conformance with the City of Elmira Zoning Ordinance and any other state regulations, standards and codes.
- (c) There must be at least one (1) off-street parking space for each guest room.

740.19 Retail Restaurant Establishments.

- (a) The Retail Restaurant establishment shall comply with all New York State Laws and Regulations specifically as they pertain to the operation of food service establishments.
- (b) An annual fire inspection must be conducted by the City's Department of Inspection Services to ensure compliance and conformance with the City of Elmira zoning Ordinance and any other state regulations, standards and codes.
- (c) The Planning Commission shall impose conditions to limit:
 1. The presence of drive-thru windows;
 2. The hours of operation; and
 3. On-premises consumption of alcohol to the extent not to conflict with New York State Alcohol Beverage Control Law and regulations thereunder.

740.20 Boarding, Lodging, and Rooming House.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
 1. There shall be one (1) resident staff person for each fifteen (15) residents or part thereof.
 2. No alteration to either the exterior or the interior of any principal or accessory structure shall be made which changes the character and appearance of the residential premises.
 3. Only habitable rooms originally designed as bedrooms shall be used for lodging.

4. Each boarding, lodging, rooming house shall provide a minimum lot area of 750 square feet per resident.
5. Each boarding, lodging, rooming house shall provide usable exterior open space, which may include any required yard area, of at least two hundred (200) square feet per resident.

740.21 Short-Term Rental.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
1. Registration. Short-term rental shall be registered in the City of Elmira Rental Registry.
 2. Appearance and Identification. The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road.
 3. Nuisances and Garbage. The short-term rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked in the streets in front of the rental.
 4. Federal, State & Local Laws. The short-term rental shall meet all applicable State, Federal, and local health, safety laws and building does.

740.22 Amusement Recreation Entertainment, Outdoor.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
1. Minimum lot size shall be eighty thousand (80,000) square feet.
 2. No such facility shall be located adjacent to sensitive receptors including, but not limited to, schools, day care facilities, single family homes, and community residential facilities.

3. Such use shall not be permitted which normally causes or emits objectionable odors, fumes, dirt, vibrations, glare, electrical interference or noise beyond the immediate lot lines on which such uses are conducted. Standards for performance of all uses shall conform to those set forth in Section 452 of this ordinance.

740.23 Restaurant/Bar and Outdoor Café (Accessory).

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
 1. If there is an outdoor café or dining deck it may be located in the front of the building and in side or rear yards, provided it is screened from neighboring residential properties.
 2. Outdoor cafés adjoining residential properties at the rear or side yards shall be closed to patrons by 10:00 p.m. All other outdoor cafés shall be closed to patrons at 11:00 p.m.
 3. No outdoor cooking of food shall be permitted.
 4. Outdoor music, live or recorded, adjoining residential properties at the rear or side yards shall be closed to patrons by 10:00 a.m. All other outdoor cafés shall be closed to patrons at 11:00 p.m.
 5. No light shall be emitted beyond the lot line.

740.24 Vending Lots.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
 1. All vendors shall
 - (a) Have a license or permit from the City
 - (b) Be subject to public health requirements of the City and State.
 - (c) Be subject to the Americans with Disabilities Act.
 2. The Planning Commission shall:

- (a) Set hours
- (b) Review

- (i) Pedestrian and vehicular requirements including the potential for parking
- (ii) Lighting
- (iii) Trash removal
- (iv) Restroom facilities
- (v) Signage

740.25 Veterinary Clinic Hospital.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
 - 1. Animal boarding facilities must be located indoors.
 - 2. Exterior exercise areas must be located to the rear or interior side of the principal building on the lot.
 - 3. Any exterior exercise areas must be designed to provide shelter against weather.
 - 4. Fencing of exterior exercise areas is required. Fencing must be between six feet (6') and seven feet (7') in height to prevent escape, and must be buried a minimum of one foot (1') to prevent escape by digging beneath the fence.

740.26 Kennel.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
 - 1. The minimum lot are is five (5) acres. In addition, no dog kennel, runway or exercise pen shall be located within two hundred feet (200') of any lot line.

740.27 Car Wash.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
 - 1. All vehicular access shall be from an arterial or collector street.

2. All washing and machine-dry operations shall be conducted within a building.
3. The building exit for automobiles that have completed the washing and machine-drying process shall be set back a minimum of fifty feet (50') from the nearest point of any street property line.
4. No washing, vacuuming, steam cleaning, waxing, polishing or machine-drying operations, and no building within which such operations are conducted, shall be permitted within one hundred feet (100') of existing single or two-family dwelling.
5. All lot lines abutting or adjacent to an existing single or two-family dwelling shall be screened by a solid masonry wall or fence not less than four feet (4') and no more than six feet (6') in height.
6. Queuing lane(s) shall not interfere with on-site or off-site pedestrian and vehicular circulation.
7. The applicant shall submit an analysis of the traffic impact of the proposed development that addresses the following:
 - a. Projections of site-generated and off-site traffic to be expected on streets in the vicinity upon completion of the proposed development; and
 - b. Recommendations for techniques or improvements to deal with any projected traffic congestion or friction.

740.28 Light industrial & Research & Development Facilities.

- A. As indicated by the City-Center Form Based District Use Table (Appendix B-1):
 1. Such use shall not be permitted which normally causes or emits objectionable odors, fumes, dirt, vibrations, glare, electrical interference or noise beyond the immediate lot lines on which such uses are conducted. Standards for performance of all uses shall conform to those set forth in Section 453 of this ordinance.

740.29 Trucking Terminals Less than 20 Bays.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
1. Such use shall not be permitted which normally causes or emits objectionable odors, fumes, dirt, vibrations, glare, electrical interference or noise beyond the immediate lot lines on which such uses are conducted. Standards for performance of uses shall conform to those set forth in Section 453 of this ordinance.
 2. Loading docks and parking areas shall be two hundred feet (200') from the C-T District boundaries except boundaries adjacent to C-I District.

740.30 Large Scale Solar Energy Systems.

- A. As indicated in the City-Center Form Based District Use Table (Appendix B-1):
1. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within the C-T and C-I Districts, subject to the requirements set forth in this ordinance.
 2. Special Use Permit Application Requirements. For a Special Use Permit Application, the site plan application is to be used and supplemented by the following provisions:
 - a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - b. Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
 - c. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

- d. Property operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming and application of herbicides.
- e. Decommissioning Plan. To ensure the property removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a Special Use Permit under this ordinance. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return to the parcel to its original state prior to the construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Licensed Contractor. Cost estimations shall take into account inflation. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the City may remove the system and restore the property and impose a lien on the property to cover these costs to the City.
- f. Prior to the acceptance of a Special Use Permit Application, the applicant must provide the City with a performance guarantee as provided herein. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost or \$50,000.00, whichever is greater. Estimates for decommissioning the site shall be determined by a Professional Engineer or a Licensed Contractor. It is the responsibility of the applicant to provide the City with the certified cost estimate.
- g. The following types of performance guarantees are permitted:
 - i. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the City prior to cancellation, is

approved by the City Chamberlain, and is from a company on the U.S. Department of Treasury's listing of Certified Companies. A bond certificate must be submitted to the City Council each year verifying the bond has been properly renewed.

- ii. A certified check deposited with the City Chamberlain, as escrow agent, who will deposit the check in an interest-bearing account of the City, with all interest accruing to the applicant. Funds deposited with the City Chamberlain will be returned when the Large-Scale Solar Energy System is decommissioned and any necessary site restoration is completed.
 - iii. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of New York. The terms of the letter must include the absolute right of the City Chamberlain to withdraw funds from the bank upon certificate by the City Manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to twelve (12) months from the date the performance guarantee was approved.
 - h. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the Large-Scale Solar Energy System is decommissioned and any necessary site restoration is completed.
3. Special Use Permit Standards.
- a. Setback. Large-Scale Solar Energy Systems shall adhere to the setback requirements of the underlying Zoning District. The large-Scale Solar Energy System may require further setback if adjacent to an existing residential use.
 - b. Height. Large-Scale Solar Energy Systems shall not exceed twenty feet (20') in height.

- c. **Lot Size.** Large-Scale Solar Energy Systems shall be located on lots within a minimum of lot size of three (3) acres.
 - d. **Lot Coverage.** A Large-Scale Solar Energy System that is ground-mounted shall not exceed seventy percent (70%) of the lot on which it is installed. The surface area covered by Solar Panels shall be included in total lot coverage.
 - e. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Planning Commission. The fencing and the Large-Scale Solar Energy Systems may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
 - f. Large-Scale Solar Energy Systems should, where feasible, integrate recreational facilities such as trails.
 - g. **Visual Impact.**
 - i. No Large-Scale Solar Energy Systems shall be installed in a location where it is determined by the Planning Commission to have a significant detrimental impact on the neighborhood character.
 - ii. Large-Scale Solar Energy Systems shall not be installed in any location that would substantially detract from or block the view of a portion of a recognized scenic view-shed as viewed from public road right-of-way or publicly-owned land within the City of Elmira.
4. A Long Environmental Assessment Form ("LEAF") and a Visual EAF Addendum Form shall be prepared in accordance with the State Environment Quality Review Act.
5. **Removal of Abandoned Large-Scale Solar Energy Systems.**

- a. Any Large-Scale Solar Energy System found to be unsafe by the Commissioner of Code Enforcement shall be repaired by the owner or lessee or tenant to meet federal, State, and local safety standards or removed within six (6) months.
- b. Upon failure of said owner, lessee or tenant to remove the large-Scale Solar Energy System within ninety (90) days after notice is provided, the Commissioner of Code Enforcement shall be authorized to enter upon said property and remove therefrom any said illegal Large-Scale Solar Energy System at the cost of the owner, lessee or tenant. No liability shall attach to the City or any officers, employees or agents of the City, except for acts of affirmative negligence in connection with the removal of any such Large-Scale Solar Energy Systems.

Section 31. Article X, Section 1010.4.5 be and is hereby repealed.

Section 32. Article X, Section 1010.5(c) is hereby repealed. Subparagraph (d) is hereby amended to read (c).

Section 33. Article X, Section 1026 is amended to add a new subparagraph (b) to read as follows:

Projects located within an historic district shall be referred to the Historic Preservation Committee for a Certificate of Appropriateness.

- i. Prior to initiating a final decision, the Planning Commission shall refer the site plan review application to the Historic Preservation Commission.
- ii. Site plan review applications referred to the Historic Preservation Commission by the Planning Commission shall be referred back to the Planning Commission within the forty-five (45) day review period for Certificate of Appropriateness, unless the applicant and the Planning Commission mutually agree upon an extension. The application shall be referred

back even if the Certificate of Appropriateness is denied.

- iii. Upon receipt of a decision from the Historic Preservation Commission, the Planning Commission can accept the approval, override a denial, or modify the decision. Overriding a denial or modifying a decision requires the unanimous vote of all of the members currently serving on the Planning Commission.

Section 34. Article X, Section 1025.6 is amended to add a new subparagraph (c) to read as follows:

Public Hearing. The Planning Commission may conduct a public hearing on the site plan, if considered desirable by a majority of its members. Such public hearing shall be advertised in a newspaper of general circulation in the City at least five (5) days before the public hearing. In addition, such hearing shall be held within sixty-two (62) days of the receipt of the application for the site plan review. The decision must be rendered within sixty-two (62) days after the hearing or if no hearing is held, the application must be rendered within sixty-two (62) days after receipt of the application, including a filing of a determination of significance as required under SEQ. These times may be extended by mutual consent by the applicant and Planning Commission.

Section 35. Article X, Section 1025.6 is amended to add a new subparagraph (d) to read as follows:

The Planning Commission may grant or deny a special permit for those uses listed as requiring a special permit in Article II, District Regulations, Section 530.1, and for uses listed in the City-Center Form Based Code (Appendix B-1). The procedures and standards for the issuance of special permits for specific uses are set forth in Article VII. In granting or denying a special permit, the Planning Commission shall conform to the procedures, standards, and other requirements specified in the above-mentioned Articles of this ordinance.

Section 36. Article X, Section 1030 (a) is amended to delete “or special permits”; and subparagraph (b) of Section 1030, is amended to delete “special permits”.

Section 37. Article X, Sections 1050, 1060, 1070 are repealed and new sections are adopted to read as follows:

Section 1050. Decisions of the Board of Appeals and Planning Commission

- (a) All the decisions of the Board of Appeals shall be in writing and a copy of each decision shall be sent to the party or parties making the appeal. All decisions of the Planning Commission shall be sent to the party or parties submitting the application and to the Superintendent of Buildings. All decisions must also be filed with the City Clerk.
- (b) Each decision shall set forth in full the reasons for the decision and the findings of fact on which the decision was based. Such findings and reasons in the decision on a special permit use shall include specific references to the requirements for special permits as specified in Article VII. Where the appeal is for a variance, the decision shall include special references to the findings described in Section 1010.5(d).

Section 1060. Notices to Property Owners

If a variance or special permit is requested, the applicant shall send notice of same to all property owners within two hundred feet (200') from the boundaries of the lot or lots under consideration. Such notice shall be by mail and shall state the time and day of the public hearing, the relief sought, the type of use contemplated, the applicant's name and the location of the property in question. Such notice shall be mailed so as to arrive at least five (5) days prior to the public hearing date.

Section 1070 is amended to read as follows:

Notice of public hearing shall be given by publication once in the official newspaper of the City, which notice shall state the nature of the appeal or of the special permit request, the applicant's name, and the location of the property. Such notice shall be not less than ten (10) days before the date of the public hearing. Notice of adjourned or rescheduled public hearing shall be given by publication in the official newspaper of the City in the same manner as the original public hearing was advertised and property owners within two hundred feet (200') from the boundaries of the lot or lots under consideration shall be notified again in the same manner as they received notice of the original

public hearing. At the hearing, any party may appear in person or by agent or be represented by an attorney.

Section 38. A new Appendix to be labeled B-1 is adopted to be titled and to read as follows:

City of Elmira Zoning City-Center Form Based Code

Section 39. This ordinance shall become effective immediately upon adoption and publication.

ADOPTED BY UNANIMOUS VOTE

AYES		NAYS
X	Councilmember Stermer	
X	Councilmember Moss	
ABSENT	Councilmember Franchi	
X	Councilmember Kitching	
X	Councilmember Grasso	
X	Councilmember Duffy	
X	Mayor Mandell	
6		0

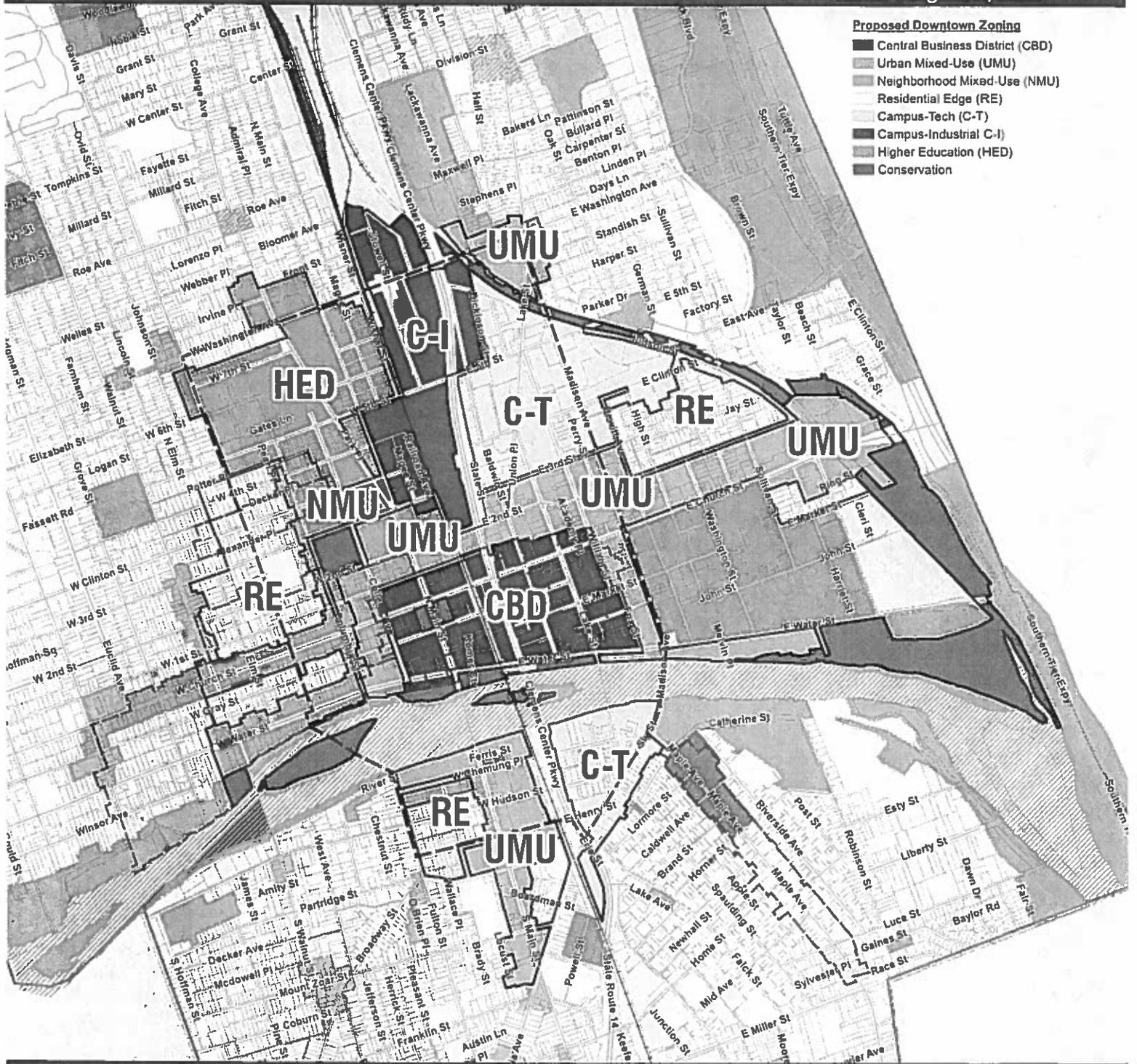
APPENDIX B-1



FINAL City of Elmira Zoning City-Center Form Based Code

Prepared for the City of Elmira, NY

Date: August 3, 2020



- Proposed Downtown Zoning**
- Central Business District (CBD)
 - Urban Mixed-Use (UMU)
 - Neighborhood Mixed-Use (NMU)
 - Residential Edge (RE)
 - Campus-Tech (C-T)
 - Campus-Industrial (C-I)
 - Higher Education (HED)
 - Conservation

Prepared By:



City of Elmira
Downtown (DRI) Zoning Update
City-Center Form Based Code
December 27, 2019

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I. Introduction

The regulations and review procedures for the zoning districts within and around the Elmira Downtown Revitalization Initiative (DRI) boundary were assessed for their effectiveness in fostering new and infill development that is consistent with the redevelopment and revitalization efforts of Elmira's downtown area. These downtown revitalization goals aim to promote infill development in vacant areas, increase the renovation of existing buildings, create economic incentives for businesses to locate in the downtown area, and improve walkability and the sense of place.

In order to realize these goals a form-based code was developed and incorporated into the City of Elmira Zoning Ordinance. Form-based zoning utilizes graphics to explain what the desired form and appearance of development should be—with an eye toward creating beautiful places—and a streamlined development review process which encourages revitalization and redevelopment.

The following provisions serve as Appendix B-1 ("City Center Form-Based Code" or "CCFBC") of the Appendix B Zoning of the City of Elmira Code of Ordinances.

II. Purpose and Intent

The purpose of the City-Center Form-Based Code is to provide regulatory standards governing building form and related urban design principles for new development and redevelopment projects in the DRI area of Elmira. These standards are intended to ensure that proposed development is consistent with the vision, goals and objectives of the *City of Elmira Comprehensive Plan* and other City planning and development initiatives. Downtown is the City's financial, entertainment, governmental and institutional center for public services, social activity and employment. As such, the intent of the CCFBC is to maintain the distinctive character of the Central Business District and the areas surrounding to enhance relationships between buildings and streets and other public spaces by considering their visual compatibility.

III. Guiding Principles

The establishment of these standards is based upon several guiding principles to:

- i. Implement the *City of Elmira Comprehensive Plan*;
- ii. Protect and reinforce the unique and historic character of the Central Business District (CBD);
- iii. Encourage adaptive reuse and desirable forms of development at infill locations and underutilized properties;
- iv. Re-establish walkability and strengthen the historic circulation patterns of walkable areas;
- v. Encourage reinvestment and revitalization by promoting mixed-use development;
- vi. Discourage less compatible suburban styles of development in the Downtown;
- vii. Enhance the visual character and quality of the public realm and improve pedestrian comfort; and

- viii. Promote diversity and compatibility in the design and use of urban buildings and public spaces.

IV. Applicability

This ordinance applies to all buildings and the interface of buildings with the public realm and public realm amenities within the boundaries of the districts created below. All of the provisions of Appendix B Zoning of the City of Elmira Code of Ordinances shall apply except where modified by the following provisions. In the case of any conflict between the two the following shall prevail.

V. Definitions

Refer to Appendix B Zoning of the City of Elmira Code of Ordinances.

VI. City Center Form-Based Districts

A. City Center Form-Based Code Zoning Map

The zoning districts are bounded and defined as shown on the “City Center Form-Based Code Map” which accompanies this City Center Form-Based Code and which, with all explanatory matter thereon, is hereby incorporated by reference.

B. District Intents

1. Central Business District (CBD)

Highest density district with the greatest variety of uses including buildings of regional importance. New infill development should reinforce the urban character and respect the historic buildings. The CBD contains some of the most important landmarks, civic places and historic sites in Elmira.

2. Urban Mixed-Use (UMU)

The Urban Mixed-Use areas are generally located between the CBD and residential neighborhoods where land use transitions from intense urban business to lesser intense residential and compatible non-residential uses that begin to exhibit characteristics of urban/suburban areas with obvious changes in building types, architectural styles, lot sizes and pedestrian activity.

3. Neighborhood Mixed-Use (NMU)

Vibrant neighborhoods that allow for a mix of residential and commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira’s neighborhoods with smaller scale commercial uses. The Neighborhood Mixed-Use District contains portions of the Near Westside Historic District along the major thoroughfares of Church and Water Streets and along Columbia Street as a connection to Elmira College. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

4. Residential Edge (RE)

Vibrant neighborhoods that allow for a mix of residential dwelling unit types, limited commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira's neighborhoods. The Residential Mixed-Use District contains portions of the Near Westside Historic District. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

5. Campus TECH (C-T)

Campus TECH is intended for the re-use of existing and development of new institutional and campus type facilities. The layout of such parcels and buildings requires a flexible approach to redevelopment that respects the unique characteristics of the parcel and the surrounding neighborhoods.

6. Campus IND (C-I)

A district designed to diversify and strengthen the local economic base by allowing for light manufacturing, assembly and fabrication including small scale or specialized industrial operations, office and research related activities and general retail. External effects should not be perceived outside the district.

C. Permitted Uses

- A. The accompanying Use Table lists the permitted uses of land and buildings and the standards and requirements applying to such uses for the various zoning districts. Only those uses specifically listed for each district are permitted by right, site plan review, or subject to issuance of a special permit.
- B. All uses that require site plan approval shall be considered a Major Project pursuant to Appendix B Zoning of the City of Elmira Code of Ordinances.
- C. For uses that require site plan and special permit review procedures refer Appendix B Zoning of the City of Elmira Code of Ordinances Articles X and VII respectively.
- D. All uses allowed as a principal uses are allowed as accessory uses.
- E. If a use is not listed it is prohibited.
- F. The accompanying tables are herewith incorporated as a part of this chapter.

a. RESIDENTIAL	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Attached Single-Family	P	P	P	P	P		
Detached Single-Family	P	P	P				
Two-Family	P	P	P	P	P		
Multi-Family (3-or-4 Family)	P	P	P	P	P		
Apartment Building	S	S	S	S	S		
Dwelling Unit [Accessory]	P	P	P	P	P		X
Community Residential Facility			SP	SP	S		X
Home Occupation, Category I	SP	SP	P	P	P		X
Home Occupation, Category II	SP	SP	P	P	P		X
Live-Work Unit	P	P	P	P	P		X
Residential Antennas/Satellite Dishes (> 3 feet)	SP	SP	SP	SP	SP		X
b. LODGING							
	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Bed and Breakfast (up to 5 rooms)	SP	SP	P	P	SP		X
Inn (up to 12 rooms)		S	S	P	P		
Hotel/Motel (no room limit)			S	S	S		
Nursing Home	SP	SP	S	S	S		X
Boarding, Lodging, Rooming House	SP	SP	SP				X
Short-Term Rental	SP	SP	SP	SP	SP		X

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
UMU	Urban Mixed-Use
CBD	Central Business District
C-T	Campus-Tech
C-I	Campus-Industrial

KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

c. COMMERCIAL	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Amusement, Recreation, Entertainment, Indoor			S	S	S	S	
Amusement, Recreation, Entertainment, Outdoor					SP	SP	X
Micro Brewery			P	P	P	P	
Bar/Restaurant		SP	S	P	S		X
Nightclub			S	S	S	P	
Bank or Financial Institution			P	P	P		
Drive-Thru [Accessory]			P	P	P		
Outdoor Café [Accessory]		SP	P	P	P		X
Adult Care Facility		SP	SP	SP	SP		X
Nursery School/Day Care Center	S	S	S	SP	S		X
Day Care, Family Home	P	P	P	P	P		
Funeral Home		SP	S	S	S	S	X
Neighborhood Retail (≥ 2,500 s.f. < 4,000 s.f.)		S	S	S	S		
General Retail (≥ 4,000 s.f.)			S	S	S		
Personal Service Establishment		S	P	P	P		
Shopping Center			S	S		P	
Mixed Commercial/Residential Use (other than Home Occupations)		S	S	S	P	P	
Office, General Business		S	S	S	S	P	
Health/Sport Club			S	S	S	S	
Private Club		S	S	S	S	P	
Vending Lot		SP	SP	SP	P	P	X
Commercial Antennas /Satellite Dishes (> 3 feet)	SP	SP	SP	SP	SP	SP	X

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
UMU	Urban Mixed-Use
CBD	Central Business District
C-T	Campus-Tech
C-I	Campus-Industrial

KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

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d. AUTOMOTIVE	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Motor Vehicle Sales, Rental, Storage and/or Repairs			SP	SP	S	P	X
Car Wash			SP		SP	S	X
Convenience Store with Gasoline Sales			SP	SP	SP	SP	X
Motor Vehicle Gasoline Sales			SP	SP	SP	SP	X
Motor Vehicle Charging Station	P	P	P	P	P	P	
Commercial Parking Lot			S	S	P	P	X
Accessory Surface Lot		S	P	P	P	P	
Parking Structure			P	P	S	S	

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
UMU	Urban Mixed-Use
CBD	Central Business District
C-T	Campus-Tech
C-I	Campus-Industrial

KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

e. MUNICIPAL/CIVIC	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Cemetery	S	S	S	S	S	S	
Transit Passenger Station				P	P	P	
Health Care Clinic			S	S	P		
Institution of Higher Education			S	S	S	S	
Convention Center/Sports Arena				S	S		
Hospital			S	S	S		
Municipal Parks/Recreational Facilities	P	P	P	P	P	P	
Cultural Service Facility [Museum, Library, Art Gallery, Performance Venue]		S	P	P	P		
School, Private/Public	S	S	P	P	P		
Place of Worship	S	S	S	S	P		
Essential Services	P	P	P	P	P	P	
Emergency Services	P	P	P	P	P	P	

f. INDUSTRIAL	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Transportation/Trucking Terminal (< 20 bays)					SP	P	X
Transportation/Trucking Terminal (≥ 20 bays)						S	
Industrial Facility, Light			SP	SP	S	S	X
Research and Development Facility (and Light Assembly)			SP	S	S	S	X
Warehouse/Wholesale Distribution					S	S	
Railroad Facilities						S	
Recycling Centers and Stations						P	
Storage Yard					S	S	X
Self-Storage Units					S	S	
Wholesale Business			S	S	P	P	

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
UMU	Urban Mixed-Use
CBD	Central Business District
C-T	Campus-Tech
C-I	Campus-Industrial

KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

g. OTHER/AGRICULTURE	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Veterinary Clinic/Hospital					SP	SP	X
Animal Boarding/Kennel						SP	X
Greenhouse		S	P	P	P	P	
Urban Agriculture	P	P	P	P	P	P	X

h. ENERGY	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Geothermal	P	P	P	P	P	P	
Public Utility	SP	SP	SP	SP	SP	SP	X
Solar [Accessory]	P	P	P	P	P	P	X
Solar, Large Scale					SP	SP	X

VII. General Standards

A. Supplemental Regulations

The following sections from the Elmira Zoning Ordinance Article IV Supplemental Regulations do not apply in the CCFBC.

- a) Section 411 Supplementary Yard Requirements and Exceptions
- b) Section 419 Building Floor Area

The following are Supplemental Regulations for the City-Center Form Based Code

1. Accessory Dwelling Unit

- a) Only one accessory dwelling unit per single family dwelling, or one accessory dwelling unit per two family dwelling shall be permitted.
- b) Accessory dwelling units shall not be permitted on the same lot as a multi-family dwelling or apartment.
- c) The property owner shall occupy either the primary or the accessory dwelling unit as his or her primary residence.
- d) An accessory dwelling unit, whether detached or attached to a primary dwelling structure, may be directly accessed from an alley, but shall not be accessed via a driveway separate from that serving the primary dwelling structure.

2. Live-Work Unit

- a) The following only apply in the RE District
- b) Uses shall include but not be limited to studios for artists, crafters, photographers, composers, writers and other uses of similar impact and intensity.
- c) Studio uses shall be conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.
- d) Retail sales are prohibited, except the display or sale of art objects produced on site which is incidental and secondary to the studio use.
- e) Live-work space is limited to occupant(s) of the dwelling. No employees are allowed in the conduct of the profession, occupation or trade.

3. Storage Yards

- a) Prohibit.

4. Solar (Accessory)

- a) **Roof-Mounted Solar Energy Systems.**
 - (1) Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
 - (2) Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
 - (3) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
 - (4) Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
 - (5) Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under this ordinance.
- b) **Ground-Mounted Solar Energy Systems.**
 - (1) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all districts.
 - (2) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
 - (3) Lot Coverage. The surface area covered by Ground-Mounted Solar Panels shall be included in total allowable lot coverage of the underlying district.
 - (4) All such Systems in RE and NMU Districts shall be installed in the side or rear yards.

B. Form-Based Code Dimensional Requirements

The following illustrates the form and dimensional requirements for each district.

Central Business District (CBD)

1. District Intent

Highest density with the greatest variety of uses including buildings of regional importance. New infill development should reinforce the urban character.

2. Description

Buildings are limited to 8 stories with stepback requirements above 50 feet. There are no minimum parking requirements. Maximum lot coverage is 100%.



2. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop Porch Lightwell **Awning** **Arcade**

3. Lot Dimensions

A	Lot area (min)	NO MIN
B	Lot width (min/max)	10 ft
C	Lot coverage (max)	90%

7. Transparency

L	Ground floor transparency, front facade (min)	75%
M	Ground floor transparency, corner side facade (min)	50%
N	Upper floor transparency, front and corner side facades (min)	30%

4. Building Setbacks*

D	Front yard (min/max)	0 ft / 10 ft
E	Facade length (max)	n/a
F	Side yards (min total)	n/a
G	Rear yard (min)	n/a
H	Parking Setback	greater than principal façade

8. Pedestrian Access

O	Main entrance location (required)	Facing Sidewalk
P	Functional entry spacing	30ft max

5. Building Height

I	Building height (max)	8 Stories'
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9. Building Articulation

Q	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
R	A horizontal projection is required between the first and third stories.
S	Any building taller than 50 ft must have a 5 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
T	*Stepback Bonus: Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

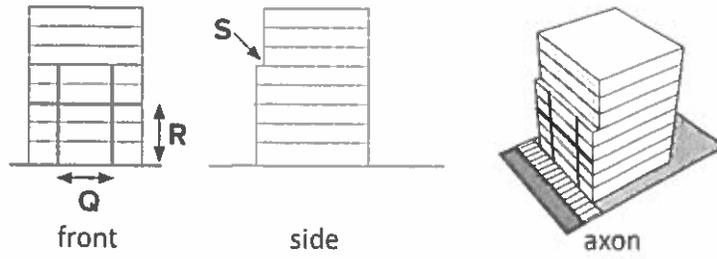
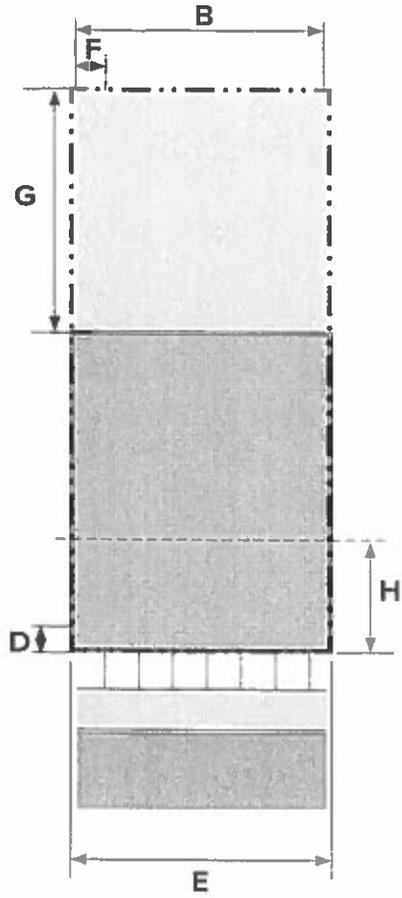
6. Story Height

J	First Story Minimum Height	12 ft
K	Story Minimum Height	9 ft

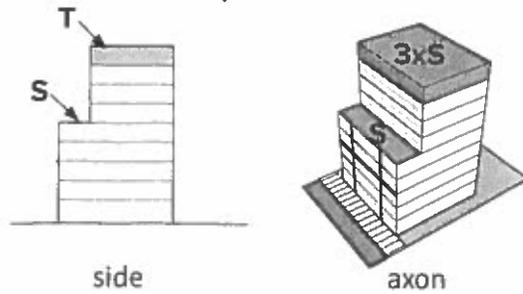
10. Other Standards

U	Max 12 ft frontage unbuilt
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* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Stepback Bonus



Urban Mixed-Use (UMU)

1. District Intent

The Urban Mixed-Use areas are generally located between the CBD and residential neighborhoods where land use transitions from intense urban business to lesser intense residential and compatible non-residential uses that begin to exhibit characteristics of urban/suburban areas with obvious changes in building types, architectural styles, lot sizes and pedestrian activity.

2. Description

Buildings are 2-4 stories. Front setbacks are minimal. Vertical Mixed Use is encouraged. Private parking is subordinate to the public realm.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop **Porch** **Lightwell** **Awning** **Arcade**

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10 ft / 100 ft
C	Lot coverage (max - corner)	70% - 90%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	60 ft
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal façade

5. Building Height

I	Building height (max)	4 Stories*
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6. Story Height

J	First Story Minimum Height	12 ft
K	Story Minimum Height	9 ft

7. Transparency

L	Ground floor transparency, front facade (min)	50%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

8. Pedestrian Access

O	Main entrance location (required)	Facing Sidewalk
P	Functional entry spacing	n/a

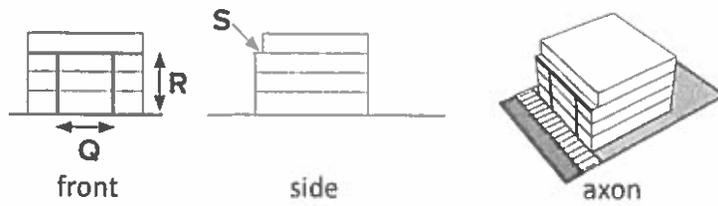
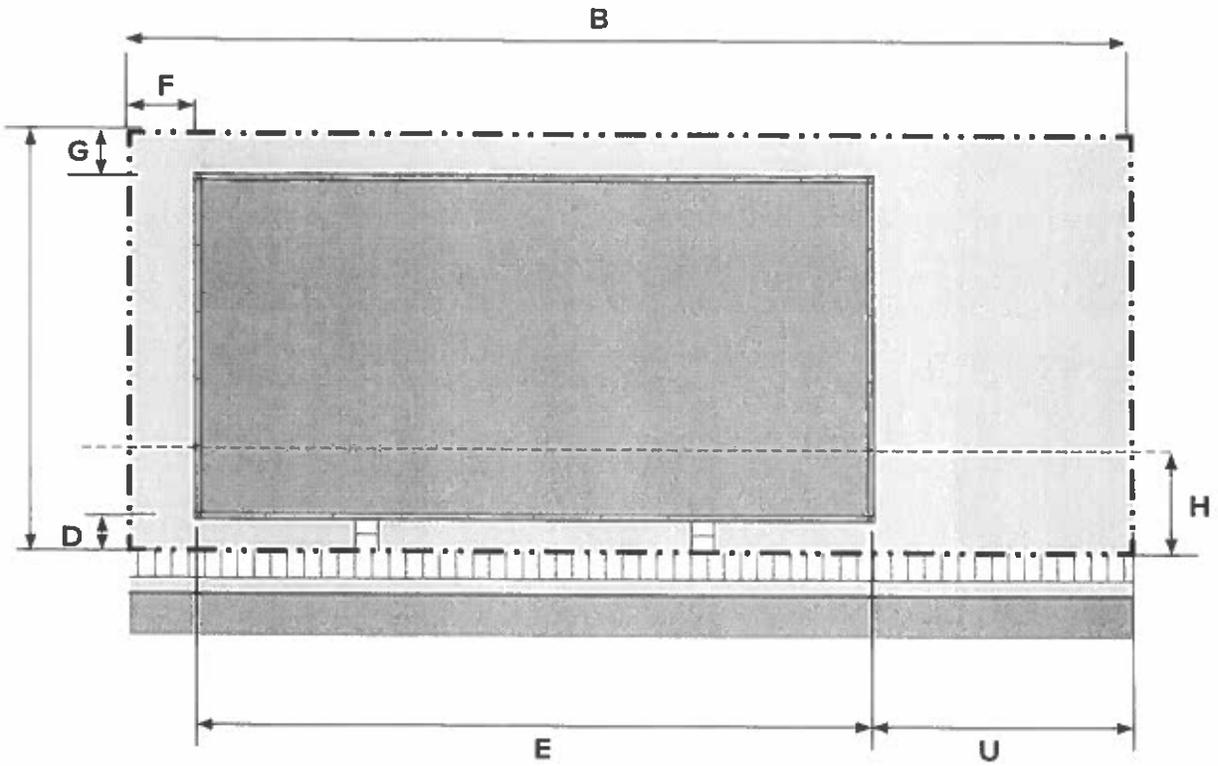
9. Building Articulation

Q	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
R	A horizontal projection is required between the first and third stories.
S	Any building taller than 50 ft must have a 5 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
T	* Stepback Bonus: Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

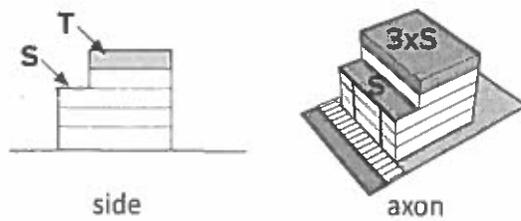
10. Other Standards

U	Max 12 ft frontage unbuild
---	----------------------------

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Stepback Bonus



Neighborhood Mixed-Use (NMU)

1. District Intent

Vibrant neighborhoods that allow for a mix of residential dwelling unit types, limited commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira's neighborhoods with limited neighborhood-scale commercial uses located on the corners. The Neighborhood Mixed-Use District contains the Near Westside Historic District. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

2. Description

Buildings are 2-3 stories. Lot sizes are small to medium.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop **Porch** Lightwell Awning Arcade

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10ft - 100 ft
C	Lot coverage (max - corner)	70% - 90%

7. Transparency

L	Ground floor transparency, front facade (min)	30%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	n/a
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal facade

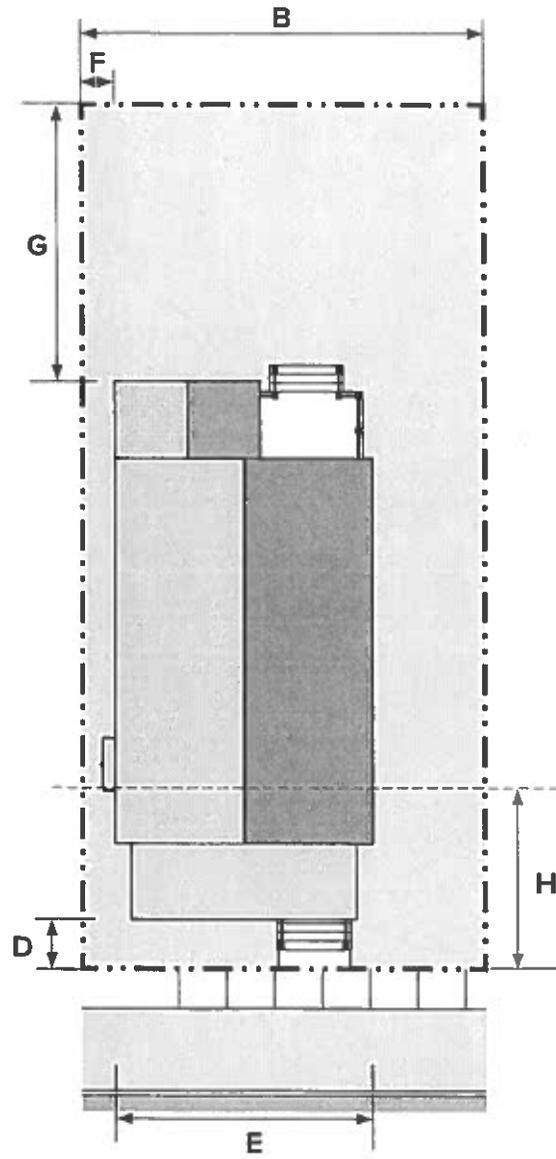
5. Building Height

I	Building height (max)	3 Stories
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6. Story Height

J	First Story Minimum Height	9 ft
K	Story height (min)	9 ft

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Residential Edge (RE)

1. District Intent

Vibrant neighborhoods that allow for a mix of residential and commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira's neighborhoods with smaller scale commercial uses. The Residential Edge (RE) District contains portions of the Near Westside Historic District along the major thoroughfares of Church and Water Streets and along Columbia Street as a connection to Elmira College. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

2. Description

Buildings are 2-3 stories. Lot sizes are small to medium.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop **Porch** **Lightwell** **Awning** **Arcade**

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10ft - 100 ft
C	Lot coverage (max - corner)	70% - 90%

7. Transparency

L	Ground floor transparency, front facade (min)	30%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	n/a
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal façade

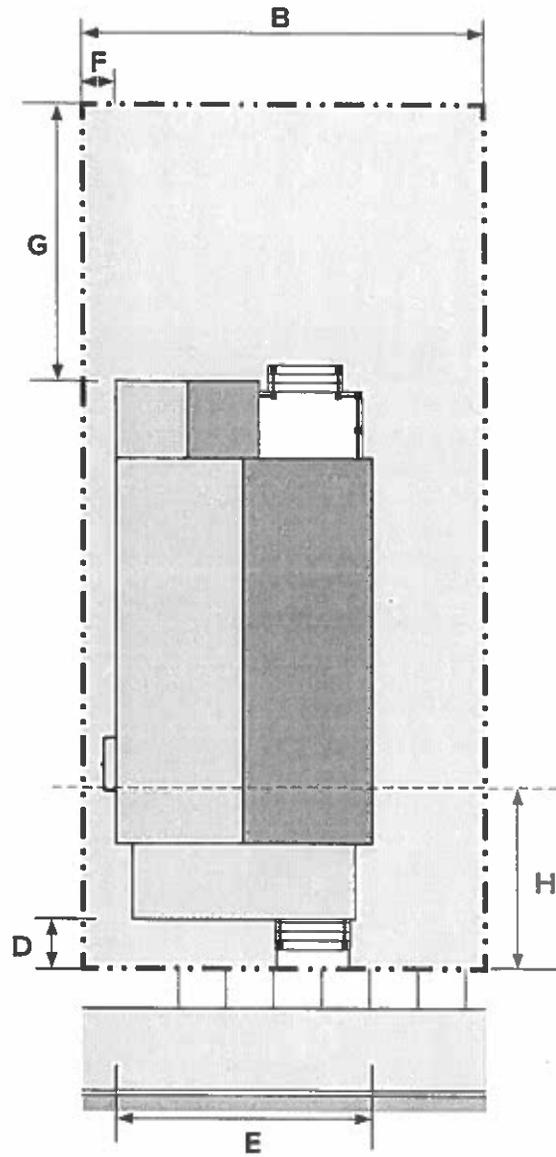
5. Building Height

I	Building height (max)	3 Stories
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6. Story Height

J	First Story Minimum Height	9 ft
K	Story height (min)	9 ft

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



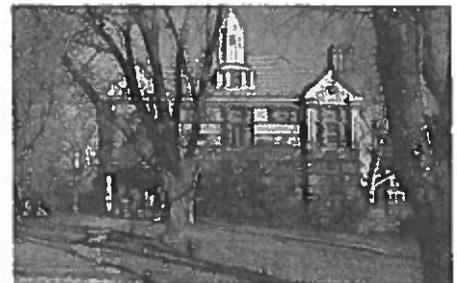
Campus TECH (C-T)

1. District Intent

Campus TECH is intended for the re-use of existing and development of new institutional and campus type facilities. The layout of such parcels and buildings requires a flexible approach to redevelopment that respects the unique characteristics of the parcel and the surrounding neighborhoods.

2. Description

This district will apply to existing large institutional campuses that will either be adaptively reused or configured to blend into the existing urban fabric.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop **Porch** **Lightwell** **Awning** **Arcade**

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10 ft / 100 ft
C	Lot coverage (max - corner)	70% - 90%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	150 ft
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal façade

5. Building Height

I	Building height (max)	4 Stories*
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6. Story Height

J	First Story Minimum Height	9 ft
K	Story Minimum Height	9 ft

7. Transparency

L	Ground floor transparency, front facade (min)	65%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

8. Pedestrian Access

O	Main entrance location (required)	Facing Sidewalk
P	Functional entry spacing	n/a

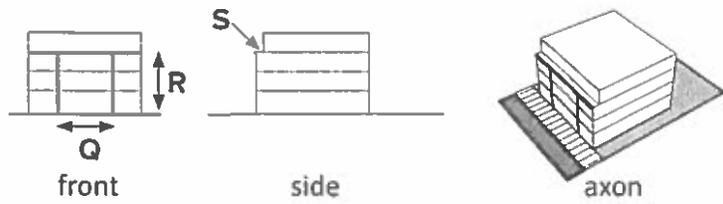
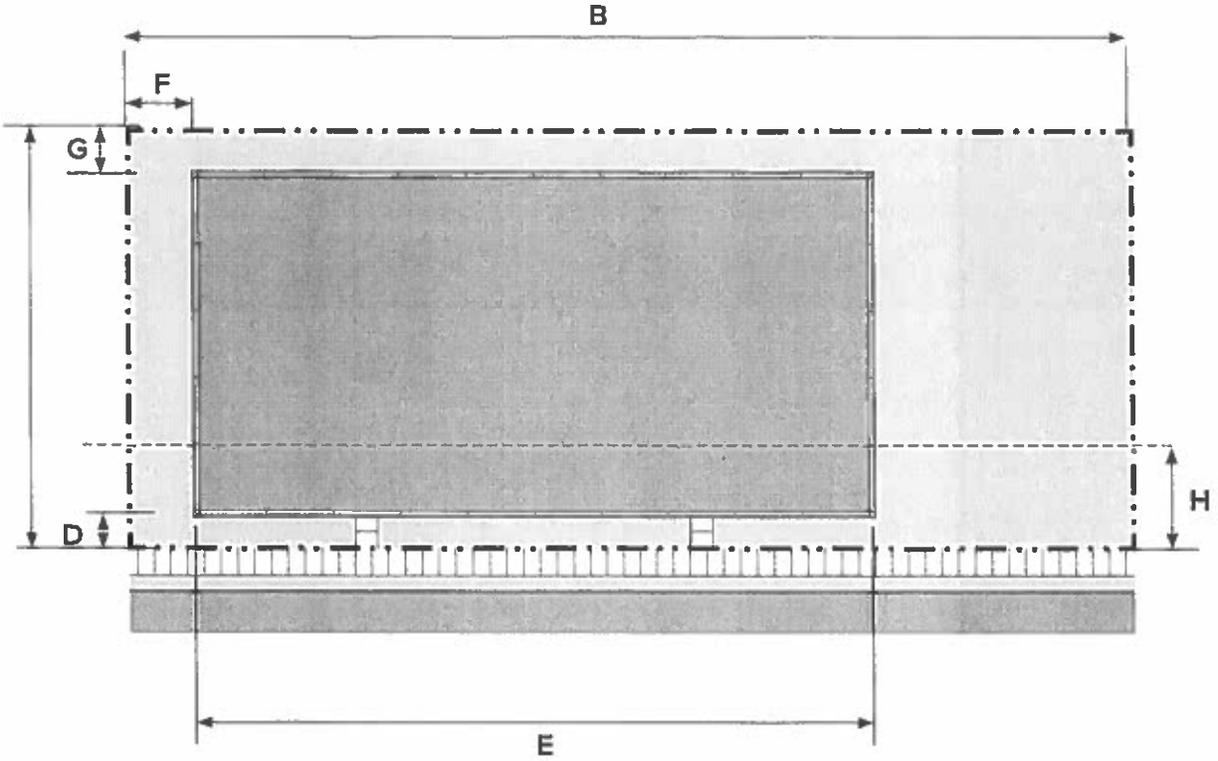
9. Building Articulation

Q	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
R	A horizontal projection is required between the first and third stories.
S	Any building taller than 50 ft must have a 5 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
T	*Stepback Bonus: Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

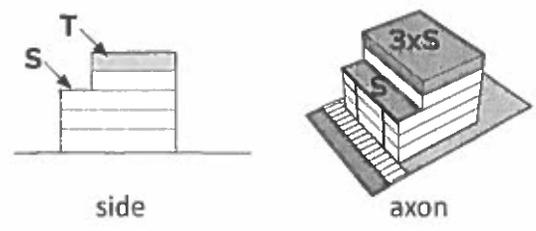
10. Other Standards

max 12 ft frontage unbuilt

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Stepback Bonus



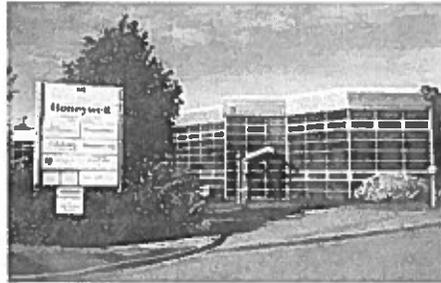
Campus IND (C-I)

1. District Intent

A district designed to diversify and strengthen the local economic base by allowing for light manufacturing, assembly and fabrication including small scale or specialized industrial operations, office and research related activities and general retail. External effects should not be perceived outside the district

2. Description

Multi-story buildings with on-site parking for automobiles and/or trucks.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop Porch **Lightwell** **Awning** Arcade

3. Lot Dimensions

A	Lot area (min)	20000 sf
B	Lot width (min/max)	50 ft / none
C	Lot coverage (max)	60%

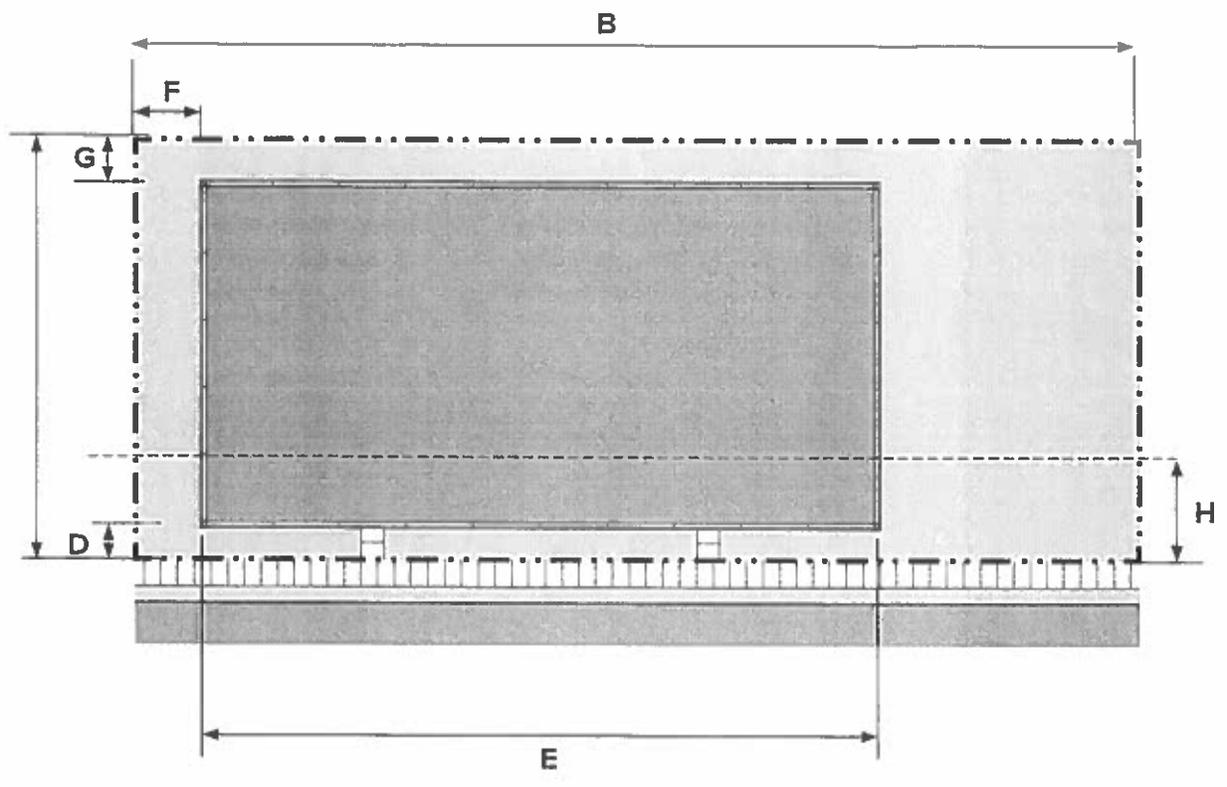
4. Building Setbacks*

D	Front yard (min/max)	25 ft / none
E	Facade length (max)	n/a
F	Side yards (min total)	10 ft + buffer
G	Rear yard (min)	10 ft + buffer
H	Parking Setback	greater than principal façade

5. Building Height

I	Building height (max)	4 Stories
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* See Article IV – Section 411 Supplementary yard requirements and exceptions.



C. Parking Standards

A. Applicability

- (1) Parking and loading requirements shall apply to all zoning districts in the City Center Form-Based Code.
- (2) All structures and land uses hereafter erected, enlarged, created, or changed shall have parking and loading and unloading as provided below.

B. Parking Evaluation Process

- (1) Required parking facilities shall be determined before a building permit shall be issued.
- (2) The Director of Code Enforcement or the Planning Board shall make a determination of the required number of parking spaces and the size and location of loading and unloading zones based on the Parking Criteria below.
- (3) The Planning Board shall have the authority during site plan and special permit review to regulate the number of spaces and alter the size and location of loading zones.
- (4) The parking table in Appendix B Zoning of the City of Elmira Code of Ordinances may be referred to as a guide but off-street parking may not be required for new buildings and uses.

C. Parking Criteria

- (1) The proposed parking shall not result in impacts on the "street wall" which should be maintained through a combination of building facade, fencing, landscaping and limit any openings in the street wall to 20' max for residential uses and 24' max for commercial uses and 6' max for pedestrian openings.
- (2) On-site parking shall be balanced against lot size, dimensional limitations and topography.
- (3) Parking should be located on the same lot as the use it is intended to serve if practicable.
- (4) On-street parking space may be used as an alternative to on-site parking where availability can be demonstrated.
- (5) The availability of public parking within a reasonable distance from use.
- (6) The availability of off-site private parking.
- (7) The availability of shared parking.

D. Shared Parking Requirements

Shared is allowed either on the same, adjacent or nearby parcels, provided:

- (1) There is an agreement on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of any of the principal uses having beneficial use of the shared parking. Said covenant shall:
 - (a) Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;
 - (b) Be enforceable by any one or all of the parties having beneficial use thereof; and
 - (c) Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

E. Parking Lot Screening

- (1) Parking lots shall be screened from all street or rights-of-way in such a manner as to facilitate adequate sight distance at points of egress.
- (2) A well maintained rail, fence, wall, or other continuous barricade of a height sufficient to retain all cars completely within the property shall be provided. Such barricade may consist of planted material at least four feet (4'), but no greater than seven feet (7') in height.
- (3) In addition, on any side of the parking lot abutting a residential district or abutting a property being used for residential purposes and not owned by the owner of the parking lot, a minimum six foot (6') wide buffer strip of planted material shall be installed, said planting to consist of compact hedge material and shall be maintained in good condition by the owner.

F. Parking lot landscaping requirements.

- (1) Buffer planting shall be installed between the parking lot and adjacent properties.
- (2) Buffer planting shall be installed between the parking lot and the street.
- (3) If existing trees and vegetation are left on the site, these may be used in lieu of new plantings.
- (4) Consideration should be given to green infrastructure techniques such as bioretention areas.

G. Parking lots with more than 40 (Forty) cars shall be designed in accordance with the following:

- (1) One tree planted on the perimeter of the parking lot for every 10 cars or fraction thereof.
- (2) One tree planted in the interior of a parking lot (on traffic islands) for every 10 cars or fraction thereof.
- (3) Internal traffic islands including one for every 20 cars or part thereof to reduce the impact of the parking area and provide safety for vehicles moving within the area.
- (5) Consideration should be given to green infrastructure techniques such as bioretention areas.

H. New plantings shall comply with the following sizes:

- (1) Major tree 3-1/2" caliper
- (2) Flowering tree 2-1/2" caliper
- (3) Evergreen tree 4-6' height
- (4) Shrub 2-3' height or spread

I. Parking space size.

(1) Perpendicular parking (90°)

- a. Each parking space shall be nine feet by eighteen feet (9' x 18').
- b. The minimum aisle width shall be twenty-four feet (24') for two-way traffic.
- c. The minimum aisle width shall be twenty-two feet (22') for one-way traffic.

(2) Angled parking (60°)

- a. Each parking space shall be nine feet by twenty-two feet (9'x 20')
- b. The minimum aisle width shall be twenty-three feet (23') for two-way traffic.
- c. The minimum aisle width shall be fifteen feet (15') for one-way traffic.

J. Stacked parking restrictions.

- (1) Except as otherwise provided herein, parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle.
- (2) Stacked or valet parking may be allowed at the discretion of the Director of Code Enforcement or Planning Board.

K. Loading Areas

- (1) Off-street loading facilities shall be provided for each commercial or industrial use unless it is demonstrated that the use does not require a dedicated loading area.
- (2) Off-street loading facilities shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.
- (3) Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length

D. Signage Standards

The sign table below refers to allowable signs by district. Refer to Article V: Signs Appendix B City of Elmira Zoning Ordinance of the City Code for additional regulations.

Type of Sign	RE	NMU	UMU	CBD	Campus TECH	Campus IND
Awning	P	P	P	P	P	P
Billboard	NP	NP	NP	NP	SP	SP
Business	SP	SP	P	P	P	P
Flashing (See Sec. 520.16)	NP	NP	NP	SP	P	P
Freestanding	P	P	NP	NP	P	P
Internally Illuminated	NP	NP	P	P	P	P
Indirectly Illuminated	P	P	P	P	P	P
Marquee	NP	NP	NP	SP	NP	NP
Nameplate	P	P	P	P	P	P
Off-Site Advertising	NP	NP	P	P	P	P
Projecting	SP	SP	P	P	P	P
Public Service	SP	SP	SP	SP	SP	SP
Temporary	P	P	P	P	P	P
Wall	SP	SP	P	P	P	P
Window	P	P	P	P	P	P

Key: NP - Not Permitted; SP - Special Permit Required; P - Permitted

E. Lighting Standards

In the City-Center Form Based Code, lighting shall conform the following standards:

A. General Requirements.

- a. All outdoor lights and illuminated signs shall be designed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property.
- b. In the RE and NMU Districts no lighting level measured at the building Frontage Line shall exceed 1.0 foot candles.
- c. In the UMU, C-T, and C-I Districts no lighting level measured at the building Frontage Line shall exceed 2.0 foot candles.
- d. In the CBD no lighting level measured at the building Frontage Line shall exceed 5.0 foot candles.

- e. Shielding. All outdoor fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. The lighting shall also be shielded to prevent direct glare and/or light trespass, and shall be, as much as physically practical, contained to the target area.



F. Historic District

Refer to Article IV Section 440 of Appendix B City of Elmira Zoning Ordinance of the City Code for requirements for projects located within historic districts in the City-Center Form Based Code.

VIII. Thoroughfare Standards and Civic Spaces

A. Future Streets

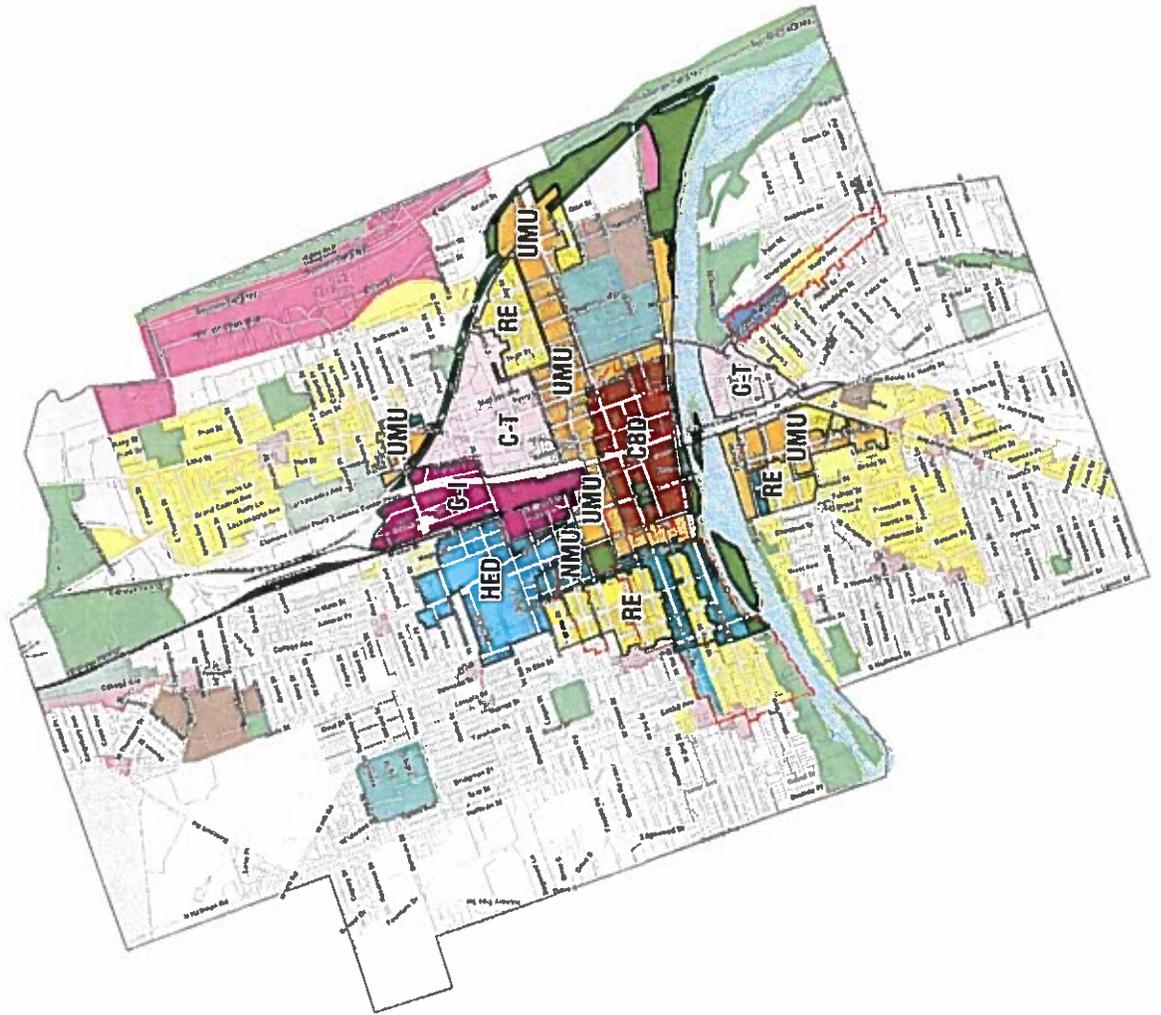
The following pages provide guidance on street types by district including street widths, speed, lane width, walkway type, curb type, landscape requirements, and transportation provision. These regulations apply when new streets are constructed.

Existing Outlying Zoning

- Elmira Historic Districts
- RA - 1 Family
- RB - 1 to 2 Family
- RC - 1 to 4 Family
- RD - Multi-Family
- HA - Hospital
- IB - Light Industrial
- IG - General Industrial
- BG - Gateway Commercial
- BE - General Commercial
- BD - Historic Commercial
- BA - Neighborhood Commercial
- BA1 - Neighborhood Commercial I
- BC - Specialized Commercial
- RAA - 1 Family Large Lot Reformatory (Unzoned)
- CONS - Conservation
- River (Unzoned)

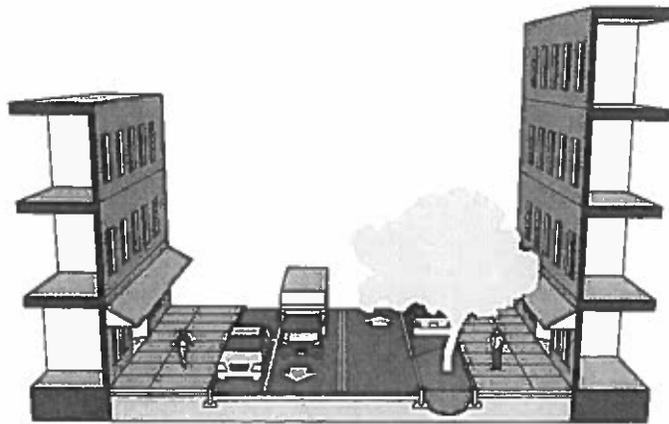
Proposed Downtown Zoning

- Central Business District (CBD)
- Urban Mixed-Use (UMU)
- Neighborhood Mixed-Use (NMU)
- Residential Edge (RE)
- Campus-Tech (C-T)
- Campus-Industrial C-I
- Higher Education (HED)
- Conservation

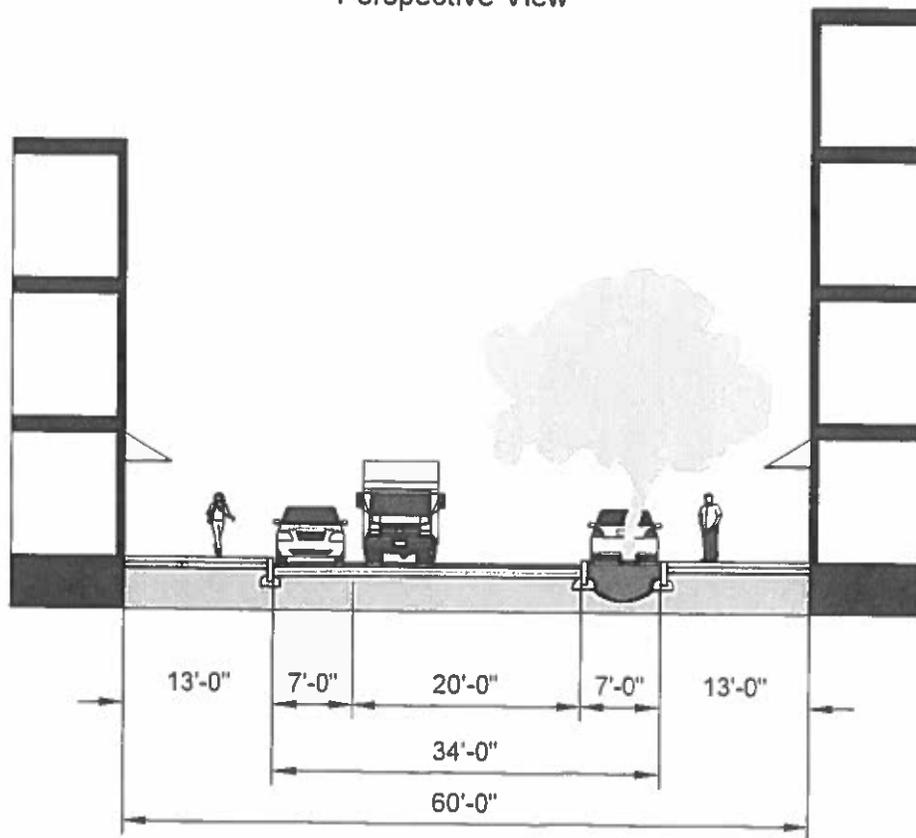


THOROUGHFARE ASSEMBLIES: TYPE A

Thoroughfare Type	Main Street
Sub Area Assignment	CBD, UMU
Right-of-Way Width	60 feet
Pavement Width	34 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	XX seconds
Traffic Lanes	2 lanes - asphalt
Parking Lanes	Two sides @ 7 feet marked both sides
Curb Radius	15 feet
Walkway Type	13 foot sidewalk both sides - concrete
Planter Type	7 foot planter bump outs
Curb Type	Granite curb
Landscape Type	Trees at 30' o.c. avg.
Transportation Provision	Bus route and Bikes share lane



Perspective View

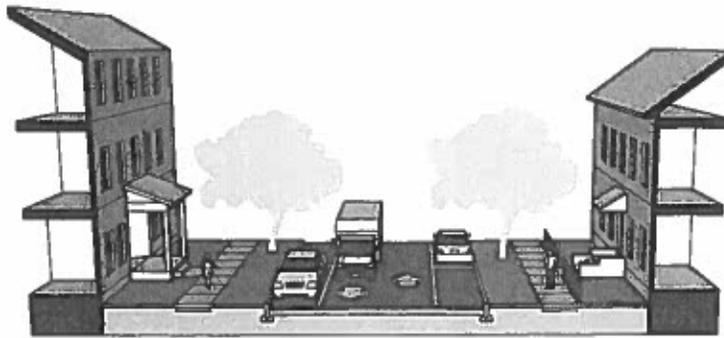


Street Section

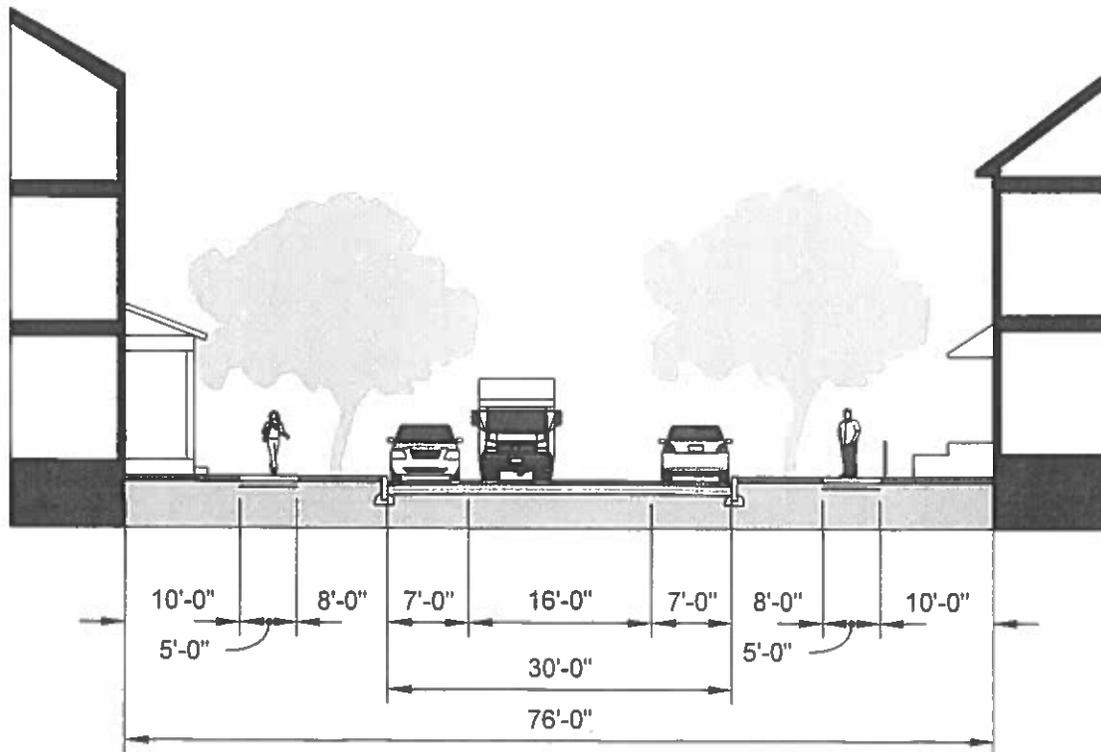
SCALE: 1"=16'

THOROUGHFARE ASSEMBLIES: TYPE B

Thoroughfare Type	Local Street
Sub Area Assignment	NMU, RE, C-T, C-I
Right-of-Way Width	76 feet
Pavement Width	30 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	XX seconds
Traffic Lanes	2 lanes - asphalt
Parking Lanes	Two sides @ 7 feet unmarked both sides
Curb Radius	none
Walkway Type	5 foot sidewalk both sides - concrete
Planter Type	8 foot tree lawn both sides
Curb Type	Granite curb
Landscape Type.	Trees at 30' o.c. avg.
Transportation Provision	Bikes share lane



Perspective View

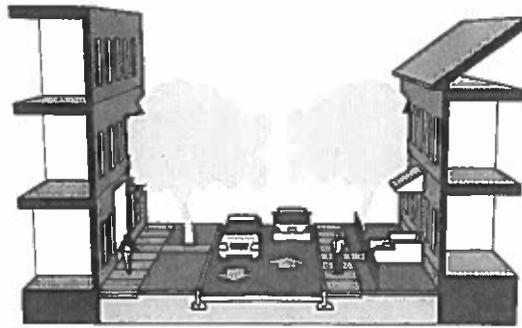


Street Section

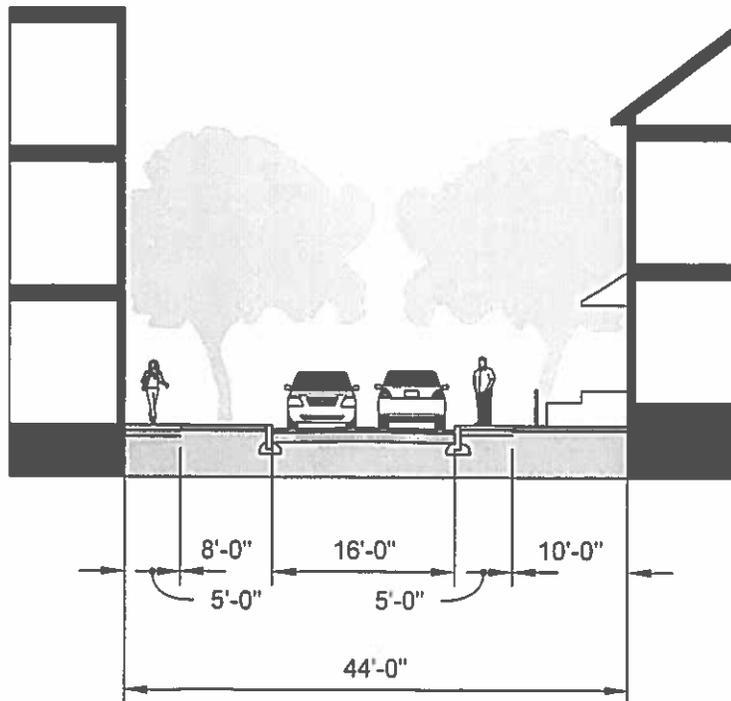
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THOROUGHFARE ASSEMBLIES: TYPE C

Thoroughfare Type	Yield Street
Sub Area Assignment	NMU, RE
Right-of-Way Width	44 feet
Pavement Width	16 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	XX seconds
Traffic Lanes	2 lanes - asphalt
Parking Lanes	none
Curb Radius	none
Walkway Type	5 foot sidewalk both sides - concrete
Planter Type	8 foot tree lawn or 10 ft yard
Curb Type	Granite curb
Landscape Type.	Trees at 30' o.c. avg.
Transportation Provision	Bikes share lane



Perspective View



Street Section

SCALE: 1"=16'