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**TOWN OF BARRINGTON  
ZONING LAW**

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**LOCAL LAW 1-2026**

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## Not Yet Added to Sections,

Subject to a decision by Town Board, to add to Barrington Zoning Law (2021)

- 1) Keuka Lake Uniform Docking and Mooring Law (already exists as Town Law)
- 2) Wastewater Management Law (already exists as LL 4-2011 Town Law)
- 3) Steep Slopes Law (already exists as LL 5-2011 Town Law)
- 4) Storm Runoff Abatement
- 5) Noise Abatement
- 6) Short Term Rental Regulation
- 7) Cannabis Retail Dispensary
- 8) Medical Marijuana Dispensary

# THE TOWN OF BARRINGTON CODES - TOWN ZONING LAW (2021)-

## ARTICLE I - GENERAL PROVISIONS

### §101. Title

This local law shall be known as Local Law No. \_\_\_ of 2021 and entitled "Town of Barrington, New York, Zoning Law (2021)".

### §102. Enactment

This local law, when adopted by the Town Board, shall replace in its' entirety Local Law No. 1 of 2003 and all local law amendments thereto; and shall be known as the Town Zoning Law regulating and restricting the location, construction, alteration and use of buildings and land in the Town of Barrington, Yates County, New York, pursuant to the zoning provisions of Article 16 of the Town Law of the State of New York.

### §103. Purposes

The purpose of this local law is to codify land use regulations for the Town of Barrington, New York. These land use regulations have been developed in accord with the adopted Town of Barrington Comprehensive Plan, the New York State Constitution, New York State Town Law and existing local laws as applicable. The primary intent of this zoning law is to provide for the safe, harmonious and manageable development of the Town of Barrington, New York. More specifically, this Zoning Law, a part of the Town of Barrington Code is intended to promote the health, safety, welfare and prosperity of the community; and to balance the interests of individuals with those of the larger community while accommodating the needs of the residential, agrarian, commercial, industrial and recreational lands.

### §104. Applicability

This Law shall apply to all structures, land, and uses within the legal boundaries of the Town of Barrington, New York. These regulations shall also apply to administration and enforcement of the laws: as may be amended from time to time:

- A. Local Law # 1 of 2006 (Keuka Lake Uniform Docking & Mooring Law).
- B. Local Law # 5 of 2011 (Steep Slopes)
- C. Local Law # 1 of 2013 (Subdivision Law)

## ARTICLE II - TERMINOLOGY

### §201. Word Usage

Unless specifically defined below, words or phrases as used in this law shall be interpreted as used in common usage at the date of this law.

- 1) Words used in the present tense include the future tense.
- 2) Words used in the singular include the plural, and words used in plural include the singular, unless the context clearly indicates the contrary.
- 3) The word “shall” be always a mandatory statement, and the word “may” be permissive.
- 4) A building or structure shall also include any part thereof. The word “building” shall include all other structures of any description, including towers and stairs.
- 5) Person shall include an individual, corporation, limited liability, company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.
- 6) The word “lot” also refers to a plot, parcel, or a division thereof.
- 7) The word “and” joins the terms such that both are relevant. The word “or” allows either of the joined items, or both. The words “either...or” allows one or the other but not both.
- 8) The word “Town” shall always mean the Town of Barrington, Yates County, New York.
- 9) The word “County” shall always refer to the County of Yates, New York.
- 10) The words “Town Board” shall always mean the Town Board of the Town of Barrington.
- 11) The words “Planning Board” shall always mean the Planning Board of the Town of Barrington.
- 12) The words “Zoning Board of Appeals” shall always mean the Zoning Board of Appeals of the Town of Barrington.
- 13) The word "CEO" shall always mean the Barrington Code Enforcement Officer for the Town of Barrington

### §202. Definitions

Any term that is adequately defined in the latest Merriam-Webster Unabridged Dictionary and is not specifically related to zoning or zoning law will not have a definition included below. Any terms specifically related to zoning and zoning law, as used in this Zoning Law, shall have the following terms or meanings indicated:

A-Frame or Sandwich Board = A freestanding sign not exceeding four feet in height with a face no greater than two feet by three feet, of “A-frame” design and which is not illuminated.

Abandoned Sign = A sign, which for a period of at least one (1) year or longer, that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises on which the sign is located

Accessory Building = A building subordinate to the principal building, usually the primary dwelling, on a lot and used for purposes customarily incidental to those of the principal building.

Adult Entertainment - (as an Appendix A commercial enterprise). Adult entertainment is entertainment intended to be viewed by adults only (age limited) and distinguished from family entertainment. The style of adult entertainment may be ribaldry or bawdry. Any entertainment that normally includes sexual content qualifies as adult entertainment, adult movie theaters, sex shops, and strip clubs. The term "adult entertainment business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy. Adult entertainment business activities include, but not limited to, are:

- 1) Adult arcades - Any place to which the public is permitted or invited wherein electronically or mechanically controlled still or motion-picture machines, projectors, computers, or other image-producing devices are maintained to show images where the images so displayed are distinguished or characterized by the depiction or description of a specified sexual activity or specified anatomical areas.
- 2) adult cabarets - A building or portion of a building regularly featuring dancing or other live entertainment is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons therein.
- 3) Adult media - Magazines, books, videotapes, movies, slides or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas
- 4) Adult motion picture theater - A building or portion of a building with a capacity of 50 or more persons used for presenting material if such material is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons therein.
- 5) Escort and/or Escort Agency - A person or business association who or which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Agricultural Activities = Any activity connected with the growing of crops, raising of livestock or production of livestock products, including, but not limited to field crops, fruits, vegetables, horticultural specialties, livestock and livestock products, apiary products, vespid, furs, maple sap, Christmas trees, timber products, aquaculture products and woody biomass. This shall encompass any activity or use now permitted by law (Refer to NYS Agricultural Law and NYS Agricultural and Markets Laws) engaged in by or on behalf of a farmer in connection with farming including, but not limited to: housing for farm workers; stables and other tourist activities; the collection, transportation, distribution and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of fertilizers and limes, and legally permitted insecticides, herbicides, and fungicides; construction of farm structures and facilities, including farm

wineries and other on-farm food processing; construction and maintenance of fences and other enclosures; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to agricultural practices. Agricultural Activities shall also include the processing and wholesale and retail marketing, including U-pick sales, of the agricultural output of the farm and related products that contribute to farm income, including the sale at the owner's farm stand of agricultural products so long as a substantial portion of the annual gross sales of the farm stand have been grown on said farm." (Yates Co. Agricultural Development and Farmland Enhancement Plan, Agricultural Planning Guide, Appendix 4, p.3-4).

Ancillary Parking Areas = Extra parking spaces or a parking lot that is not part of the primary automobile or truck parking lot. Usually, a parking lot that is across a road or property line from the primary business lot.

Alternate Member means an individual appointed by the Town Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Alteration of Structures = As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or the moving from one location or position to another. Alteration will require that the footprint of the building will not be enlarged.

Appeal = A request for a review, by the Zoning Board of Appeals, of the Code Enforcement Officer's interpretation/decision of any provision of this law, a request for a variance, or an appeal of a decision made by the Planning Board.

Area of Shallow Flooding = A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard = The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-99, V, VO, VE, V1-30. It is also commonly referred to as the "base floodplain" or "one hundred-year floodplain."

Art Studios – (as an Appendix A commercial enterprise). An art studios an artist or worker's building (or area) or a business intended for the sale of an artists' products. This can be for the purpose of acting, architecture, painting, pottery (ceramics), sculpture, origami, woodworking, scrapbooking, photography, graphic design, filmmaking, animation, industrial design, radio or television production broadcasting or the making of music. The term is also used for the workroom of dancers, often specified to dance studio.

Assisted Living Centers - (as an Appendix A commercial enterprise). Generally multifamily rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs.

Automated banking facility (ATM) – (as an Appendix A commercial enterprise). A standalone, off-premises ATM facility deployed by a financial institutions and/or Independent Sales Organizations (ISOs) where there is a simple need for cash,

Automobile/Truck Fueling Stations = Any area of land, including structures thereon, that is used for the retail sale of gasoline or any other motor fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubrication, washing or otherwise servicing motor vehicles.

Awning = A sign which is displayed upon a sheet of canvas or other material used to protect from sunlight or rain, which is attached to the face of a building. Also a sign which is displayed upon a permanent roof-like shelter extending from part of a building face over an entryway.

Banner = A temporary sign composed of lightweight canvas-like material, which can be attached to a structure or suspended by attachment at each end.

Bar - (as an Appendix A commercial enterprise, also known as a saloon, tavern, pub, or club) refers to the actual establishment that is a retail business establishment that serves alcoholic beverages, such as beer, wine, liquor or cocktails, and other beverages such as mineral water and soft drinks and often sell snack foods such as potato chips or peanuts, for consumption on premises. Some types of bars, such as pubs, may also serve food from a restaurant menu.

Banks – (as an Appendix A commercial enterprise or occupation). A bank is a financial institution that accepts deposits from the public and creates credit.

Barrington Schedule of Fees & Fines = An annual document produced by the Barrington Town Board to provide a cost of permit applications and fines.

Base Flood = The flood having a one-percent chance of being equaled or exceeded in any given year. (same as 100 Year Flood)

Basement/Cellar = That portion of a building having its floor sub grade (below grade) on at least 2 sides. Also includes walkout basement.

Bed & Breakfast = (as an Appendix A commercial enterprise or occupation) Is a commercial establishment that offers overnight lodging accommodation and breakfast. Bed and breakfasts are often private family homes and typically have a relatively small number of guest rooms.

Blade glint = The intermittent reflection of the sun off the surface of the blades of a wind turbine. This is a particular issue with Commercial Wind Energy Conversion Systems (CWECU).]

Bed and Breakfasts – (as an Appendix A commercial enterprise). A bed and breakfast (typically shortened to B&B or BnB) is a small lodging establishment that offers overnight accommodation and breakfast. Bed and breakfasts are often private family homes and typically have between four and eleven rooms, with six being the average. In addition, a B&B usually has the hosts living in the house.

Billiard parlors – (as an Appendix A commercial enterprise). A billiard/billiards, pool or snooker hall (or parlor, room or club; sometimes compounded as poolhall, poolroom, etc.) is a place where people get together for playing cue sports such as pool, snooker or carom billiards. Such establishments often serve alcohol and may have gaming machines, card games, darts, foosball and other games on the side

Bowling alleys – (as an Appendix A commercial enterprise). A bowling alley (or bowling center) is a facility where the sport of bowling, often ten-pin bowling, is played. They contain long, narrow

wooden lanes (or alleys) and varying on the building size of the bowling alley, the number of lanes can range from just a few to a large number

Business and professional offices - (as an Appendix A commercial enterprise). Offices related to permitted businesses

Business support services - (as a commercial enterprise). Businesses that provide providing outsourced services to other businesses such as contact center, product, management, accounting and revenue services.

Buffer = Strip of land area covered with grass, vegetation, trees, fencing, embankments, or berms that acts to separate distinct zoning districts or land uses and to soften or mitigate the effects of one land use on the other.

Building = Any structure built for support, shelter or enclosure for occupancy or storage.

Building Attachment = Any alteration to a dwelling or accessory building in which the footprint of the structure is enlarged

Building Height = The vertical distance measured from the average finished grade along the wall of the building (or adjacent to the side of the structure) to the highest point of such building or structure, but not including chimneys or spires.

Building Permit = a building permit is required by Barrington prior to any construction of any new buildings, building additions, and/or reconstruction projects. The issuance of a Certificate of Occupancy cannot be issued for any work for which a Building Permit was not issued prior to construction.

Bulkhead = a retaining wall. Lake or stream bulkheads are most often referred to as seawalls, bulkheading, or riprap revetments. These manmade structures are constructed along shorelines with the purpose of controlling beach erosion or along steep banks to prevent soil or rock collapse or sluffing.

Business = the activity of earning one's living by producing, buying, or products (goods and services)

Camping Unit = Camping vehicles having less than fifty (50) feet in length, include self-propelled campers, RV's, pop-up campers, camper trailers, tents larger than one hundred twenty (120) square feet and other property for the intent of being under cover but not in a residential dwelling.

Campgrounds – a campground consists typically of open pieces of ground where a camper can pitch a tent or park a camper. More specifically a campsite is a dedicated area set aside for camping and for which often a user fee is charged. Campsites typically feature a few (but sometimes no) improvements.

Candle Foot = a unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Cemetery = A cemetery or graveyard is a place where the remains of dead people are buried or otherwise interred.

1. The physical results of cremations of deceased humans are not considered human remains in regards the NYS burial regulations and laws. They may be disposed of by other means than a cemetery.

Certificate of Occupancy = (also referred to as a Certificate of Completion) is the legal document describing a building's use and/or the type of occupancy permitted in a building. The Certificate of Occupancy is the municipality's way to approve the construction so long as it was built in accordance with the approved plans and conforms with the local building codes and the local zoning regulations.

Churches – A church building or church house, often simply called a church, is a building used for Christian religious activities, particularly for worship services. The term in its architectural sense is most often used by Christians to refer to their religious buildings. In this sense it is a building or land use used for any religious purpose.

Code Enforcement Officer (CEO) = The duly-designated official, appointed by the Town Board, who is responsible for enforcing the provisions contained in this Chapter

Commercial - relates to "the exchange of goods and services, especially on a large scale".

Commercial Recreation Facilities / Conference Centers - a commercial, for profit, building or place that provides a particular service for recreation or for meetings

Commercial Wind Energy Conversion Systems (CWECS) = More than one (CWECU) designed to generate power only for transfer to a commercial utility grid including all structures and facilities utilized or necessary for the normal operation of the project being submitted by an applicant under this local law, including, but not limited to, wind energy conversion units, all accessory facilities and equipment thereto, and/or any portion thereof.

CWECS Accessory Facilities or Equipment = Any structure, other than a CWECU, related to the use and purpose of deriving or distributing energy from such towers located at or near the CWECS site.

Commercial Wind Energy Conversion Unit (CWECU) = Any single mechanism designed for the purpose of converting wind energy into electrical energy and transferring the energy to a commercial power grid. A CWECU is capable of producing one or more megawatts of power and does not produce power for onsite consumption. This definition shall include the tower, monopole, or other structure supporting the mechanism at its final working location. Not the same as a Commercial Wind Energy Conversion Systems (CWECS).

Height of CWECU = The vertical distance as measured from the average elevation at the base of the structure to the tip of the highest point of the structure including all blades when at their apex position.

Commercial Wind Farm (CWF) = (as a commercial enterprise). A commercial enterprise consisting of one or more CWECS located and attached as a group to the commercial utility grid.

Conservation / Cluster Subdivisions - Development in which a number of dwelling units are placed closer together than usual, or are attached, with the purpose of retaining an open space area.

Contractors' storage and equipment yards - (as a commercial enterprise). Outdoor facility for the storage of a contractor's equipment and/or supplies in order to provide a secure and central

location while working in a different location.

Convenience Stores with Gas Pumps - (as an Appendix A commercial enterprise). Small grocery, delicatessen, or beverage stores intended for quick in and out services that also sell gasoline.

Daycare Facilities - (as an Appendix A commercial enterprise). Childcare, or otherwise known as daycare, is the care and supervision of a child or multiple children at a time. The age ranges anywhere from six weeks up to age thirteen. Childcare is the action or skill of looking after children by a day-care center, nannies, babysitter, teachers or other providers.

Decommissioned = Status when it has been non-productive for a period of one year, or when the unit or project no longer provides a useful service.

Development = Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

Dog Kennel = (as an Appendix A commercial enterprise). Any lot or premises of which four (4) or more dogs more than six (6) months old are housed, bred, boarded or sold.

Dog (or other small animal) Boarding Kennel – (as an Appendix A commercial enterprise). A boarding kennel is a structure or shelter for dogs ( or other small animals). Used in the plural, the kennels, the term means any building, collection of buildings or a property in which dogs or other animals are housed and maintained.

Dog Breeding Kennel - (as a commercial enterprise). A breeding kennel is a structure or shelter for dogs. Used in the plural, the kennels, the term means any building, collection of buildings or a property for the primary commercial breeding of dogs.

Drilling (as a commercial enterprise, except establishing residential water supply) – the operation in which usable petroleum (oil and/or natural gas) is drawn out from beneath the earth's surface location

Drug Stores – (as an Appendix A commercial enterprise). A drugstore, also called "pharmacy" is a retail shop which provides prescription drugs, among other products. At the pharmacy, a pharmacist oversees the fulfillment of medical prescriptions and is available to give advice on their offerings of over-the-counter drugs. A typical pharmacy would be in the commercial area of a community.

Duplex = A dwelling having homes/apartments with separate entrances for two households. This includes two-story houses having a complete home/apartment for each floor and also side-by-side apartments on a single lot that share a common wall.

Dwelling = Any building or structure or portion thereof, including manufactured home or portion thereof, used and occupied, or intended to be so used, for human habitation by one or more persons, or a family, and includes any appurtenances belonging thereto with a separate entrance and complete housekeeping facilities. The term "Dwelling" shall not be deemed to include a motel, hotel, boardinghouse, bed-and-breakfast, travel trailer or recreational vehicle.

Dwelling Unit = (also called a Single Family Dwelling). A building or structure providing housekeeping facilities for a single-family.

Dwelling, Multifamily = A dwelling designed for or occupied by more than two families, living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Manufactured = also includes "Mobile Homes" and "Modular Homes". A factory-built residential dwelling unit designed to be occupied as a single-family dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations and placement on an approved foundation and connections to utilities. Manufactured dwellings must be built after July 15, 1976 and shall meet the National Manufactured Home Construction Safety Standards as set forth by the United States Department of Housing and Urban Development (HUD) and applicable standards of the New York State Uniform Fire Prevention and Building Code (Uniform Code or International Code). This definition specifically does not include so called 'modular home' where the chassis upon which the unit or part of a unit transported is not a part of the structure of the unit itself. This definition specifically includes "single-wide," "double-wide," and "triple-wide" units which have been issued said HUD seal and further includes "mobile home" as that term is used elsewhere throughout this Chapter.

Dwelling, Mobile = (does not include Recreational Vehicle). A moveable or portable unit, manufactured prior to January 1, 1976, designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide addition cubic capacity as well as two or more towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Mobile home shall mean units designed to be used exclusively for residential purposes, excluding travel trailers. Mobile homes will have the same meaning as "manufactured home" if it was constructed in a factory on or after June 15, 1976, with a label certifying compliance with NFPA, ANSI or a specific state standard.

Dwelling, On-farm = A dwelling designed for and occupied by not more than one family which is owned by the farm landowner and used by employees of the farm. The dwelling unit shall be detached and independent from the Principal residential structure or any other on-farm dwelling structure(s). The term includes a Manufactured Home and Modular Home as herein defined.

Dwelling, Two-Family = (refer to Duplex above).

Easement = also Right-of-Way. An easement is a permanent right conferred by grant or prescription, authorizing one landowner to do or maintain something on the adjoining land of another, which, although a benefit to the land of the former and a burden on the land of the latter, is not inconsistent with general ownership. Through an easement or right-of-way, one does not, however, possess or occupy an easement or any other incorporeal right. An easement derives from use, [rather than possession] and its owner gains merely 'a limited use or enjoyment of the servient land' rather than title or ownership.

Educational Institution – (as a commercial or public enterprise). An educational institution is a place where people of different ages gain an education. Examples of some institutions are

preschools, primary schools, secondary schools, and further and higher education. The institution can be public, private or unconventional.

Elevated Building = A non-basement building built to have the lowest floor elevated above the adjacent ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls.

Essential Services = The erection, construction, alteration or maintenance by public utilities, as they may be defined by the courts, or the town or any other governmental agencies, of underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or the town or other government agencies or for the public health or safety or general welfare, but not including buildings.

Excavation, Commercial = (as an Appendix A commercial enterprise). Same as "Mine". Under the NYS DEC regulations, an "Excavation" or "Mine" means any excavation from which a mineral is to be produced for sale or exchange, or for commercial, industrial, or municipal use. An excavation includes all haulage ways and all equipment above, on or below the surface of the ground used in connection with the excavation, as well as all lands included in the life of the mine as presented to the Department of Environmental Conservation.

Excavation Site = A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

Existing Manufactured/Mobile Home Park or Manufactured/Mobile Home Subdivision = A parcel (or contiguous parcels) of land divided into two (2) or more manufactured/mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured/mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this law.

Family = One or more persons occupying a dwelling unit and living together as a single housekeeping family unit using rooms and housekeeping facilities in common, having meals prepared on the premises and usually eating such meals together on the premises. It shall be presumptive evidence that more than four (4) persons living in a single dwelling unit who are not related by blood, marriage, domestic partnership or legal adoption do not constitute the single housekeeping unit.

Farm Labor Housing = On-farm dwelling units used for permanent and/or seasonal employees of the farm operation. Farm labor housing does not include the primary residence of the owner and/or partner of the farm operation.

Farm Winery, Farm Brewery, Farm Distillery, Cidery = a farm licensed by the NYS Ag & Markets Dept., under the original 1976 Farm Winery Act and modified several times later, for the manufacture of alcoholic wines and/or ciders, beers or that are manufactured entirely from constituents grown or produced in NYS. The New York State Alcohol Board authorizes the farm(s) to sell its wines, beers and/or grain alcohols to any winery or farm winery and to

licensed wholesalers or retailers and to deliver such wines to persons outside of New York pursuant to the laws of the place of such sale and delivery. No further license required to sell wine, cider, beer/ale or liquors by the glass.

Farm Distillery - any place or premises located on a farm in New York state in which liquor is manufactured and sold, or any other place or premises in New York state in which liquor is manufactured primarily from NYS farm and food products. Farm distilleries can only produce less than 75,000 gallons of finished product per year.

Farm Brewery - a beer must be made primarily from at least 60% hops and an 60% average of all other ingredients and produce less than 75,000 barrels of finished product per year.

Farm Winery - The winery produces wines and/or ciders/braggot produced from 60% of NYS farms' produce (grapes or apples) and produce less than 75,000 gallons of finished product per year.. The license also allows the winery the operation or use the services of a custom crush facility.

Fence = An structure of wood, masonry, stone, metal mesh wire or any other materials manufactured to inhibit unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property, erected for the purpose of assuring privacy or protection.

Fence Panel = The space between the posts.

Finished Grade Level = The level where the finished grade of the ground intersects the foundation walls of a structure. Height measurements of the structure shall be based on the finished grade level.

Flared Driveway Entrance = a widening of a driveway just before it meets the intersecting road to accommodate turning into or out of a driveway

Flood Boundary and Floodway Map (FBFM) = an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the flood insurance study.

Flood Hazard Boundary Map (FHBM) = An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation data has been provided.

Flood Insurance Rate Map (FIRM) = An official map of the community on which the Federal Emergency Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study = The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary and Floodway Map and the water surface elevations of the based flood.

Flood or Flooding= A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Floodproofing = Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain or Flood Prone Area – The land adjoining a river, stream or watercourse, ocean, bay or lake, which is likely to be flooded.

Floodway= The same meaning as “regulatory floodway.”

Floor = the top surface of an enclosed building (including basement), i.e., the top of slab in concrete construction or top of wood construction in wood frame construction.

Floor Area, Gross= The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, "gross floor area" shall not include areas used principally for nonpublic purposes such as storage or rest rooms, fitting or alteration rooms or general maintenance.

Floor Area, Habitable = The sum of the gross horizontal areas of the several floors of a building designed and intended for dwelling purposes, excluding cellars, unheated breezeways, garages and porches. All dimensions shall be measured between the interior bases of the exterior walls.

Frontage= the extent of a lot along a public street measured along the joint boundary line between a lot and street right-of-way.

Front Lot Line= the line of the lot closest to the street corresponding with or approximately parallel to the street providing access to the lot, according to the street address.

Fraternal or Social Organizations – (classified as an Appendix A Lot use). A fraternal order is a fraternity organized as an order, with traits alluding to religious, chivalric or pseudo-chivalric orders, guilds, or secret societies. Contemporary fraternal orders typically have secular purposes, including social, cultural and mutually beneficial or charitable aims. Many friendly societies, benefit societies and mutual organizations take the form of a fraternal order.

Functionally Dependent Use = a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, ship building or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

Funeral Homes = (as an Appendix A commercial enterprise). A funeral home, funeral parlor or mortuary, is a business that provides interment and funeral services for the dead and their

families. These services may include a prepared wake and funeral, and the provision of a chapel for the funeral.

Garages / Body Shops / Service Stations = (as an Appendix A commercial enterprise). (1) An automobile repair shop (also known regionally as a garage or a workshop) is an establishment where automobiles are repaired by auto mechanics and technicians; (2) Automotive repair shops that specialize in bodywork repair are known as body shops; (3) gasoline service station or filling station is a facility that sells fuel and engine lubricants for motor vehicles.

Golf courses - (as an Appendix A commercial enterprise). A golf course is the grounds where the game of golf is played. It comprises a series of holes, each consisting of a teeing ground, a fairway, the rough and other hazards, and a green with a flagstick ("pin") and hole ("cup").

Glare - In this Zoning Law this is a specific measurable and annoying phenomena to humans and animals that is part of official forms. It is used as it relates to wind turbines, solar panels, and signs. This effect is (1) the reflections of light off of the turbine blade and turbine housing or solar field panels with an intensity sufficient, as determined in a commercially reasonable manner, to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects. It can also be considered, (2) as in signs, to be the direct light on roadway traffic or on neighbors dwelling.

Global Positioning System = GPS is a satellite based radio navigation system. It is a Global Navigation Satellite System (GNSS) that provides geolocation and time information to a GPS receiver anywhere on or near the Earth where there is an unobstructed line of sight to four or more GPS satellites.

Ground Sign = A sign supported by a foundation or one or more columns, uprights or braces not attached to or forming part of a building. The bottom of the sign face shall not be more than 7 feet above grade.

GPS Baselines = a GPS baseline uses two survey-quality receivers with one at each end of the line to be measured. They collect data from the same satellites at the same time. The duration of these simultaneous observations varies with the length of the line and the accuracy needed but is typically an hour or more.

Grid = An electrical grid, electric grid or power grid, is an interconnected network for delivering electricity from producers to consumers. It consists of:

- generating stations that produce electric power
- electrical substations for stepping electrical voltage up for transmission, or down for distribution
- high voltage transmission lines that carry power from distant sources to demand-centers
- distribution lines that connect individual customers

Off-grid = a residence or commercial enterprise that can provide its own electrical supply without using public supplied electrical power.

Grid-Only = a residence or commercial enterprise that can't provide its own electrical supply and must connect to a public supplied electrical power.

Grid-Connect = a residence or commercial enterprise that can provide its own electrical supply at times and then use public supplied electrical power

Hardscape = Hard surface landscaping which includes patios, walkways, retaining walls, driveways or any other hard surface landscaping made up of hardwearing materials such as wood, stone, concrete, brick and pavers as opposed to soft landscaping consisting of grass, bark and other such items.

Hardware stores - (as an Appendix A commercial enterprise). Hardware stores (in a number of countries, "shops"), sometimes known as DIY stores, sell household hardware for home improvement including: fasteners, building materials, hand tools, power tools, keys, locks, hinges, chains, plumbing supplies, electrical supplies, cleaning products, housewares, tools, utensils, paint, and lawn and garden products directly to consumers for use at home or for business.

Health Care Facilities / Medical & Dental Clinics – (as an Appendix A commercial enterprise). A health facility is, in general, any location where healthcare is provided. Health facilities range from small clinics and doctor's and dentist's offices to urgent care centers and large hospitals with elaborate emergency rooms and trauma centers.

Health Clubs – (as an Appendix A commercial enterprise). A health club (also known as a fitness club, fitness center, health spa, and commonly referred to as a gym) is a place that houses exercise equipment for the purpose of providing physical exercise and related facilities (i.e. showers, lockers, rest rooms, etc.).

High Occupancy Parking/Loading Requirement = Unusually number of high parking spaces required for customers and employees or loading spaces that exceeds normal space requirements such as:

- 1) Manufacturing facilities (loading/off-loading space),
- 2) Wholesale retail operations (customer parking and loading/off-loading space)
- 3) Service (customer parking)
- 4) High occupancy periods for restaurants, bars, and entertainment operations (customer and employee parking)

Height, Building = The vertical distance from grade plane to the top of a flat, shed or mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof.

Hiking / Cross-country skiing trails – (as an Appendix A enterprise). A trail is usually a path, track or unpaved lane meant for either walking, running or cross-country skiing.

Home Business/Occupation = a Home Business/Occupation, including a broad variety of small businesses is one on which the business and or occupation exists on the same lot that the lot owner maintains his home. The home business/occupation shall not be such as to produce offensive noise, vibration, traffic, smoke, dust, odor, heat, glare, or electronic disturbance beyond the property lot it occupies. All home businesses/occupation of the same lot as a residential dwelling require a special use permit

Historic Interpretive sites - (an Appendix A commercial site). Small parking space reserved for public parking to read NYS historic markers placed within the highway right-of-way.

Hospitals / Nursing Homes - (as an Appendix A commercial enterprise). (1) A hospital is a health care institution providing patient treatment with specialized medical and nursing staff and

medical equipment; (2) Nursing homes are a type of residential care that provide around-the-clock nursing care for elderly people.<sup>[1]</sup> Twenty-four-hour nursing care is available. Nursing homes will provide short-term rehabilitative stays following a surgery, illness or injury which may require physical therapy, occupational therapy or speech-language therapy. Nursing homes offer other services such as planned activities and daily housekeeping services. Nursing homes may also be referred to as convalescent care, skilled nursing or a long-term facility.

Hotels = (as an Appendix A commercial enterprise). An establishment that provides paid lodging on a short-term basis of less than 3 weeks. Facilities provided may range from a modest-quality mattress in a small room to large suites with bigger, higher-quality beds, a dresser, a refrigerator and other kitchen facilities, upholstered chairs, a flat screen television, and ensuite bathrooms. Small, lower-priced hotels may offer only the most basic guest services and facilities. Larger, higher-priced hotels may provide additional guest facilities such as a swimming pool, business center (with computers, printers, and other office equipment), childcare, conference and event facilities, tennis or basketball courts, gymnasium, restaurants, day spa, and social function services.

Impervious Cover = Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt, and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

Infiltration= The process of percolating storm water into the subsoil.

Inn = (as an Appendix A commercial enterprise). Generally, establishments or buildings where travelers can seek lodging and usually, food and drink. Inns are typically located in the country or along a highway;

Intensive Livestock Farming = also known by its opponents as factory farming, is a type of intensive agriculture, specifically an approach to animal husbandry designed to maximize production, while minimizing costs. To achieve this, agribusinesses keep livestock such as cattle, poultry, and fish at high stocking densities, at large scale, and using modern machinery, biotechnology, and global trade. The main products of this industry are meat, milk and eggs for human consumption.<sup>[8]</sup>There are issues regarding whether intensive animal farming is sustainable or ethical.

Junk:

- A. A broad-based definition: Non-functioning or poorly functioning manufactured products, or other waste (unwanted or unusable materials. Waste is any substance which is discarded after primary use, or is worthless, defective and of no use).
- B. Junk may be any product:
  - 1) That may be used again in some altered or repaired form
  - 2) That is secondhand, worn, or discarded articles, including clothing
  - 3) something of relative, "remaining poor quality" to the general public
  - 4) something of little meaning, worth, or significance to the general public
- C. Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, off-road recreational vehicle, boat, watercraft, dock, float, trailer, agricultural equipment or similar object which is abandoned, demolished, discarded, dismantled or so worn, deteriorated or in such a condition as to be generally unusable in its existing state that is stored upon property

located within the Town of Barrington. This definition shall include but shall not be limited to scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts and used tires. This definition does not apply to farm machinery that is stored on an actively farmed site and governed further by New York State Agriculture and Markets Laws.

Junkyard, Commercial = Any place for exterior storage or deposit, whether in connection with another business or not, of:

- A. Wastepaper, rags, scrap metal, waste building material and all other materials, appliances or farm equipment no longer intended for use which cover over 500 square feet of area or which, in the aggregate, weigh over 5,000 pounds; or
- B. Two or more unregistered, old or secondhand motor vehicles and/or boats no longer intended or in condition for legal use upon the highways or waterways of the state, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; or
- C. One or more abandoned mobile homes or trailers no longer intended or in condition for use as a dwelling, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose.
- D. Provided, however, that the term "farm equipment" in the above definition shall not include farm equipment no longer intended for use if such equipment is owned by a farmer who stores such equipment upon his property and uses such equipment for spare parts.
- G. The outdoor storage or deposit of any of the following clearly visible from a public road, public right-of-way, or adjoining property shall constitute "Junk:"
  - 1) More than one (1) unlicensed, inoperable motor vehicle.
  - 2) Any junk mobile home.
  - 3) Any abandoned or inoperable appliance, including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, televisions and other electronic components
  - 4) Any abandoned or irreparably damaged piece of indoor furniture, including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.
  - 5) Any hazardous materials, materials that pose a risk to health, safety or welfare, or those determined to be a public nuisance are to be considered junk.

Junk Manufactured/Mobile Home: A structure, transportable in one (1) or more sections, built on a permanent chassis and designed to be used as a dwelling unit, which is currently not inhabited and is no longer habitable under the provisions of the New York State Uniform Fire Prevention and Building Code, or International Code. This includes but is not limited to mobile homes, travel trailers and campers.

Junk Storage Area: The areas of any parcel of land or water used or intended to be used for the placement, storage or deposit of junk.

Junk Vehicles: Two (2) or more unregistered, motor vehicles or watercrafts, no longer intended, licensed, or in condition for legal use on the public highways or waterways; or used parts or waste materials[define waste materials or eliminate it] from motor vehicles or watercrafts which, when combined or taken together, equal in bulk two (2) or more such motor vehicles or watercrafts. A motor vehicle or watercraft is considered “junked” when it meets all of the following conditions:

- A. It is unlicensed or unregistered.
- B. It is abandoned, inoperable, wrecked, stored, discarded, dismantled, or partly dismantled.
- C. It is not in any condition for legal use on public highways.

Junkyard = (an Appendix A commercial enterprise). A commercially operated outdoor storage area for the deposit of any of the items defined above in this section as junk. All junkyards shall require a Special Use permit granted by the Planning Board and subject to the conditions of approval for said use.

Keeping / boarding of large livestock = (as an Appendix A commercial enterprise). An agricultural enterprise, consisting of at least seven acres and boarding of large animals, including horses and regardless of ownership,

Landscape = The features of a particular area of land, especially when that area has been improved by designed plantings and arrangement using gardens, bushes, trees and other materials. Landscaping can include hardscaping. Landscaping should not significantly change the underlying grade

Landscape & Garden Shops / Greenhouses – (an Appendix A commercial enterprise). (1) A retail enterprise specializing in the sale of landscaping products including live plants, landscaping materials, and gardening products or (2) A greenhouse(also called a glasshouse) that is part of a commercial enterprise and is a structure with walls and roof made mainly of transparent material, such as glass, in which plants requiring regulated climatic conditions are grown

Libraries – (as a commercial enterprise). A library is a collection of sources of information and similar resources, made accessible to a defined community for reference or borrowing

Light industrial / Manufacturing facilities - (an Appendix A commercial enterprise). Light industry is industries that usually are less capital-intensive than heavy industry and is more consumer-oriented than business-oriented, as it typically produces smaller consumer goods. Most light industry products are produced for end users rather than as intermediates for use by other industries. Light industry facilities typically have less environmental impact than those associated with heavy industry. For that reason zoning laws are more likely to permit light industry near residential areas. The scale size is much larger (i.e., several acres; more employees) than a home business and is on a standalone lot with no residential dwelling.

Light Pollution = is the adding-of light itself to the immediate area. Adverse consequences are multiple; some of them may not be known yet. Scientific definitions thus include the following:

- A. The degradation of photic habitat by artificial light.
- B. The alteration of natural light levels in the outdoor environment owing to artificial light sources.

- C. The alteration of light levels in the outdoor environment (from those present naturally) due to man-made sources of light. Indoor light pollution is such alteration of light levels in the indoor environment due to sources of light, which compromises human health.
- D. The introduction by humans, directly or indirectly, of artificial light into the environment.

Livestock = livestock and livestock products include but are not be limited to cattle; sheep; hogs; goats; horses; poultry; ratites, such as ostriches, emus, rheas, and kiwis; farmed deer; farmed buffalo; fur bearing animals; wool bearing animals, such as alpacas and llamas; milk; eggs; and furs (or as defined in the NYS Ag and Markets Law 381).

Lot = A parcel of land considered as a unit, devoted to a certain use and occupied or capable of being occupied by a building or group of buildings that are united by common interest or use and the customary accessories and open spaces belonging to same.

Lot Area = The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

Lot Coverage = is the ratio of the total footprint area of all structures and impermeable surfaces on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches plus other impermeable surface including paved driveways and sidewalks shall be summed in order to calculate lot coverage

- A. For the purpose of regulations pertaining to solar PV systems, lot coverage shall also include the area covered by a solar panel (or physically connected group of panels) as measured on a horizontal plane projected from the perimeter of said panel (or group of panels) vertically to the ground. For panels where the tilt angle is adjusted by week, month, season or other time period, lot coverage shall be determined by the tilt angle producing the greatest lot coverage.

Lot Depth = The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Lines = The property lines bounding the lot.

- A. Lot Line, Front = The line separating the lot from a street right-of-way.
- B. Lot Line, Rear = The lot line opposite and most distant from the front lot line, except for corner lots and through lots, where it shall be as described in the “yard, rear” contained in this section.
- C. Lot Line, Side = Any lot line other than a front or rear lot line.

Lot of Record = A lot which is part of an approved subdivision recorded in the office of the County Clerk, or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width = The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement; provided, however, that width between side lot lines at their foremost points (where they intersect with the front lot line)

shall not be less than eighty-percent (80%) of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty-percent requirement shall not apply.

Lowest Floor = The lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement or cellar is not considered a building's "lowest floor", provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this law.

Manufactured Home = See Dwelling, Manufactured.

Manufactured Dwelling Park or Mobile Home Park or Manufactured Home Subdivision = A parcel (or contiguous parcels) land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for serving the lot (including, at a minimum, the installation of utilities, either final site grade or the pouring a concrete pads and the construction of streets) is completed on or after 2005.

Maximum Lot Coverage = The maximum percentage of a lot's area that can be covered with non-permeable surfaces, buildings or structures.

Marquee Sign = A permanent sign that extends from and across part or all of a building edifice and is constructed of durable materials including metal, glass or plastic and upon which a changeable message may be placed.

Mean Sea Level = For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations are shown on a communities Flood Insurance Map are referenced.

Mean High Water Level (Keuka Lake) = The approximate average high water level for Keuka Lake as determined by reference from survey data provided by the United States Geological Service (USGS). According to the New York State Department of Environmental Conservation, the mean high water level is 715.3 feet for Keuka Lake.

Member = means an individual appointed by the Town Board to serve on the Zoning Board of Appeals or Planning Board pursuant to the provisions of the local law or ordinance that first established such Zoning Board of Appeals or Planning Board.

Mining – (as a commercial enterprise). Mining is the extraction of valuable minerals or other geological materials from the earth, usually from an ore body, lode, vein, seam, reef or placer deposit.

Mobile Home = see Dwelling, Manufactured

Modular Home = see "Dwelling, Manufactured".

Motel = (as an Appendix A commercial enterprise) Is a hotel designed for motorists and usually having a large parking area for motor vehicle. The term usually refers to a type of hotel consisting of a single building of connected rooms whose doors faced a parking lot and in a common area or a series of small cabins with common parking.

Mother-in-Law Apartment = A small apartment attached to or carved out of a nominally single-family house, ostensibly intended for occupancy by a parent or near relative that shares an internal doorway.

Movie theaters – (as a commercial enterprise). A movie theater/theatre or cinema (s a building that contains an auditorium for viewing films (also called movies) for entertainment. Most, but not all, theaters are commercial operations catering to the general public. Some movie theaters are operated by non-profit organizations or societies which charge members a membership fee to view films.

Municipal Building and Uses – Buildings and other land uses to provide Services traditionally provided by local agencies, including water and sewer, roads, parks, schools, and police and fire protection.

Museums - (as a commercial or non-commercial enterprise). a museum is an institution that cares for (conserves) a collection of artifacts and other objects of artistic, cultural, historical, or scientific importance. Many public museums make these items available for public viewing through exhibits that may be permanent or temporary.

Nacelle = The portion of the Wind Energy Conversion Unit that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

National Geodetic Vertical Datum = as corrected in 1929, a national vertical control used as reference for establishing elevations within the flood plain.

New Construction = Structures for which the commencement occurred on or after the effective date of this Zoning Law.

Non-conforming Lot = A lot of record existing at the date of the enactment of this Zoning Law which does not have the minimum width, maximum depth or maximum height for the district in which it is located.

Non-conforming Use – Any use of a building, other structures or a tract of land, otherwise lawfully established, but which does not conform to the regulations of the district in which such use is located, either at the effective date of this Zoning Law or as a result of subsequent amendments thereto. Also known as referred to as "grandfathered" but that terminology is no longer in favor.

Non-permeable = Something that water cannot readily pass through, such as wood, stone, concrete, brick pavers or other such materials.

Off grid = a residence or commercial enterprise that can provide its own electrical supply without using public supplied electrical power.

Grid Only = a residence or commercial enterprise that can't provide its own electrical supply and must connect to a public supplied electrical power.

Grid Connect = a residence or commercial enterprise that can provide its own electrical supply at times and then use public supplied electrical power

Off Road/Off Street Parking = An area of at least 200 square feet with minimum dimension of ten (10) feet by twenty (20) feet.

Open Space, Subdivision = Where permanent open space is required as part of a development review (see §704.E) , the calculation of the area of such permanent open space shall not include: requisite setbacks, roads, wetlands designated as protected by the New York State Department of Environmental Conservation; the developable area of any building lot which in no case shall be less than the minimum lot required in the zoning district; nor the area of any storm water management facility, including but not limited to detention and retention ponds, streams, swales, and drainage ditches. Open space for a subdivision may include non-regulated wetlands, floodways, steep slopes,

Outdoor Wood Furnaces or Boilers - The outdoor wood furnace or boiler is a variant on the indoor wood, oil or gas boiler. An outdoor wood furnace/boiler or outdoor wood stove is a unit about 4-6 feet wide and around 10 feet long. It is made up of three main parts, the firebox, which can be either round or square, the water jacket, and the exhaust heat reclaiming system. The fire box ranges from 2 to 5 feet long and can be as tall as 4 feet.

Overlay District = Additional regulations to the underlying zoning district that applies only to a delineated portion of the underlying zoning district.

Packaging and Delivery Services = (as an Appendix A commercial enterprise). (1) A service that specifically provides individual packaging and sorting along with handling systems for small parcel carriers (2) Package delivery or parcel delivery is the delivery of shipping containers, parcels, or high value mail as single shipments. The service is provided by most postal systems, express mail, private courier companies, and less than truckload shipping carriers.

Parking = An area for the temporary storage of motor vehicles which is at least ten (10) feet wide and twenty (20) feet long with adequate provision for maneuvering and access thereto.

Permanent Structure - Permanent structures, for both residential and/or commercial purposes, means a non-movable building, securely attached to a foundation, housing a business licensed to sell merchandise generally, in addition to the sale of fireworks. Permanent structure means a building designed, planned, and constructed so as to remain at one location.

1. Woodsheds, greenhouses or other long-lasting structures are considered permanent storage solutions.
2. Large metal or resin sheds or garages that don't require foundations but because of their size, Barrington considers them a permanent structure.

Permitted = also known "As-of-Right". Means that per Zoning code, the construction repairs, or demolition of structure or lot use requires no zoning approvals and only needs a building permit for construction/repairs/demolition to begin.

Personal Services Establishments - (as an Appendix A commercial enterprise). Businesses that provide customer based services that involve the production of services instead of physical end products. Services (also known as "intangible goods") include attention, advice, access, experience, discussion, and affective labor to the customer.

Preliminary Subdivision Plat = A map or drawing, prepared in accordance with local regulations, showing the divisions of the tract of land and the layout of a proposed subdivision including roads and lots at approximate distances and bearings, key plan, topography and drainage, and

all proposed facilities at a suitable scale and in such detail as local regulation may require and containing any information required by the planning board.

Portable Sign = Any sign not permanently attached to the ground or other permanent structure, or a sign to be transported, including but not limited to, signs designed to be transported by means of a person or wheels.

Projected Sign = A sign attached to or supported by a building or structure in such a manner that it extends more than 12 inches from the façade.

Recreational Vehicle = Any vehicle used or arranged to be used for temporary living or sleeping quarters, mounted on wheels and movable, propelled either by its own power or drawn by another power vehicle, which can be placed on a lot and used for recreational, camping, or travel purposes for seasonal use. Such as, but not limited to, pickup truck coaches (campers), motor homes, boats, travel trailers, and camping trailers not meeting the specifications for manufactured housing. A recreational vehicle is not designed or permitted for use as a permanent dwelling. For the purposes of this Zoning Law a recreational vehicle shall not be considered to be a dwelling unit.

Rental storage facility = (as an Appendix A commercial enterprise) is a business in which storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units" is rented to tenants, usually on a short-term basis (often month-to-month). Self-storage tenants include businesses and individuals.

Restaurant = (as an Appendix A commercial enterprise). Any establishment whose principal business is the sale of foods, frozen desserts or non-alcoholic beverages to the customer in a ready-to consume state and whose design or principal method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- B. A cafeteria-type operation where foods, frozen desserts or beverages generally are consumed within the restaurant building.

Retail Uses = Retail use is the use of property (stores) for the process of selling consumer goods or services to customers through multiple channels of distribution.

Right-of-way = The total strip of land within which a third party has public or private control and a common right-of-passage

Right-of-way, Highway = The total strip of public land within which a third party has public control and a common right-of-passage and within which all pavements, including street & highway limit of public ownership and utility lines are located. All setbacks will be measured from the "right-of-way". The right-of-way from a State Highway is typically 33 feet from the center line or as per survey; from a County Road, it is also 33 feet from a Barrington Road it is 25 feet, unless it is the Lower Lake Road which is 16 feet 8 inches from the center line.

Roof Sign = Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Sale of automobile parts and supplies -(as an Appendix A commercial enterprise) a business that specializes in providing and selling car/truck parts and/or supplies. Does not include businesses that specialize in providing used junk parts from a junkyard.

Sawmills - (as an Appendix A commercial enterprise). A sawmill or lumber mill is a facility where logs are cut into lumber.

Setback = the shortest horizontal distance (in feet) from the road right of way or side/rear/front property line to the greatest extremities of the building including, for example, eaves and overhangs.

Service Area = an area next to a highway where people can stop to rest, use the bathroom, get food, etc.

Shadow Flicker = The effect of the sun shining through the turning blades of the Wind Energy Conversion Unit and casting a shadow over the landscape

Sketch Plan = A plan that is less detailed than a preliminary subdivision plat or preliminary site plan drawing.

Signs = Any material, structure or device, or any part thereof, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed, when used or located out of doors for display of advertisement, announcement, notice, directional matter or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, projecting signs or ground signs, mobile signs and shall also include any announcement, declaration, demonstration, display, illustration, logo, monogram or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public. The sign area shall also include any background of a different color or material.

Temporary Sign = A sign which is not intended to be used for a period of time to exceed 90 days, nor is attached to a building, to a structure, or into the ground in a permanent manner, not to exceed four (4) square feet area on one side or eight (8) square feet total area on both sides combined. Such signs usually being constructed of poster board, cardboard, Masonite, plywood or plastic material and mounted to wood, metal, wire or rope frames or supports and are easily relocated.

Site Development Plan = Also called Site Plan - A detailed plan for the proposed development or land use of a particular piece or plot of land showing all of its major features that is prepared for site plan review pursuant to provisions of this Zoning Law.

Preliminary Site Plan = The purpose of preliminary site plan is to initiate the recommendations of the Comprehensive Plan as it relates to an application. Specifically, preliminary site plan review is intended to determine compliance with the objectives of this Zoning Law where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating conditions which could adversely affect the public health, safety or general welfare.

Final Site Development Plan = The purpose of preliminary site plan is to initiate the recommendations of the Comprehensive Plan as it relates to an application. Specifically, preliminary site plan review is intended to determine compliance with the objectives of this Zoning Law where inappropriate development may cause a conflict between uses in the

same or adjoining zoning district by creating conditions which could adversely affect the public health, safety or general welfare.

Solar Array = Any number of electrically connected solar photovoltaic (PV) panels that are connected to the same inverter.

Solar Panels-

- (1) The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment.
- (2) A photovoltaic device capable of collecting and converting solar energy into electricity. Usually, a solar panel is a large, flat piece of equipment containing individual photovoltaic cells

Building-Integrated Solar Panels - A combination of Solar Panels and their related electrical support equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

Ground-mounted Solar Panels - Solar panels that are anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

Roof-mounted Solar Panels - Solar panels located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

Solar Energy System - Large Scale – A solar energy system that is ground mounted and produces electricity for the purpose of off-site sale or consumption.

Solar Access - Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

Solar Energy Equipment - Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Photovoltaic (PV) System = A solar energy collection system consisting of solar photovoltaic cells, panels and/or arrays, and other related equipment, which rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system may be building mounted, ground mounted or building integrated.

Storage Battery = A device that stores energy and makes it available in an electrical form.

Special Use = A specific exception to the zoning code regulations from a list of acceptable exceptions for a particular parcel of land in a district of a particular zoning character which requires the review and approval of the Planning Board and the approval as per Barrington Town Board procedures.

Start of Construction = The initiation, excluding planning and design, of any phase of a project or physical alteration of a property and shall include land preparation, such as grading, clearing and filling, installation of streets, utilities and/or walkways, excavation for basement, footings,

piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages or sheds), storage trailers and building materials.

Storm Water = rainwater or melted snow that runs off streets, lawns and other sites.

Story = That portion of a building included between the surface of the floor and the ceiling next above it, having a vertical distance of at least seven feet six inches along the studs forming each of the exterior walls. Each story above the first story must have an area equal to at least 2/3 that of the first story. The first story is the lowest story which is 75% or more above the average level of the ground adjacent to said building.

Story, Half = That portion of a building next under a gable, hip or gambrel roof, having a vertical distance between the floor and horizontal ceiling of at least seven feet six inches, except that for habitable space under a sloping roof the minimum height above at least 50% of such floor area shall be seven feet six inches and the area where the height is less than five feet shall not be considered in computing required floor area.

Structure = Anything constructed or erected which requires temporary or permanent support or attachment to the ground, beneath the ground or to something having permanent location on the ground, including gasoline and oil tanks, buildings, mobile homes, fences, signs and/or billboards.

- A. A walled and roofed building, a manufactured home or a gas or liquid storage tank, that is principally above ground. "Structure" includes, but is not limited to, buildings, walls, retaining walls, steps or stairs, tram systems, solid fences, decks or stone patios, storage tanks, wells, swimming pools, towers, billboards, etc.

Permanent Structure - Permanent structure means a non-movable building, securely attached to a foundation, housing a business licensed to sell merchandise generally, in addition to the sale of fireworks. Permanent structure means a building designed, planned, and constructed so as to remain at one location.

- 1) Woodsheds, greenhouses or other long-lasting structures are considered permanent storage solutions. ...
- 2) Large metal or resin sheds or garages don't require foundations as much as a woodshed, but because of their size, Barrington considers them a permanent building.

Temporary Structure - structures which are erected to fill only a temporary need, lasting for hours, days, weeks, and sometimes months instead of years.

Sketch Plan = A plan that is less detailed than a preliminary subdivision plan or a preliminary site plan drawing; usually adequate for simple special use permits.

Special Use = A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning district as a special permit use only if specific provision for such special use is made in this Article 6 or Appendix A. A special use when granted runs with the land and is transferable.

Steep Slopes = Any area that appears on the Town of Barrington Steep Slope Map. Ground areas with a slope of 15% or greater as measured by a clinometer.

Subdivision = Any alteration of lots lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located.

Substantial Construction = the state in the progress of the project when the work required by the construction contract with the project owner is sufficiently complete in accordance with the construction contract so that the project owner may occupy or utilize the work for its intended use. This definition includes that at least half of the proposed site development has been completed, including all footings have been installed or a full foundation laid, or all poles erected within one year from the start of construction, to include any and all documents necessary to permit the development. In the case of a manufactured dwelling/home an approved well or septic system will be evidence of substantial construction.

Substantial Improvement =

- A. Any repair, reconstruction or improvement of a structure, the cost of which exceeds 50% of the market value of the structure, excluding land values, either
  - 1) Before the improvement or repair is started; or
  - 2) If the structure has been damaged and is being restored, before the damage occurred.
- B. 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 effects the external dimensions of the structure. The term, however, include either;
  - 1) Any project for the improvement of a structure to comply with state or local building, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - 2) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or State Inventory of Historic Places

Supervised/Assisted Living Facilities = (as a commercial enterprise). A facility for long-term residency that provides independent living, supervised independent living, or assisted living arrangements, and that shall include, without limitation, common dining and social and recreational features, and special safety and convenience features designed for the needs of the residents. The facility may also include the provision of services such as meal services, transportation, housekeeping, personal care, or health care.

Steep Slope = Ground area with a slope of 15% or greater or 30 degrees.

Temporary Structure - structures which are erected to fill only a temporary need, lasting for hours, days, weeks, and sometimes months instead of years.

Tip Height = Tip height is equal to the distance from the ground to the tip of the rotor blade in a full and upright vertical position; the highest point on the CWECU during operation.

Telecommunications Facilities, Personal Wireless = Towers and/or antennas and accessory structures used in connection with the provision of cellular telephone service, personal communications services (PCS), paging services, radio and television broadcast services and

similar broadcast services which have been defined by the courts to be essential services and structures.

Telecommunication Accessory Use = An accessory use that serves the principal use, is subordinate in area, extent or purpose to the principal use, and is located on the same lot as the principal use. Examples of such uses include transmission equipment and storage sheds.

Telecommunication antenna = A system of electrical conductors that transmit or receive radio frequency waves.

Telecommunications facility = any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular/pc's operation (also known as base transceiver station (BTS)).

Tower Height = Relating to CWECU and/or telecommunication towers, tower height is equal to the distance from the ground to the top of the tower not including the nacelle or rotor blades.

Telecommunication tower = A structure on which one or more antennas will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

Travel Trailer = a dwelling that is towed behind a road vehicle to provide a place to sleep, eat or relax which is more comfortable and much more protected than a tent.

Truck Terminals - (as an Appendix A commercial enterprise). Business that provides space for truck parking, loading and/or load storage.

Wall Sign = A sign fastened or applied to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Warehouse / Wholesale Operations - (as an Appendix A commercial enterprise). (1) A warehouse is a commercial building for storage of goods. Warehouses are used by manufacturers, importers, exporters, wholesalers, transport businesses, customs, etc. They are usually large plain buildings in industrial parks on the outskirts of cities, towns or villages. They usually have loading docks to load and unload goods from trucks. (2) Wholesaling, jobbing, or distributing is the sale of goods or merchandise to retailers; to industrial, commercial, institutional, or other professional business users; or to other wholesalers and related sub-ordinated services. In general, it is the sale of goods to anyone other than a standard consumer.

Waste = Constitutes any material temporarily or permanently discarded or unwanted and not stored in a vermin proof, sealed enclosure or structure for subsequent disposal.

Window Sign = A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen. We also provided a definition for temporary signs that should help clarify the use of such signs and

should eliminate the need for questionable sign and speech designations. We find this definition is preferable to any definitions attempting to classify or distinguish between types of commercial and/or noncommercial speech, which can be problematic. In addition to this definition here is some example language that will help the Town limit the location, number, and size of these types of signs. This language can be adjusted to better fit the Town's needs.

Wireless Communication Facilities / Cell Towers - A cell site or cell tower is a cellular-enabled mobile device site where antennae and electronic communications equipment are placed — typically on a radio mast, tower, or other raised structure — to create a cell (or adjacent cells) in a cellular network. The raised structure typically supports antennae and one or more sets of transmitter/receivers transceivers, digital signal processors, control electronics, a GPS receiver for timing

Uniform Code = The New York State Uniform Fire Prevention and Building Code, or International Code, in effect and as hereafter amended from time to time by the State of New York.

Use = Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Special Permit = A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning district as a special permit use only if specific provision for such special permit use is made in this Zoning Law. A special use permit when granted runs with the land and is transferable.

Utilities = Infrastructure a public/private service. Public utilities are subject to forms of public control and a regulation ranging from local community-based groups to statewide government monopolies.

Variance = A relaxation of the terms of this Zoning Law from either the use and/or dimensional requirements of this Zoning Law where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Zoning Law would result in unnecessary and undue hardship. When granted a variance permits construction or use of a lot in a manner that would otherwise be prohibited by this Zoning Law. Such a grant is made by the Town of Barrington Zoning Board of Appeals and shall run with the land in perpetuity.

Use Variance - Permits the owner to use the land in a manner not otherwise permitted by the zoning ordinance. It is not a change in the zoning law.

Area Variance - Permits the owner to use the land in a manner that does not meet the dimensional requirements of the specific zoning law.

Waste = Constitutes any material temporarily or permanently discarded or unwanted and not stored in a vermin proof, sealed enclosure or structure for subsequent disposal.

Wind Energy Conversion System (WECS) = A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine"). The WECS includes all parts of the

system except the tower and the transmission equipment; the turbine may be on a horizontal or vertical axis, rotor or propeller.

Wind Energy Deriving Tower = Any tower facility, pole or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of a rotor that consists of blades and hub, as well as a nacelle and generator for producing electricity.

Wind Energy Facility = An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Farm = Multiple, large-scale WECS sited upon a single parcel, or adjacent parcels, designed to generate and sell electricity for off-premises use or to a public utility company.

Wind Energy Farm Facility Owner = The entity or entities having an equity interest in the wind energy farm, including their respective successors and assigns.

Wind Energy Farm System Height = The combination of tower height plus blade length.

Wind Measurement Tower = A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

Wind Turbines = refer to Wind Energy Conversion System (WECS), a large device that converts the wind's kinetic energy into electrical energy.

Yard = A required open space unoccupied and unobstructed by any structure or portion of a structure, except as may be provided in this Zoning Law, from 30 inches above the finished grade level of the lot upward and situated between the principal building or group of buildings and the nearest lot line.

## ARTICLE III – ESTABLISHMENT AND DESIGNATION OF DISTRICTS

The Town of Barrington (the Town), within the boundaries of the Town, regulates the use of land, the density of land use and the siting of development. This zoning document is mean to help the Town implement a significant part of its Comprehensive Plan (2009).

The Town is hereby divided into zoning districts and overlay zoning districts as hereinafter set forth and as the same may be from time to time amended. The lot lines shown on the map are based on the January 1, 2020 Yate County Real Property Map and this is the basis for the delineation of the Zoning Districts. The Zoning Districts follow the property lines and do not cross over the property lines with the exception of the Overlay districts.

Refer to Appendix C-1. Tables at the end of each section provide the housing types allowed. Businesses are detailed in Appendix A.

### §300. Relevant District Definitions

Agricultural Activities = Any activity connected with the growing of crops, raising of livestock or production of livestock products, including, but not limited to field crops, fruits, vegetables, horticultural specialties, livestock and livestock products, apiary products, vespids, furs, maple sap, Christmas trees, timber products, aquaculture products and woody biomass. This shall encompass any activity or use now permitted by law (Refer to NYS Agricultural Law and NYS Agricultural and Markets Laws) engaged in by or on behalf of a farmer in connection with farming including, but not limited to: housing for farm workers; stables and other tourist activities; the collection, transportation, distribution and storage of animal and poultry waste; storage, transportation and use of equipment for tillage, planting, harvesting and marketing; transportation, storage and use of fertilizers and limes, and legally permitted insecticides, herbicides, and fungicides; construction of farm structures and facilities, including farm wineries and other on-farm food processing; construction and maintenance of fences and other enclosures; and the use and/or maintenance of related pastures, idle or fallow land, woodland, wetland, farm ponds, farm roads and certain farm buildings and other structures related to agricultural practices. Agricultural Activities shall also include the processing and wholesale and retail marketing, including U-pick sales, of the agricultural output of the farm and related products that contribute to farm income, including the sale at the owner's farm stand of agricultural products so long as a substantial portion of the annual gross sales of the farm stand have been grown on said farm." (Yates Co. Agricultural Development and Farmland Enhancement Plan, Agricultural Planning Guide, Appendix 4, p.3-4).

Family = One or more persons occupying a dwelling unit and living together as a single housekeeping family unit using rooms and housekeeping facilities in common, having meals prepared on the premises and usually eating such meals together on the premises. It shall be presumptive evidence that more than four (4) persons living in a single dwelling unit who are not related by blood, marriage, domestic partnership or legal adoption do not constitute the single housekeeping unit.

Livestock = livestock and livestock products include but are not be limited to cattle; sheep; hogs; goats; horses; poultry; ratites, such as ostriches, emus, rheas, and kiwis; farmed deer; farmed buffalo; fur bearing animals; wool bearing animals, such as alpacas and llamas; milk; eggs; and furs (or as defined in the NYS Ag and Markets Law 381).

New Construction = Structures for which the commencement occurred on or after the effective date of this Zoning Law.

Permitted = also known as "As-of-Right". Means that, per Zoning code, the construction repairs, or demolition of structure or lot use requires no zoning approvals and only needs a building permit for construction/repairs/demolition to begin.

Structure = Anything constructed or erected which requires temporary or permanent support or attachment to the ground, beneath the ground or to something having permanent location on the ground, including gasoline and oil tanks, buildings, mobile homes, fences, signs and/or billboards.

- A. A walled and roofed building, a manufactured home or a gas or liquid storage tank, that is principally above ground. "Structure" includes, but is not limited to, buildings, walls, retaining walls, steps or stairs, tram systems, solid fences, decks or stone patios, storage tanks, wells, swimming pools, towers, billboards, etc.

Structure, Permanent = Permanent structure means a non-movable building, securely attached to a foundation, housing a business licensed to sell merchandise generally, in addition to the sale of fireworks. Permanent structure means a building designed, planned, and constructed so as to remain at one location.

- 1. - Wood sheds, greenhouses or other long-lasting structures are considered permanent storage solutions..... Large metal or resin sheds or garages don't require foundations as much as a woodshed, but because of their size and price, Barrington considers them a permanent building.

Structure, Temporary = structures that are erected to fill only a temporary need, lasting hours, days, weeks and sometimes months but not for years.

### §301. Rural Agriculture (RA) District

This district is intended to protect prime and unique classified soils from non-farm development, to the greatest extent practical, so as to preserve existing Agricultural land resources, and to promote continuing agricultural activity and small-scale secondary farm businesses in the Town of Barrington.

In the Rural Agricultural District, agriculture shall be the primary land use. Within the RA District, any agricultural practice determined is encouraged and is permitted if it is considered to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, Section 308, and the by Yates County Agricultural District including but not limited to:

- 1) practices necessary for on-farm production,

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

Formally called the Agricultural-Residential District.

### §302. Rural-Residential (RR) District

This district is intended to provide for orderly and safe development by promoting growth which will encourage the perpetuation of scenic vistas located within the Town, while allowing for agricultural activity and the protection of our productive soil resources.

It is also the intent of this district to:

- A. Protect the quality of the Keuka Lake watershed by controlling soil erosion and surface run off; (2) preserve the rural character of the town while reducing agricultural practices and related land use conflicts; and
- B. To ensure that any new residential development is in keeping with the Town's rural and agrarian character.

This district generally encompasses those area where the majority of the areas comprise slopes greater than ten (10) percent slope (5 degrees of slope) and many areas exceed fifteen (15) percent slope (7.5 degrees of slope).

This district was formally called the Highway-Residential District). Refer to Appendix C-2

### §303. Hamlet-Residential (HR) District

This district is intended to:

- A. Provide the densest pattern of residential development in the established neighborhoods of the Town that are currently occupied by single-family dwellings on lots that are grouped together in a concentrated area; and
- B. To reduce to the extent practical conflicts between residential and non-residential land uses. It is further the intent of these regulations to:
- C. Encourage well-designed living environments;
- D. Preserve the rural character of the town;
- E. Protect its' natural resources;
- F. Reduce land use conflicts; and
- G. To upgrade the character of these by requiring standards for land use and lot development which more accurately reflect existing development.

### §304. Lake-Residential (LR) District

This district is intended to protect the natural features of the waterfront area of the Town and to:

- A. Provide for optimum use of the lakeshore;
- A. Protect and promote the shoreline vistas;
- B. Protecting the health, safety, and general welfare of our residents; and
- C. Protect the water quality of Keuka Lake.

### §305 Commercial Overlay (RCO) District

This overlay district is intended to:

- A. Promote and support a range of economic development and business opportunities in the Town of Barrington by providing for continued medium- and small-scale commercial and light industrials growth;
- B. Promote tourism;
- C. Preserving the Town's rural and agrarian character by concentrating future commercial development in this district.

Reference Appendix C-2 for underlying Zoning Districts.

### §306. Dundee Wellhead Protection Overlay (DWPO) District

This overlay district is intended to:

- A. Preserve the drinking water quality of within a defined area of the Town of Barrington known as the Village of Dundee Wellheads (Gibson Rd. wells);
- B. Protect this public water supply of the Village of Dundee from contamination from development within this area;
- C. Ensure that the State Environmental Quality Review Act (SEQR) provisions are used to the fullest extent practical so as to sustain this natural resource area; and
- D. To enforce the wellhead protection regulations enacted by the Yates County Soil and Water Conservation District, and the Town of Barrington, as per the adopted Local Law No. 2 of 1998.

### §307. Special Flood Hazard Overlay (SFHO) District

This overlay district is intended to:

- A. Protect the health, safety and welfare of our residents;
- B. Comply with Federal mandates protecting new construction located within the mapped 100-year floodplains, as designated by the Federal Emergency Management Agency (FEMA), and shown upon the Town of Barrington's Flood Insurance Rate Map (FIRM), Community Number 360953 C , effective March 9, 1984;

- C. Minimize public and private losses from damage due to flood conditions in specific delineated areas. The SFHO is in direct reference to and a result of Barrington Local Law 2 of 1987 “Enact Flood Damage Prevention”.

The SFHO District is located and described on Appendix C-1

A development permit shall be obtained before construction or development begins within any area of special flood hazard.

The Code Enforcement Office is hereby appointed to administer and implement this Zoning Law by granting and denying development permit applications in accordance with its provisions.

### §308. Official Zoning - Map

- A. The locations and boundaries of the mapped zoning and overlay districts described above in §301 - §307 are shown upon the Official Zoning Map of the Town of Barrington. There shall exist only one Official Zoning Map which is maintained by and is kept on file with the Barrington Town Clerk. A certified copy of the Official Zoning Map is contained in Appendix C of this Zoning Law which, together with everything shown thereon and all amendments made thereto, from time to time, are hereby adopted by reference and declared to be an appurtenant part of this Zoning Law.
- B. Said Official Zoning Map shall be on material suitable for reproduction. Copies of this map which may from time to time be published and distributed would be accurate only as of the date of their printing and shall bear words to that effect along with the signature and date applied by the Town Clerk.
- C. Changes made in zoning district or zoning overlay district boundaries or other matters portrayed on the Official Zoning Map under the provisions of this Zoning Law shall be permanently affixed to the Official Zoning Map promptly after the amendment has been authorized by the Town Board and the local law authorizing said change has been filed with Secretary of State of the State of New York. Such amendment shall convey information as to the local law number, the date of the local law and the nature of the change. No amendment to this Zoning Law which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on said Official Zoning Map and has been attested by the Town Clerk.
- D. Should the Official Zoning Map become damaged, destroyed, lost or difficult to interpret because of changes and additions, the Town Board may by local law adopt a new Official Zoning Map to supersede the former map. The new Official Zoning Map shall bear a statement which explains that it supersedes the prior map and gives the dates of adoption of both the prior map and the Official Zoning Map. The prior map and the records of its adoption and amendments shall be preserved if in a salvageable form.

### §308-1. Official Zoning - Interpretation of districts boundaries

- A. The interpretation of where a lot boundary line lies is the responsibility of the Code Enforcement Officer
- B. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such center lines.
- 2) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following the municipal limits of the Town shall be construed as following such municipal limits.
- 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as following banks and shores of streams or other water bodies shall be construed as following such banks and shores and, in the event of change in the bank or shore, shall be construed as moving with the actual bank or shoreline; boundaries indicated as following the center lines of streams or other water bodies shall be construed as following such center lines.
- 6) Boundaries indicated as parallel to or extensions of features indicated in Subsections 1) through 5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 7) Where physical or cultural features on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1) through 6) above, the Board of Appeals shall interpret the district boundaries.
- 8) Where a zoning district boundary line divides a lot, which was in a single ownership at the time of passage of this Zoning Law, the Board of Appeals may permit, as a special permit, the extension of the regulations from either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

## ARTICLE IV - DISTRICT REGULATIONS

### §401. Relevant Zoning District Definitions for Sections §402 - §409.

100 Year Flood = A flood event that has a 1% probability of occurring in any given year.

Bed and Breakfasts – (as a commercial enterprise). A bed and breakfast (typically shortened to B&B or BnB) is a small lodging establishment that offers overnight accommodation and breakfast. Bed and breakfasts are often private family homes and typically have between four and eleven rooms, with six being the average. In addition, a B&B usually has the hosts living in the house.

Cemetery = A cemetery or graveyard is a place where the remains of dead people are buried or otherwise interred.

Dwelling = Any building or structure or portion thereof, including manufactured home or portion thereof, used and occupied, or intended to be so used, for human habitation by one or more persons, or a family, and includes any appurtenances belonging thereto with a separate entrance and complete housekeeping facilities. The term “Dwelling” shall not be deemed to include a motel, hotel, boardinghouse, bed-and-breakfast, travel trailer or recreational vehicle.

Dwelling Unit = A building or structure providing housekeeping facilities for a single-family.

Dwelling, Manufactured = A manufactured home (or mobile home) is built in a factory and must be constructed in compliance with the US Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards (24 CFR Part 3280). A manufactured home (mobile home) is built on a chassis, is intended to be transportable more than once, and must bear a “HUD seal” issued by HUD.

Dwelling - Mother-in-Law Apartment = A small apartment attached to or carved out of a nominally single-family house, ostensibly intended for occupancy by a parent or near relative that shares an internal doorway.

Dwelling - Multi-family = also known as "Apartments". A dwelling designed for or occupied by more than two families, living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided

Easement = also a Right-of-Way. An easement is a permanent right conferred by grant or prescription, authorizing one landowner to do or maintain something on the adjoining land of another, which, although a benefit to the land of the former and a burden on the land of the latter, is not inconsistent with general ownership. Through an easement or right-of-way, one does not, however, possess or occupy an easement or any other incorporeal right. An easement derives from use, [rather than possession] and its owner gains merely ‘a limited use or enjoyment of the servient land’ rather than title or ownership.

Essential Services = The erection, construction, alteration or maintenance by public utilities, as they may be defined by the courts, or the town or any other governmental agencies, of underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or the town or other government agencies or for the public health or safety or general welfare, but not including buildings.

Family = One or more persons occupying a dwelling unit and living together as a single housekeeping family unit using rooms and housekeeping facilities in common, having meals prepared on the premises and usually eating such meals together on the premises. It shall be presumptive evidence that more than four (4) persons living in a single dwelling unit who are not related by blood, marriage, domestic partnership or legal adoption do not constitute the single housekeeping unit.

Floor Area, Habitable = The sum of the gross horizontal areas of the several floors of a building designed and intended for dwelling purposes, excluding cellars, unheated breezeways, garages and porches. All dimensions shall be measured between the interior bases of the exterior walls.

GPS Baselines = a GPS baseline uses two survey-quality receivers with one at each end of the line to be measured. They collect data from the same satellites at the same time. The duration of these simultaneous observations varies with the length of the line and the accuracy needed but is typically an hour or more.

Inhabitable = means to live in, reside in, occupy or populate place – a so-called habitat.

Intensive Livestock Operating Farms = also known by its opponents as factory farming, is a type of intensive agriculture, specifically an approach to animal husbandry designed to maximize production, while minimizing costs. To achieve this, agribusinesses keep livestock such as cattle, poultry, and fish at high stocking densities, at large scale, and using modern machinery, biotechnology, and global trade. The main products of this industry are meat, milk and eggs for human consumption. There are issues regarding whether intensive animal farming is sustainable or ethical.

Livestock = livestock and livestock products include but are not limited to cattle; sheep; hogs; goats; horses; poultry; ratites, such as ostriches, emus, rheas, and kiwis; farmed deer; farmed buffalo; fur bearing animals; wool bearing animals, such as alpacas and llamas; milk; eggs; and furs (or as defined in the NYS Ag and Markets Law 381).

Lot = A parcel of land considered as a unit, devoted to a certain use and occupied or capable of being occupied by a building or group of buildings that are united by common interest or use and the customary accessories and open spaces belonging to same.

Lot Area = The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

Lot Coverage = is the ratio of the total footprint area of all structures and impermeable surfaces on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches plus other impermeable surface including paved driveways and sidewalks shall be summed in order to calculate lot coverage

Lot Coverage = is the ratio of the total footprint area of all structures and impermeable surfaces on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches plus other impermeable surface including paved driveways and sidewalks shall be summed in order to calculate lot coverage

- A. For the purpose of regulations pertaining to solar PV systems, lot coverage shall also include the area covered by a solar panel (or physically connected group of panels) as measured on a horizontal plane projected from the perimeter of said panel (or group of panels) vertically to the ground. For panels where the tilt angle is adjusted by week, month, season or other time period, lot coverage shall be determined by the tilt angle producing the greatest lot coverage.

Lot Depth = The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot Width = the minimum width of a lot parallel to the primary roadway of the lot.

New Construction = Structures for which the commencement occurred on or after the effective date of this Zoning Law.

Outdoor Wood Furnaces or Boilers - The outdoor wood furnace or boiler is a variant on the indoor wood, oil or gas boiler. An outdoor wood furnace/boiler or outdoor wood stove is a unit about 4-6 feet wide and around 10 feet long. It is made up of three main parts, the firebox, which can be either round or square, the water jacket, and the exhaust heat reclaiming system. The fire box ranges from 2 to 5 feet long and can be as tall as 4 feet.

Overlay District = Additional regulations to the underlying zoning district that applies only to a delineated portion of the underlying zoning district.

Right-of-way = The total private shared strip of land within which there is third party public or private control and common right-of-passage.

Steep Slopes = Any area that appears on the Town of Barrington Steep Slope Map. Ground areas with a slope of 15% or greater as measured by a clinometer.

Storm Water = rainwater or melted snow that runs off streets, lawns and other sites.

Structures: Permanent Structures, Temporary Structures = Refer to §300

Subdivision = Any alteration of lots lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located.

Utilities = Infrastructure a public/private service. Public utilities are subject to forms of public control and a regulation ranging from local community-based groups to statewide government monopolies

#### §402. General District Regulations and Land Use Schedule.

- A. Use regulations for all Districts are as shown in the relevant District's sub-section under "Dwelling Permit Requirements" and the "Commercial Use Permits for Lot Use". These can also be viewed as a consolidated table for district comparison in Appendices A & B.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this law.
- C. The Town of Barrington is not an official party to any easements or right-of ways between property owners and has no legal or optional requirement to assist in settling easement/right-of-way issues between landowners.
- D. Additional land use regulations, differing from the general regulations of Appendices A & B by District shall be as provided in this Article.
- E. No lot will have more than one (1) inhabitable dwelling that can used for living space or contain housekeeping facilities (toilets or kitchens) without a Special Use permit.
  - 1) Additional inhabitable housing on Agricultural farms my be allowed for farm employees
  - 2) Duplex dwellings or multi-family dwellings may be built by Special Use Permit in:
    - (a) RA district; only within one hundred (100) feet of County Road 17 (Bath Road).
    - (b) RR district; only within one hundred (100) feet of State Rt. 54.
    - (c) RCO district.
  - 3) Mother-in Law apartments are allowed in all districts if they meant for a parent or near-relative if:
    - (a) Rent is not allowed to be charged to the inhabitant.
    - (b) Must have a connecting interior door to the main dwelling.
  - 5) The construction of multi-family homes/apartments require a Special Use permit and can only be built in:
    - (a) RA and RCO districts or
    - (b) A part of a Planned Development Overlay District.
- F. In all zoning districts, except PDO and RA each lot is limited to one (1) inhabitable, permanent dwelling.

- G. No single lot shall include two different zoning districts (RA, RR, HR, and LR) within it.
  - 1) Overlay districts (DWPO, RCO and DPO) are located, the underlying District's regulations will apply except where the Overlay district regulations provide additional regulation.
- H. Parcels of record before the effective date of this law shall be exempt from lot size requirements. A lot may have more than one front set back if it abuts the lake, stream, or road on multiple boundaries. Front setback should be measured from the side providing access by a public or private street, or highway
- I. There shall only be one principal dwelling per lot plus an unlimited number of accessory buildings as long as they meet required setbacks for the specified district.

§403. District Regulations - Rural Agricultural (RA) District

§403-1. Dwelling Permit Requirements - RA District

<b>RESIDENTIAL Uses</b>	
Assisted living centers	SU Permitted only directly along Bath Road
Conservation / cluster subdivisions	Subdivision (SD) permit required
Manufactured housing	Permitted - No SU Required
Manufactured dwelling parks & apartments	SU Permitted only directly only directly along Bath Road
Single -family dwellings	Permitted - No SU Required
Two family dwellings (Duplexes)	Not Permitted

Refer to Appendix A for more comparison information.

§403-2. Special Use Permits Required for Commercial Activities - RA District

<b>Permit Types Required</b>	<b>Business Types</b>
No Special Use Permit Required (P*)	<b>Accessory Uses:</b> : Outdoor wood burning boilers (furnaces) <b>Agriculture:</b> Agricultural activities; Dog (animal) boarding kennel; Dog breeding kennel; Keeping/boarding of large livestock; Veterinary clinic/office

<p>(** = see CEO if Site Development Plan Review May Be Required)</p>	<p><b>Public Institutions:</b> Cemeteries  <b>Commercial/Retail:</b> Arts/crafts studios; Bed &amp; breakfast **; Campgrounds**;  Home businesses and occupations **; Wireless communication facilities and/or cell towers **; Solar Panels - private use (roof &amp; ground); Wind powered water/air pumps; Wind powered electric turbines single, private use. **  <b>Industrial:</b> Sawmills, small; Solar Energy Systems - large scale</p>
<p>Special Use Permit Required (SU)</p>	<p><b>Agriculture:</b> Farm-based wineries, breweries &amp; distilleries.  <b>Public Institutions:</b> Churches; Educational institutions; Historic interpretative sites; Libraries; Municipal building and/or uses; Organizations, groups, clubs, &amp; other similar entities.  <b>Commercial/Retail:</b> Business &amp; professional offices; Commercial recreational facilities; Conference centers; Daycare facilities; Fraternal or social organizations; Golf courses; Health care facilities, medical &amp; dental clinical offices; Health clubs; Hiking or cross-country ski trails; Landscape or garden shops and commercial greenhouses; Museums; Rental storage facilities; Retail uses; Contractor storage and equipment yards.  <b>Industrial:</b> Drilling (except residential water supply); Excavations and Soil Mining (large scale); Wind Energy Systems - wind farms</p>
<p>Limited Aerial Location for Special Use Permit Required.  See keys pg. 185 Def #(3)</p>	<p><b>Commercial/Retail:</b> Automobile/truck fueling stations (with/without Auto repair services, convenience stores or car washes); Bars, taverns or pubs; Billiard parlors; Bowling alleys; Restaurants  <b>Industrial:</b> Light industrial or manufacturing facilities;</p>
<p>Not Permitted</p>	<p><b>Commercial/Retail:</b> Adult Entertainment; Automated banking facility (ATM); Banks; Business support services; Commercial Junkyards; Drug stores; Funeral homes; Garages, body shops or service stations; Hardware stores; Hospitals or nursing homes; Hotels, inns or motels; Movie theaters; Packaging &amp; delivery services; Personal services establishments; Sale of automobile parts and supplies.  <b>Industrial:</b> Truck terminals; Warehouse or wholesale operations</p>

Refer to Appendix A for district comparison information.

§403-3. Table for Required Lot Specifications - RA District

Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back to Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
Promote continuing agricultural activity and small-scale secondary farm businesses	150 ft.	175 ft	3 acres	10% (21,780 ft <sup>2</sup> for minimum lot)	50 ft <sub>4</sub>	50 ft	50 ft	Max. Height 35 ft <sup>7, 12</sup> & Min. Size 500 ft <sup>2</sup>

Refer to Appendix B for District comparison information.

§403-4. Additional Regulations - RA District

- A. Refer to Local Law 1 of 2003 Barrington Zoning Law in regard to Intensive Livestock Operating Farms.
- B. Cemeteries are permitted only in the RA district, are Special Use permitted and can be only owned and operated/maintained by churches similar places of worship, in addition to commercially owned cemeteries companies.
  - 1. The Town of Barrington will not assume any ownership and/or maintenance responsibility of cemeteries.
    - (a) Family-owned cemeteries, for the express purpose of providing burial sites for family members, will not be allowed to be created after this Zoning Law comes into effect. Pre-existing family cemeteries can continue to operate, including adding new human remains on the land already in existence. No new property can be added.

§404. District Regulations - Rural Residence (RR) District

Additional land use regulations, differing from the general regulations of Appendices A & B by District shall be as provided in this Article.

§404-1. Dwelling Permit Requirements - RR District

<b>RESIDENTIAL Uses</b>	
Assisted living centers	Not Permitted
Conservation / cluster subdivisions	Subdivision (SD) permit is allowed only directly along Rt 54
Manufactured housing	Permitted - No SU Required
Manufactured dwelling parks & apartments	Not Permitted
Single -family dwellings	Permitted - No SU Required
Two family dwellings (Duplexes)	Not Permitted

Refer to Appendix A for more comparison information.

§404-2. Types of Permits Required for Commercial Activities - RR District

<b>Land Use Permit Types Required</b>	<b>Business Types</b>
No Special Use Permit Required (P *) (* = see CEO if Site Development Plan Review May Be Required)	<b>Agriculture:</b> Agricultural Activities; Keeping/Boarding of Large Livestock; Veterinary Clinic/Office <b>Public Institutions:</b> None <b>Accessory Uses:</b> Outdoor wood burning boilers (furnaces) <b>Commercial/Retail:</b> Arts/crafts studios; Bed & breakfast **; Campgrounds **; Home businesses and occupations **; Solar Panels - private use (roof & ground)**; Wind powered water/air pumps; Wind powered electric turbines, single, private use. **; Wireless communication facilities and/or cell towers ** <b>Industrial:</b> Sawmills - small
Special Use Permit Required (SU)	<b>Agriculture:</b> Dog (animal) boarding kennel; Dog breeding kennel; Farm-based wineries, breweries & distilleries. <b>Public Institutions:</b> Churches; Educational institutions; Historic interpretative sites; Libraries; Municipal building and/or uses; Organizations, groups, clubs, & other similar entities. <b>Commercial/Retail:</b> Business & professional offices; Commercial recreational facilities; Conference centers; Daycare facilities; Drilling (except residential water supply); Fraternal or social organizations; Health care facilities, medical & dental clinical offices; Health clubs; Hiking and/or cross-country ski trails; Landscape or garden shops and commercial greenhouses; Museums; Rental storage facilities; Retail uses; Contractor storage and equipment yards;

Permit Types Required	Business Types (cont'd)
Limited Aerial Location for Special Use Permit Required. See keys pg. 185 Def. #(2),	<b>Commercial/Retail:</b> Automobile/truck fueling stations (with/without Auto repair services, convenience stores or car washes); Bars, taverns, or pubs; Hotels, inns or motels; Restaurants <b>Industrial:</b> Excavations and Soil Mining (large scale);
Not Permitted	<b>Commercial/Retail:</b> Adult Entertainment; Automated banking facility (ATM); Banks; Billiard parlors; Bowling alleys; Business support services; Cemeteries; Commercial Junkyards; Drug stores; Funeral homes; Garages, body shops; Golf courses; Hardware stores; Hospitals or nursing homes; Light industrial or manufacturing facilities; Movie theaters; Packaging & delivery services; Personal services establishments; Sale of automobile parts and supplies. <b>Industrial:</b> Solar Energy Systems - large scale; Wind Energy Systems - wind farms; Truck terminals; Warehouse or wholesale operations

Refer to Appendix A for district comparison information.

§405-3. Table For Required Lot Specifications - RR District

Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back-to-Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
Provides for low density residential development	150 ft.	175 ft	3 acres (see note A below)	10% (13,068 ft <sup>2</sup> for min. lot)	50 ft <sup>4</sup>	50 ft	50 ft	Height 35 ft <sup>7, 12</sup> & 500 ft <sup>2</sup>

Refer to Appendix B for more comparison information.

Yates County Soil and Water Department has indicated that areas with steep slopes (>15%), soils with high clay contents and areas of less than 2 acres containing septic leach fields and private water supplies may be problematic.

§405-4. Additional Regulations - RR District

- A. See Appendices A & B for specific district use and dimensional standards.
- B. Refer to Local Law 5 of 2011 in regard to Regulations for Construction on Steep Slopes. Much of the RR district has slopes in excess of 15% and will have construction limitations as per Local; Law 5-2011 "Regulations for Construction on Steep Slopes".
  - 1) It is required that all construction in the areas where slopes meet or exceed 15% will have to meet all construction standards outlined in Local Law 5 of 2011.
  - 2) Refer to Appendix C-2 for the correlation of areas with steep slopes (>15%) and the RR district.

§405. District Regulations - Hamlet-Residential (HR) District

§405-1. Dwelling Permit Requirements

<b>RESIDENTIAL Uses</b>	
Assisted living centers	Special Use (SU) permit is allowed only directly along Bath Road
Conservation / cluster subdivisions	Subdivision (SD) permit required
Manufactured housing	Permitted - No SU Required
Manufactured dwelling parks & apartments	Not Permitted
Single -family dwellings	Permitted - No SU Required
Two family dwellings (Duplexes)	Not Permitted

Refer to Appendix A for district comparison information.

§405-2. Types of Use Permits Required for Commercial Activities - HR District

Land Use Permit Types Required	Business Types
<p>No Special Use Permit Required (P*)                      (** = see CEO if Site Development Plan Review May Be Required)</p>	<p><b>Agriculture:</b> Agricultural Activities; Keeping/Boarding of Large Livestock  <b>Commercial/Retail:</b> Bed &amp; breakfast **; Home businesses and occupations **; Solar Panels - Private Use (roof only), Wind powered water/air pumps; Wireless communication facilities and/or cell towers **</p>
<p>Special Use Permit Required (SU)</p>	<p><b>Accessory Uses:</b> Outdoor wood burning boilers (furnaces)  <b>Agriculture:</b> Veterinary Clinic/Office  <b>Public Institutions:</b> Churches; Educational institutions; Historic interpretative sites; Libraries; Municipal building and/or uses; Organizations, groups, clubs, &amp; other similar entities.  <b>Commercial/Retail:</b> Arts/crafts studios; Automated banking facility (ATM); Business &amp; professional offices; Campgrounds; Conference centers; Daycare facilities; Fraternal or social organizations Health care facilities, medical &amp; dental clinical offices; Health clubs; Landscape or garden shops and commercial greenhouses; Museums; Rental storage facilities; Retail uses; Contractor’s storage and equipment yards; Solar Panels - private use (ground mounted only);  <b>Industrial:</b> None</p>
<p>Limited Aerial Location for Special Use Permit Required.                      See keys pg. 185 Def. # (3)</p>	<p><b>Commercial/Retail:</b> Automobile/truck fueling stations (with/without Auto repair services, convenience stores or car washes); Bars, taverns or pubs; Restaurants</p>

Permit Types Required	Business Types (cont'd)
Not Permitted	<p><b>Agricultural:</b> Farm-based wineries, breweries &amp; distilleries.</p> <p><b>Commercial/Retail:</b> Adult Entertainment; Banks; Billiard parlors; Bowling alleys;; Business support services; Commercial recreational facilities Cemeteries; Commercial Junkyards; Convenience stores with gas pumps; Dog (animal) boarding kennel; Dog breeding kennel; Drug stores; Farm Winery, brewery, distillery; Funeral homes; Garages, body shops; Golf courses; Hardware stores; Hiking and/or cross country ski trails; Hospitals or nursing homes; Hotels, inns or motels; Light industrial or manufacturing facilities; Movie theaters; Packaging &amp; delivery services; Personal services establishments; Sale of automobile parts and supplies;</p> <p><b>Industrial:</b> Drilling (except for residential water supply); Excavations and Soil Mining (large scale); Sawmills, small; Solar Energy Systems - large scale; Truck terminals; Warehouse or wholesale operations; Wind Energy Systems - wind farms; Wind powered turbines, single, private use.</p>

Refer to Appendix A for district comparison information.

§405-3. Table For Required Lot Specifications - HR District

Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back-to-Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
Provides for medium-density residential development	150 ft.)	175 ft	1 acre	25% (10,890 ft <sup>2</sup> on min. lot)	50 ft <sub>4</sub>	25 ft	50 ft	Height 35 ft <sub>7, 12</sub> & 500 ft <sup>2</sup>

Refer to Appendix B for more comparison information.

§405-4. Additional Regulations - HR District

- A. The use of a free standing, fuel burning outdoor furnace or hot water heater are prohibited.
- B. See Appendices A & B for specific district use and dimensional standards.

§406. District Regulations - Lake Residential (LR) District.

§406-1. Dwelling Permit Requirements - LR District

<b>RESIDENTIAL Uses</b>	
Assisted living centers	Not Permitted
Conservation / cluster subdivisions	Not Permitted
Manufactured housing	Permitted - No SU Required
Manufactured dwelling parks & apartments	Not Permitted
Single -family dwellings	Permitted - No SU Required
Two family dwellings (Duplexes)	Not Permitted

Refer to Appendix A for more comparison information

§406-2. Types of Use Permits Required for Commercial Activities - LR District

<b>Permit Types Required</b>	<b>Business Types</b>
No Special Use Permit Required (P*) (* = see CEO if Site Development Plan Review May Be Required)	<b>Commercial/Retail:</b> Home businesses and occupations ** Solar Panels (roof mounted only in LR district)
Special Use Permit Required (SP)	<b>Public Institutions:</b> Historic interpretative sites <b>Commercial/Retail:</b> Bed & breakfast; Business & professional offices; Commercial recreational facilities Daycare facilities;
Limited Aerial Location for Special Use Permit Required. See keys pg. 185 Def. #(2)	<b>Agriculture:</b> Farm Winery, & Farm Distillery & Farm Brewery <b>Commercial/Retail:</b> Arts/crafts studios; Automated banking facility (ATM); Bars, Taverns or pubs; Billiard parlors; Business and professional offices; Health care facilities, medical & dental clinical offices; Restaurants

Permit Types Required	Business Types (cont.)
Not Permitted	<p><b>Accessory Uses:</b> : Outdoor wood burning boilers (furnaces)</p> <p><b>Agriculture:</b> Agricultural Activities; Dog (animal) boarding kennel; Dog breeding kennel; Keeping/Boarding of Large Livestock; Veterinary Clinic/Office</p> <p><b>Public Institutions:</b> Cemeteries; Churches, Libraries; Municipal building and/or uses; Organizations, groups, clubs, &amp; other similar entities</p> <p><b>Commercial/Retail:</b> Adult Entertainment; Automobile/truck fueling stations (with/without Auto repair services, convenience stores or car washes); Banks; Bowling alleys; Business support services; Campgrounds; Commercial Junkyards; Drug stores; Educational institutions; Conference centers; Fraternal or social organizations; Funeral homes; Garages, body shops or service stations; Golf courses; Hardware stores; Health clubs; Hiking and/or cross country ski trails; Hospitals or nursing homes; Hotels, inns or motels; Landscape or garden shops and commercial greenhouses; Movie theaters; Museums; Packaging &amp; delivery services; Personal services establishments; Rental storage facilities; Retail uses; Sale of automobile parts and supplies; Wireless communication facilities and/or cell towers; Contractors storage and equipment yards; Solar Panels - private use (ground mounted); Truck Terminals; Wind powered water/air pumps; Wind powered turbines - single, private use</p> <p><b>Industrial:</b> Drilling (except residential water supply); Excavations and Soil Mining (large scale); Light industrial or manufacturing facilities; Sawmills; Solar Energy System - large scale, Wind powered turbines, single, private use; Wind Energy Systems - wind farms; Warehouse or wholesale operations; Truck terminals</p>

Refer to Appendix A for district comparison information

§406-3. Table For Required Lot Specifications - LR District

District type and name	Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back-to-Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
<b>Lake Residential (LR) – with lake frontage</b>	Optimize use of Keuka Lake shoreline; protect the quality of lake; preserve character	60' on road and 60' on lake frontage	150 ft	22,000 ft <sup>2</sup> (approx. 1/2 acre)	25% (5,500 ft <sup>2</sup> on min. lot)	25 ft <sub>5,6,8</sub>	8 ft	8 ft <sup>8</sup>	Height 35 ft <sup>7,12</sup> & 500 ft <sup>2</sup>
<b>Lake Residential (LR) - no lake frontage</b>	Protect the quality of lake; preserve character	150 ft	175 ft	35,000 ft <sup>2</sup> (approx. 3/4/acres)	25% (8,750 ft <sup>2</sup> on min. lot)	25 ft <sub>5,6</sub>	12 ft	20 ft	Height 35 ft <sup>7,12</sup> & 500 ft <sup>2</sup>

Refer to Appendix B for more comparison information.

§406-4. Additional Regulations - LR District

- A. Only one (1) Bed and Breakfast with five or fewer guest bedrooms can only be permitted by a Special Use permit.
  - 1) No Bed & Breakfast with more than five (5) guest rooms is allowed.
  - 2) The owner or manager must live on premises when guest rooms are rented.
- B. Any multiple-dwelling developments or subdivisions in the RR, RA or RCO districts that also owns LR district lakeshore that is intended to be used as a solely common recreation area or beach shall have a minimum of sixty (60) feet of lake frontage for each dwelling unit in that multiple-family dwelling unit.
  - 1) Lakeshore property can be used as a "keyhole" to provide access to the lakeshore for residences in the LR district even if they are not considered the "same lot". The lot must be a minimum of sixty (60) feet in width at the waterline and up to the nearest road (East Lake Road or Rt. 54).
- C. No person, firm, company, corporation or other entity shall deed, grant, sell, give, permit or lease a right-of-way or an easement to the lake shore (except for "essential services" such as water or power lines) of less than sixty (60) feet of lake frontage for each dwelling unit served. The minimum required area for a dwelling unit in the LR shall not include the area of any right-

of-way or easement deeded, granted, sold, permitted, conveyed, given, or leased. No accessory structures including docks are allowed based solely on the granting of an essential services agreement.

- D. Joint or individual ownership of one (1) or more parcels of land in districts or municipalities adjacent to the LR sharing ownership in an unoccupied and/or vacant LR lot shall have a minimum of sixty (60) feet of lake frontage in the LR for each dwelling unit of the adjacent Barrington zoning district or other municipality’s lot. No dwelling unit or other structure shall be permitted on such LR lot.
- E. In all instances that require the surveying and/or marking of land resulting in the production of a certified survey map, the licensed surveyor will have at least one Global Position Satellite (GPS) baseline recorded within the property lot to ensure that the survey map can be accurately duplicated in the future.
- F. See Appendices A & B for other specific district use and dimensional standards.

**§407. District Regulations -Rural Commercial Overlay (RCO) District**

**§407-1. Dwelling Permit Requirements - RCO District**

<b>RESIDENTIAL</b>	
Assisted living centers	Special Use permit required
Conservation / cluster subdivisions	Subdivision permit required
Manufactured housing	Permitted - No SU Required
Manufactured dwelling parks & apartments	Special Use permit required
Single -family dwellings	Permitted - No SU Required
Two family dwellings (Duplexes)	Special Use permit required

All underlying District Land Uses allowed, by right, in the Rural Agricultural district are also allowed in the Rural Commercial Overlay Districts.

§407-2. Types of Use Permits Required for Commercial Activities - RCO District

Permit Types Required	Business Types
<p>No Special Use Permit Required (P*)                      (** = see CEO if Site Development Plan Review May Be Required)</p>	<p><b>Agriculture:</b> Agricultural Activities; Keeping/Boarding of Large Livestock; Veterinary Clinic/Office  <b>Public Institutions:</b> None  <b>Commercial/Retail:</b> Arts/crafts studios; Automobile/truck fueling stations (with/without Auto repair services, convenience stores or car washes) **; Home businesses and occupations**; Solar Energy Systems - large scale**; Solar panels - roof &amp; ground, private use; Wireless communication facilities and/or cell towers **</p>
<p>Special Use Permit Required (SP)</p>	<p><b>Accessory Uses:</b> : Outdoor wood burning boilers (furnaces)  <b>Agriculture:</b> Farm-based wineries, breweries &amp; distilleries; Dog (animal) boarding kennel; Dog breeding kennel  <b>Public Institutions:</b> Churches; Educational institutions; Historic interpretative sites; Libraries; Municipal building and/or uses; Organizations, groups, clubs, &amp; other similar entities.  <b>Commercial/Retail:</b> Adult Entertainment; Automated banking facility (ATM); Banks; Bars, taverns or pubs; Bed &amp; breakfast; Billiard parlors; Bowling alleys; Business &amp; professional offices; Business support services; Drug stores; Fraternal or social organizations; Funeral homes; Garages, body shops or service stations; Hardware stores; Health clubs; Health care facilities, medical &amp; dental clinical offices; Hospitals or nursing homes; Hotels, inns or motels; Home businesses/occupations; Landscape or garden shops and commercial greenhouses; Movie theaters; Packaging &amp; delivery services; Personal services establishments; Rental storage facilities; Retail uses; Restaurants; Sale of automobile parts and supplies; Wind powered water/air pumps; Wind powered electric turbines- private use  <b>Industrial:</b> Light industrial or manufacturing facilities; Truck terminals; Warehouse or wholesale operations</p>
<p>Limited Aerial Location for Special Use Permit Required.                      See pg. 185 Def. #(4)</p>	<p>None</p>

Permit Types Required	Business Types (cont'd)
Not Permitted	<p><b>Public Institutions:</b> Cemeteries.</p> <p><b>Commercial/Retail:</b> Campgrounds; Conference centers; Commercial recreational facilities; Commercial Junkyards; Contractor's storage and equipment yards; Daycare facilities; Golf courses; Hiking or cross-country ski trails; Museums</p> <p><b>Industrial:</b> Drilling (except for residential water supply); Excavations and Soil Mining - large scale; Sawmills; Solar Energy Systems - large scale; Wind Energy Systems - wind farms</p>

Refer to Appendix A for district comparison information

### §407-3. Table For Required Lot Specifications - RCO

Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back to Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
Support a range of economic development and business opportunities in the Town of Barrington	150 ft.	175 ft	1 acre	50%	50 ft from highway right-of-way	25 ft	25 ft	35 ft but no more than 2 stories maximum <sup>7, 12</sup> & Min. Size 500 ft <sup>2</sup>

Refer to Appendix B for more comparison information.

### §407-4. Additional Regulations - RCO District

- A. For the purpose of this overlay district, several allowed businesses have distance measurement between a business and other allowed institutions such as schools, churches, or penal institutions. Those separation measurements, usually five hundred (500) feet or greater, shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the noted premises. Among those allowed enterprises that must be separated by set distances are:

- 1) Adult entertainment,
  - 2) Bars, pubs, or taverns or
  - 3) Convenience stores that sell alcoholic or tobacco products.
- B. Within the Rural Commercial Overlay District (RCO), no new construction, not including additions to existing structures, shall be granted a building permit until a Steep Slopes' Storm Water Drainage review by the Yates County Soil and Water Conservation District (YCSWCD) personnel has been performed to determine the suitability of the construction. Such a review will be given special consideration to the impact of development on the natural drainage course of the area. If no action is taken by the YCSWCD within thirty (30) days of receipt of a complete application, this requirement is waived. Failure to observe the recommendations of the YCSWCD shall not be grounds for denial of permit if all other zoning district requirements are met. In all other districts, the review of the impact of a drainage area shall be undertaken, if so requested by the Planning Board, as a requirement for a Special Use permit.
- C. Accessory buildings associated with the permitted principal uses of §407 above such as residential storage building, barn, private garage, boathouse, and/or private greenhouse subject to lot coverage restrictions and setback requirements are permitted. The number of permitted accessory buildings is limited solely on maintaining required setbacks in that relevant underlying district.
- D. Home-based businesses, which require less than five hundred (500) square feet of floor space and minimal additional parking (one space per employee). Two additional off-road parking spaces shall be required for Home Business occupations with a Special Use permit for establishing the Home Business.

#### §408. District Regulations - Dundee Wellhead Protection Overlay District (DWPO)

The Dundee Wellhead Protection Overlay (DWPO) District contains:

- A. Public water well system which pumps water from a sole-source aquifer and
- B. Most of the "highly vulnerable" recharge area for the public water well system's sole source aquifer.

These particular wells supply the majority of the municipal drinking water for the Village of Dundee, and it is therefore important to regulate land uses in this district to protect the public's health, safety and general welfare. The provisions of §408-B (herein below) shall apply to the land development regulations in the Rural Agricultural (RA) District and are in addition to the regulations of the underlying district. The DWPO District is an overlay district in which the underlying zoning district regulations apply with the additional regulations set forth in §408-B being applicable.

§408-1. Dwelling Special Use Permit Requirements - DWPO District

<b>RESIDENTIAL Uses</b>	
Assisted living centers	Not Permitted
Conservation / cluster subdivisions	Not Permitted
Manufactured housing	Permitted - No SU Required
Manufactured dwelling parks & apartments	Not Permitted
Single -family dwellings	Permitted - No SU Required
Two family dwellings (Duplexes)	Not Permitted
Residential accessory uses - Outdoor wood burning boilers (furnaces)	Permitted - No SU Required

Refer to Appendix A for more comparison information.

Most underlying Land Uses are allowed, by right, in the Rural Agricultural district are also allowed in the Dundee Wellhead Overlay District except when restricted potentially by environmental water quality concerns, including all large operations.

§408-2. Types of Use Permits Required for Commercial Activities - DWPO District

<b>Permit Types Required</b>	<b>Business Types</b>
No Special Use Permit Required (P *) (* = see CEO if Site Development Plan Review May Be Required)	<b>Accessory Uses:</b> : Outdoor wood burning boilers (furnaces) <b>Agriculture:</b> Agricultural activities <b>Commercial/Retail:</b> Campgrounds **; Solar Panels - private use (roof mounted only);
Special Use Permit Required (SP)	<b>Agriculture:</b> Farm-based wineries, breweries & distilleries; Dog (animal) boarding kennel; Dog breeding kennel; Keeping/boarding of large livestock; Veterinary clinic/office <b>Public Institutions:</b> Churches; Educational institutions; Historic interpretative sites; Libraries; Municipal building and/or uses <b>Commercial/Retail:</b> Commercial recreational facilities; Daycare facilities; Fraternal or social organizations; Golf courses; Health clubs; Hiking or cross-country ski trails; Home businesses/occupations; Museums; Rental storage facilities; Solar Panels - private use (ground mount only)

Permit Types Required	Business Types (cont.)
Limited Aerial Location for Special Use Permit Required. (6)	<b>Commercial/Retail:</b> Wireless communication facilities and/or cell towers
Not Permitted	<p><b>Public Institutions:</b> Cemeteries; Organizations, groups, clubs, &amp; other similar entities.</p> <p><b>Commercial/Retail:</b> Adult Entertainment; Arts/crafts studios; Automated banking facility (ATM); Automobile/truck fueling stations (with or without Auto repair services, convenience stores or car washes); Banks; Bars, taverns or pubs; Bed &amp; breakfast; Billiard parlors; Bowling alleys; Business &amp; professional offices; Business support services; Commercial Junkyards; Conference centers; Contractors' storage and equipment yards; Drug stores; Funeral homes; Garages, body shops or service stations; Hardware stores; Health care facilities, medical &amp; dental clinical offices; Hospitals or nursing homes; Hotels, inns or motels; Landscape or garden shops and commercial greenhouses; Movie theaters; Packaging &amp; delivery services; Personal services establishments; Restaurants; Retail uses; Sale of automobile parts and supplies; Solar panels - private use (ground mounted); Wind powered water/air pumps; Wind powered turbines, single, private use.</p> <p><b>Industrial:</b> Drilling (except for residential water supply); Excavations and Soil Mining (large scale); Light industrial or manufacturing facilities; Sawmills, small; Solar Energy Systems - large scale; Truck terminals; Warehouse or wholesale operations; Wind Energy System - wind farms</p>

Refer to Appendix A for district comparison information.

§408-3. Table For Required Lot Specifications - DWPO

Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back-to-Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
Protect the municipal water supply for the Village of Dundee	150 ft.	175 ft.	5 acres	10% ( 21,780 sq. ft <sup>2</sup> for min. lot)	50 ft. <sup>4</sup> & Min. 1000 ft from nearest well head	50 ft. <sup>4</sup> & Min. 1000 ft from nearest well head	50 ft. & Min. 1000 ft from nearest well head	Max. Height 35 ft <sup>3, 7, 12</sup> & Min. Size 500 ft <sup>2</sup>

Refer to Appendix B for more comparison information.

§408-4. Definition of DWPO District Boundaries

A. The boundaries of the Dundee Wellhead Protection Overlay (DWPO) District is composed of two (2) subzones, which are established as follows:

1) Wellhead Protection Overlay Districts mapped subzones:

(a) The Wellhead Protection Overlay District is defined and delineated as an Overlay District on the Town’s Official Zoning Map which includes an area of one-thousand (1,000) feet in radius around the present active municipal wells, including the principal production well (#1) and the emergency production well (#2), as have been established and managed by the Village of Dundee, in the adopted report entitled “Dundee Wellhead Protection Study, dated 1996 approved by the New York State Department of Health.

(b) The Wellhead Protection Overlay District is also defined and delineated as an Overlay District on the Town’s Official Zoning Map which includes an area of one-thousand (1,000) feet in radius around a proposed future production well (#3) that is to be located northeast of Rt. 14A and is setback one-thousand (1,000) feet from the right-of-way of New York State Route 14A; and setback five-hundred (500) feet east of Chubb Hollow Road right-of-way; and outside to the delineated floodplain for Big Stream.

2) Aquifer’s “Highly Vulnerable” Wellhead Recharge Area.

- (a) The above described three (3) principal production wells are defined in the report entitled “Dundee Wellhead Protection Study (1996)” by Yates County Planning Department as the area where ground water surface contamination could be directed into the aquifer source serving as a public water supply for the Village of Dundee, New York; and, therefore, such discharge into the ground water in this area could significantly contaminate the Village of Dundee Municipal Water Supply System. The document was not formally approved by the NYS Health Department because this was a scoping study.

#### §408-5. Land Use Development - Building Permits

- A. A development permit shall be required before the start of any excavation, construction, or any other development within the Dundee Wellhead Protection District. Application for the permit shall be made on application forms furnished by the Barrington Code Enforcement Officer and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities. These regulations apply to Agricultural operations also. No building permit shall be granted until approvals are obtained from the Town of Barrington’s Planning Board, the required NYS Health Department permits and the Yates County Soil and Water Conservation District Office.

#### §409 District Regulations - Special Flood Hazard Overlay District (SFHO)

##### §409-1. Relevant SFHO Definitions

Finished Grade Level = The level where the finished grade of the ground intersects the foundation walls of a structure. Height measurements of the structure shall be based on the finished grade level.

Flood Boundary and Floodway Map (FBFM) = an official map of the community published by the Federal Emergency Management Agency as part of a riverine community’s Flood Insurance Study. The “FBFM” delineates a regulatory floodway along watercourses studied in detail in the flood insurance study.

Flood Hazard Boundary Map (FHBM) = An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation data has been provided.

Flood Insurance Rate Map (FIRM) = An official map of the community on which the Federal Emergency Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study = The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary and Floodway Map and the water surface elevations of the based flood.

Flood or Flooding= A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Floodproofing = Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodplain or Flood Prone Area – The land adjoining a river, stream or watercourse, ocean, bay or lake, which is likely to be flooded.

Floodway= The same meaning as “regulatory floodway.”

Functionally Dependent Use = a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, ship building or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Infiltration= The process of percolating storm water into the subsoil.

Lowest Floor = The lowest level, including basement or cellar, of the lowest enclosed area. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement or cellar is not considered a building's “lowest floor”, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this law.

Mean Sea Level = For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations are shown on a communities Flood Insurance Map are referenced.

National Geodetic Vertical Datum = as corrected in 1929, a national vertical control used as reference for establishing elevations within the flood plain.

Start of Construction = The initiation, excluding planning and design, of any phase of a project or physical alteration of a property and shall include land preparation, such as grading, clearing and filling, installation of streets, utilities and/or walkways, excavation for basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages or sheds), storage trailers and building materials.

## §409-2. Specific SFHO Zoning Regulations.

The following Special Flood Hazard Overlay regulations noted shall apply in all parts of lots that contains a SFHO district, in addition to those regulations of the underlying zoning district. The SFHO District is a mapped overlay district delineated on the Official Zoning Map that delineates the 100 year or even 500-year flood Zone. The boundaries for this overlay district are delineated from the maps provided to the Town by the Federal Emergency Management Agency (FEMA) as part of the Town’s National Flood Insurance Program (NFIP) regulations set forth herein. The delineation method used was the outline of the 100-year flood zone.

#### *§409-2.A Flood damage prevention findings*

The Town Board of the Town of Barrington finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Barrington that are located on the SFH Overlay District and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this law is adopted. The regulations enforced under the National Flood Insurance Program (NFIP), updated in 2004, are in addition to the Barrington Zoning Law's §409 and its sub-sections.

#### *§409-2.B. Purpose*

It is the purpose of these sections to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To regulate uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. To require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.
- C. To control the alteration of natural floodplains, stream channels and natural protective barriers.
- D. To control filling, grading, dredging and other development, which may increase erosion or flood, damages.
- E. To regulate the construction of flood barriers which unnaturally divert flood waters, or which may increase flood hazards to other lands.
- F. To qualify for, and maintain participation in, the National Flood Insurance Program.

#### *§409-2.C. Objectives*

The objectives of these sections are:

- A. To protect human life and health.
- B. To minimize expenditure of public money for costly flood control projects,
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, streets and bridges, located in areas of special flood hazard.
- F. To help maintain a stable tax base by providing for the sound use and developments of areas of special flood hazard as to minimize future flood blight areas.
- G. To provide that developers are notified that property is in an area of special flood hazard and;
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

*§409-2.D. Applicability of flood hazard areas*

This law shall apply to all areas of special flood hazards within the jurisdiction of the Town of Barrington as delineated on the FEMA, Federal Insurance Administration Maps identified in §409-5

*§409-2.E. Basis for establishing areas of special flood hazard*

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), or Flood Insurance Rate Map (FIRM) No. 360953C 01-10 dated March 9, 1984, is hereby adopted and declared to be a part of this law. The FHBM or FIRM is on file at the Barrington Town Clerk's office 4424 Old Bath Road, Penn Yan, New York.

*§409-2.F. Construal of provisions*

- A. This Zoning Law is adopted in response to the National Flood Insurance Program effective October 1, 1986 and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.
- B. In their interpretation and application, the provisions of this Zoning Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare and
- C. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

*§409-2.G. Penalties for offenses*

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this law and any other applicable regulations. Any infraction of the provisions of §409-A through §409-T by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates §409-A through §409-T or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than two hundred fifty dollars (\$250) or imprisoned for not more than fifteen (15) days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Barrington from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of §409-A through §409-T for which the developer and/or owner has not applied for and received an approved variance under §409-S and §409-T will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

*§409-2.H. Warning and disclaimer of liability*

The degree of flood protection required by this law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This law shall not create liability on the part of the Town of Barrington, any officer or employee thereof or the Federal Emergency Management

Agency for any flood damages that result from reliance on this law, or any administrative decision lawfully made thereunder.

*§409-2.I. Designation of local administrator*

The Code Enforcement Officer is hereby appointed local administrator to administer and implement this law by granting or denying development permit applications in accordance with its provisions.

*§409-2.J. Development permit **Zoning Law***

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in §409-E. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. The survey must be GPS based and certified with at least one GPS baseline.

*§409-2.K. Application stage*

The following information is required where applicable:

- A. The elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures.
- B. Elevation in relation to sea level to which any nonresidential structure will be flood proofed.
- C. When required, a certificate from a licensed professional engineer or architect that the utility flood proofing will meet the criteria in §409-O.C (1).
- D. A certificate from a licensed professional engineer or architect that the nonresidential flood proofed structure will meet the flood proofing criteria in §409-P. B.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

*§409-2.L. Construction stage*

Upon placement of the latest floor or flood proofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator, usually the Code Enforcement Officer (CEO), a certificate of the as-built elevation of the lowest floor or flood proofed elevation in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. Any further work undertaken prior to submission and approval of the certificate shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be caused to issue a stop-work order for the project unless immediately corrected.

*§409-2.M. Duties and responsibilities of local administrator*

The duties of the local administrator, the Code Enforcement Officer (CEO), shall include, but not be limited to, the following:

- A. Permit application review. The local administrator shall:

- 1) Review all development permit applications to determine that the requirements of this Zoning Law have been satisfied.
  - 2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
  - 3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this Zoning Law, "adversely affects" means physical damage to adjacent properties. A hydraulic engineering study may be required of the applicant for this purpose.
    - (a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this law.
    - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
  - 4) Review all development permits for compliance with the provisions of §409-O.E (Encroachments).
- B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with §409-5 (Basis for establishing area of special flood hazard), the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to §409-15.D.(4) in order to administer §409-16, Specific standards, and §409-17, Floodways.
- C. Information to be obtained and maintained. The local administrator shall:
- 1) For all new or substantially improved flood proofed structures.
    - (a) Obtain and record actual elevation, in relation to sea level, of the lowest floor including basement or cellar of all new or substantially improved structures and whether or not the structure contains a basement or cellar.
    - (b) Maintain the flood proofing certifications required in §409-15 and §409-16.
      - (l) Maintain for public inspection all records pertaining to the provisions of this local law including variances, when granted, and Certificates of Compliance.
- D. Alteration of watercourses. The local administrator shall:
- 1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.
  - 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Interpretation of FHBM, FIRM, or FBFM boundaries.
- 1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
  - 2) Base flood elevation data established pursuant to §409-E and/or §409-M.B, when available, shall be used to accurately delineate the area of special flood hazards.

- 3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood information is not available.

F. Stop-work orders.

- 1) All floodplain development found ongoing without an approved development shall be subject to the issuance of a stop-work order by the local administrator. The disregard of a stop-work order shall be subject to the penalties described in §409-G of this law.
- 2) All floodplain development found non-compliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. The disregard of a stop-work order shall be subject to the penalties described in §409-G of this law.

- G. Inspections. The local administrator and/or developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable the local administrator to certify that the development follows the requirements of this.

*§409-2.N. Certificate of Compliance*

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of either the development permit or the approved variance.
- B. All other development occurring within the area of special flood hazard will have upon completion a certificate of compliance issued by the local administrator.
- C. All certificates shall be based upon the inspections conducted subject to §409-M.C. and/or any certified elevations, hydraulic information, flood proofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

*§409-2.O. Flood hazard reduction standards*

In all areas of special flood hazards the following standards are required

- A. Anchoring.
  - 1) All new construction and substantial improvements shall, be anchored to prevent flotation, collapse, or lateral movement of the structure.
  - 2) All manufactured homes shall be installed using methods and practices that minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
  - 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Utilities.

- 1) Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- 2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters
- 4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- 2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either fifty (50) lots or five (5) acres. This means that all subdivisions and site plan greater than either fifty (50) lots, or five (5) acres in land are to document on the drawings the flood hazard zone, any base flood data and cite the source (Community Number, Map Panel Number and Effective Date).

E. Encroachments.

- 1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazards set forth §409-13.A.3) permit review. This may require the submission of additional technical data to assist in the determination.
- 2) In all areas of special flood hazard in which base flood elevation data is available pursuant to §409-13.B or §409-15 .D.4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.
- 3) In all areas of the special flood hazard where floodway data is provided or available pursuant to §409-M. B, the requirements of §409-R, Floodways, shall apply.

*§409-2.P. Specific flood hazard reduction standards*

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §409-4, basis for establishing areas of special flood hazard, and § 409-13.B, Use of Other Base Flood Data, the following standards are required:

A. Residential construction. New construction and substantial improvements of any resident structure shall:

- 1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.

- 2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and
  - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction.

- 1) New construction and substantial improvements of any commercial, industrial, or other nonresidential structure, together with attendant utility and sanitary facilities, shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be flood proofed to the base flood level.
- 2) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
  - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade; and
  - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- 3) If the structure is to be flood proofed:
  - (a) A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is flood proofed.
  - (c) The local administrator shall maintain on record a copy of all such certificates noted in this section.

*§409-2.Q. Construction standards for areas without base flood elevations*

- A. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor (including basement) elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.
- B. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
  - 1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - 2) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.
  - 3) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

*§409-2.R. Floodways*

Located within areas of special flood hazard are areas designated as floodways (see Definitions §202). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by § 409-R.B, all encroachments, including fill, new construction, substantial improvements, and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

*§409-2.S. Flood hazard area appeals*

- A. The Zoning Board of Appeals, as established by Town of Barrington, shall hear and decide appeals and requests for variances from the requirements of this Zoning Law.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this Zoning Law.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such application, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Zoning Law and:
  - 1) The danger that materials may be swept onto other lands to the injury of others.
  - 2) The danger to life and property due to flooding or erosion damage.
  - 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - 4) The importance of the services provided by the proposed facility to the community.
  - 5) The necessity to the facility of a waterfront location, where applicable.

- 6) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
  - 7) The compatibility of the proposed use with existing and anticipated development.
  - 8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
  - 9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - 10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
  - 11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - 12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of the factors of §409-S, Subsection D and the purposes of this Zoning Law, the Zoning Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this law.
- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

*§409-2. T. Conditions for variances*

- A. Generally, variances may be issued by the Town Zoning Board of Appeals for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that §427-S Subsection D have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this law.
- C. Variances may be issued by the Zoning Board of Appeals for new construction and substantial improvements and for other developments and for other development necessary for the conduct of a functionally dependent use, provided that:
  - 1) The criteria of Subsections A, D, E and F of this section are met.
  - 2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- D. Variances shall not be issued within any designated floodway
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to protect the health, safety and welfare of the community and its residents.
- F. Variances shall only be issued upon receiving written findings and determination by the Zoning Board of Appeals:
  - 1) A showing of good and sufficient cause.

- 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor lower than one (1) foot above the flood elevation shall be given written notice from the Zoning Board of Appeals that the probable cost of flood insurance should be commensurate with the increased risk. The written notice is to be part of any resolution issued by the Zoning Board of Appeals and is an acknowledgement that the Town is aware of the dangers of granting relief in these areas of Special Flood Hazard Overlay.

*§409-2.U. – Interpretation, Conflict with Other Laws*

In their interpretation and application, the provisions of the subsection shall be held to be minimum requirements. Whenever the requirements of this subsection are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

## Article V - Supplemental Residential Lot Use Regulations

This section is intended for providing the minimal requirements/regulations for all residential use lots in the Town of Barrington plus providing the additional lot use requirements/regulations for all commercial lots prior to the issuance of a Building Permit. All of these regulations are subject to a Site Plan review by the Code Enforcement Officer. If a Special Use Permit, Sign Permit, or Subdivision Permit is required, then a Site Plan Review along with the Permit Review is required by the Planning Board also.

Permitted supplemental structure(s) and/or uses requiring only COE Site Plan Review and Building Permits required. Meeting setback requirements are required for all structures or uses.

- A. Accessory structures including:
  - 1) Enclosed storage structure behind the front line of the primary residential structure.
  - 2) Boat houses.
  - 3) Garden pergolas.
  - 4) Handicapped access ramp, installed permanently, provided it does not obstruct access to required parking as per §504.
  - 5) Structures for child's playground or playhouse.
  - 6) Structures for plant nursery, home gardens (with garden structures) or greenhouse.
  - 7) Solar Electric Systems - ground mounted as per §611-3.(b).
  - 8) Wind Electric Systems - personal use only as per §614-2.
  - 9) Wind Pumps - personal use only as per §613-2.
- B. Garages, detached, when located behind the residential dwelling's front building line.
- C. Fence, wall or boundary hedge subject to the provisions of §502 .
- D. Decks, patios, and terraces attached or detached, as per §506.
- E. Personal Solar Energy Systems, provided they are located (1) on the roof of the structure and do not cause the structure to exceed maximum building height requirements or (2) ground mounted if they meet setback requirements, as per §523.
- F. Personal Wind Energy Systems allowed only in the RA, RR, RCO or DWPO districts if they meet setback requirements, as per §526.

### §501. Accessory Structures and Uses

Accessory structure and/or use shall be located on the same lot of record as the permitted principal building and/or use. If a permitted principal building and/or use does not exist on a lot of record, an accessory structure or use may be constructed on such lot of record but shall be customarily incidental and subordinate to any future permitted principal building and/or use.

#### §501-1. Relevant Definitions

Yard = A required open space unoccupied and unobstructed by any structure or portion of a structure, except as may be provided in this Zoning Law, from 30 inches above the finished grade level of the lot upward and situated between the principal building or group of buildings and the nearest lot line.

Yard, Front = A yard extending between the side lot lines across the front of a lot adjoining a public street, situated between the street line and the front building line.

- 1) For residences, other than in the LR district, the front of the lot is the lot side on the road where US Mail is received.
- 2) Exception is in the LR district where the front yard for homes between East Lake Road and Keuka Lake where the front yard is defined to be between the house and the lake.

Yard, Rear = An open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot. In case of through lots, the rear yard shall be that yard area directly between the rear line of the building opposite the front of a lot and the required setback from the street line that said rear yard portion is adjacent to. In case of corner lots, the rear yard shall be that yard area directly opposite the yard where the driveway access to the principal structure is located.

Yard, Side = A yard extending between the side building line and the nearest side lot line, situated between the front and rear yards.

## §501-2. Criteria for Determining Whether Use Is Accessory

- A. Use must be subordinate to the permitted principal use. A subordinate use incorporates the requirement that the accessory use be minor in relation to the permitted principal use. The following factors shall be considered in determining whether a use is subordinate:
  1. Purpose and intent of the zoning district. The purpose and intent of the zoning district and the nature of uses allowed as a permitted principal use shall be considered. As written in its definition, an accessory use shall not be a nonconforming use, prohibited use and/or a special use.
  2. Area devoted to the use. The area devoted to the use in relation to the permitted principal use shall be considered. However, the fact that an accessory use occupies less area than the permitted principal use does not necessarily make it subordinate, and the fact that a use occupies more area than the permitted principal use does not necessarily preclude it from being subordinate. For example, on a one-acre lot with a single-unit dwelling as the permitted principal use, gardening would nonetheless be subordinate to the permitted principal use even though the gardened portion of the lot may consume a significant portion of the lot's area.
  3. Frequency of the use. The time devoted to the use in relation to the permitted principal use shall be considered. An occasional/seasonal use, in relation to a year-around permitted principal use, would likely be considered to be subordinate to the permitted principal use. Conversely, a purported year-round accessory use would not be subordinate to a occasional/seasonal permitted principal use.
  4. Active versus passive activities. The relative intensity of the use, and the resulting impacts on the land and the neighboring structures and/or lots of record, shall be considered. For example, as between a landscaping business and a nursery, the landscaping business is often the more intense use because it may have a business office, employees and landscaping vehicles and equipment coming and going, as well as a storage yard where landscaping equipment and materials are stored and equipment is maintained. A nursery,

on the other hand, may be limited to an area where plants are stored and watered until they can be used in the landscaping work.

5. Number of employees and work hours. The number of employees assigned to a use and their work hours shall be a relevant consideration. Although in most cases one may expect that the accessory use will have fewer employees than the permitted principal use, that is not always the case. For example, an equipment storage yard use may have a single employee assigned to work on storage-related activities. However, the maintenance of the stored equipment could be considered to be a permitted subordinate use, even though there are more employees performing equipment maintenance work.
  6. Whether the use is truly subordinate to the permitted principal use or whether it is a different, alternative additional principal use. The use must truly be subordinate to the permitted principal use and not be a different, alternative or additional use. For example, a barn constructed to house heavy construction equipment used solely for construction services is a different, alternative additional use than a farm operation.
- B. Use shall be customarily incidental to the permitted principal use. The term "incidental" incorporates the concept of a reasonable relationship with the permitted principal use. It is not enough that the use be subordinate; it must also be attendant or concomitant. To ignore this latter aspect of "incidental" would be to permit any use which is not a permitted principal use, no matter how unrelated it is to the permitted principal use. The following factors shall be considered in determining whether a use is customarily incidental to the permitted principal use:
1. The size of the lot of record and surrounding land conditions.
  2. The nature of the permitted principal use located at the lot of record, adjacent lots of record and allowed in the applicable zoning district.
  3. Whether the proposed use is customarily incidental to the permitted principal use as determined by the CEO.

### §501-3. Specific Regulations

Accessory buildings are outdoor structures such as an attached or detached garage, sheds, playhouses, storage buildings, pergolas, garden structures, greenhouses, private studios, boathouses, pool houses, cabanas, and other similar buildings associated with residences.

- A. All accessory buildings require Building permits except by specific exemption by the COE.
- B. Accessory structures or uses shall be clearly incidental to the primary structure or use in size, location, and function.
  - 1) No accessory use or structure shall be established or constructed until the primary use or structure is constructed and unless a building permit evidencing the compliance of such use or structure shall have first been issued in accordance with this section. Accessory

uses and structures deemed to be similar in nature and appropriate by the Code Enforcement Officer may also be allowed as a single use

- C. Combined area for accessory buildings shall not exceed five hundred (500) square feet.
  - 1) If one accessory building is a garage, the combination shall not exceed two thousand five hundred (2500) square feet.
- D. No accessory use or structure shall be established or constructed until the primary use or structure is constructed and unless a building permit evidencing the compliance of such use or structure shall have first been issued in accordance with this section.
- E. In RR, HR and RCO districts, no accessory building or structure shall exceed twenty (20) feet in total height.
  - 1) In the LR district, no accessory building or structure shall exceed fourteen (14) feet in total height. This includes non-conforming structures that are "grandfathered" that are being rebuilt after the date of this updated Zoning Law.
  - 2) In the RA and DWPO districts, there are no height limitations associated directly to farming operations related to accessory buildings or structures.
- E. No residential lot accessory building or structure may be used for living/habitable space or contain housekeeping facilities (toilets or kitchens) or be considered a separate residential dwelling.
  - 1) Exceptions to the above regulation is in the RA district, on operational farms, where the accessory structure(s) provide a dwelling unit(s) provided for non-family related employees.
- F. Accessory buildings or structures attached to a principal dwelling building shall comply with the same setback requirements as the related principal building.
- G. Accessory structures and other accessory uses (except fences) not enclosed in an accessory building shall comply with the setback requirements for an accessory building or structure in the district in which the accessory use is located.

## §502. Boundary Line Fences, Walls, and Hedges

### §502-1. Relevant Definitions

Fence = An structure of wood, masonry, stone, metal mesh wire or any other materials manufactured to inhibit unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property, erected for the purpose of assuring privacy or protection.

Fence Panel = The space between the posts.

Mean High Water Level = The approximate average high-water level for Keuka Lake as determined by reference from survey data provided by the United States Geological Service (USGS). According to the New York State Department of Environmental Conservation, the mean high-water level is 715.3 feet for Keuka Lake.

## §502-2. Specific Regulations

Boundary line fences, in addition to objects that can act as a fence such as walls, hedges, and landscape features, along a boundary line are allowable as customary accessory structures in a yard for various purposes, such as aesthetics, personal privacy, property security, providing shade, and obscuring views. For the purposes of this section, "boundary line fences" will refer also to walls, hedges, and landscape features along property boundaries.

- A. All fences shall be located within the established lot area (excluding the highway right-of-way) of the property concerned, with clearance provided for proper maintenance of both the property and/or the fence.
  - 1) Unless a boundary line is mutually shared by property owners, the boundary line fence must be a minimum of two (2) feet from the property line to allow the property owner to maintain the fence on both sides
- B. No fence shall be erected or placed at or near an intersection of any road, street, or driveway in such a manner as to cause a traffic hazard by creating a visibility impairment.
- C. The most finished or decorative side of any fence that is placed, erected, or constructed on a lot shall face outward from said lot toward the adjoining lot(s) or public rights-of-way.
- D. No fence, wall, hedge, or landscape feature along a boundary line shall be designed, placed, or maintained in such a way as to unnecessarily impair other properties' access to air, sunlight, or general view.
- E. Fences, which are located in a front yard or on a corner lot, shall not exceed six (6) feet in height. Fences over six (6) feet in height will require an area variance and, if allowed, it should be designed so as to be able to provide sight into the interior portion of the lot. Fences which are located in a side or rear yard shall not exceed six (6) feet in height unless a different height restriction is imposed pursuant to a variance. In any event, a fence shall not exceed ten (10) feet in height.
  - 1) Decorative caps on fence posts shall not be included in height measurements.
  - 2) For fences on sloping grounds, the measurement of the fence height shall be taken from the up-slope portion of each fence panel/bay. However, the fence height as taken from the down-slope portion of each fence panel/bay shall not exceed an additional two feet from the maximum fence height
- F. Fences that are located in the LR district must be at least twenty-five (25) feet from the mean average highwater mark of Keuka Lake.
- F. No fence shall be placed within a designated floodway.
- G. Fences that are part of an agricultural operation shall have no height limits as long as they do not restrict visibility along public highway/roadways.

## §503. Driveways; Off Road Parking; Ancillary Parking Areas & Loading Zones

In all districts, off-street parking spaces; including driveways, shall be provided in accordance with these regulations for all buildings. Agricultural buildings and accessory structures, which do not generate additional need for off-road parking, are exempted from the requirements of this section.

## §503-1. Relevant Definitions

Ancillary Parking Areas = Extra parking spaces or a parking lot that is not part of the primary automobile or truck parking lot. Usually, the parking that is across a road or property line from the primary business lot.

Flared Driveway Entrance = A widening of a driveway just before it meets the intersecting road to accommodate turning into or out of a driveway

High Occupancy Parking/Loading Requirement = Unusually number of high parking spaces required for customers and employees or loading spaces that exceeds normal space requirements such as:

- 1) Manufacturing facilities (loading/off-loading space),
- 2) Wholesale retail operations (customer parking and loading/off-loading space),
- 3) Service (customer parking),
- 4) High occupancy periods for restaurants, bars, and entertainment operations (customer and employee parking).

Off Road/Off Street Parking = An area of at least 200 square feet with minimum dimension of ten (10) feet by twenty (20) feet.

Parking = An area for the temporary storage or placement of motor vehicles which is at least ten (10) feet wide and twenty (20) feet long with adequate provision for maneuvering and access thereto.

Transition Radius = The minimum radius (distance) required for a car or trunk to turn onto or leave a driveway onto a public road without leaving the pavement or crossing lanes.

## §503-2. Specific Driveways Regulations

- A. All active residential and/or commercial properties are required to provide driveways for a property's entrance/exit from a public road.
- B. Driveways for Single-Family, Duplex and Multiple Family dwellings shall be located and built-in accordance with the following standards:
  - 1) Entrances shall comply with the specifications contained in the New York State Department of Transportation Policy and Standards for the Design of Entrances to State Highways.
  - 2) The angle of entry to the road shall not be less than sixty (60) degrees.
  - 3) In order to cross a ditch or drainage swale, driveway drainage pipe shall be a minimum of twelve (12) inches in diameter and not less than twenty (20) feet in length.
    - (a) Larger pipe sizes may be required to accommodate anticipated drainage flows.
    - (b) Pipe shall be so placed so as to maintain the drainage gradient of the road ditch.
  - 4) There shall be concrete, laid stone, or integral end sections on all culverts, with heights not to exceed driveway elevations.
- C. Driveway permits are required for all driveways that cross onto the Town, County or State road's right of way.
  - 1) Driveway permits for all driveways crossing onto Yates County or New York State road's right of ways are required from the appropriate County or State department.

- 2) Driveway permits for all driveways crossing onto Town road's right of way are required from the Barrington Highway Department.
  - (a) Permits requiring the installation drainage pipes under the driveway and onto a Town road will also require a "Pipe Installation or Replacement Application".
- 3) Driveway entrances onto Town roads shall be not less than three (3) feet from any property lines nor less than ten (10) feet from the entrance of another driveway.

The following regulations pertain to driveways crossing the Town's right-of-way and onto Town Roads

- A. Driveway grades between the edge of Town road pavement and the lot's setback line shall not exceed twelve percent (12%).
  - 1) Driveways shall have a minimum transition radius of three (3) feet at the highway curb or the equivalent in a flared entrance.
  - 2) Normally, there shall be one drive per parcel; one additional drive may be granted if sufficient frontage exists.
- B. No driveway shall enter a public road where its entrance would be:
  - 1) Within fifty (50) feet of the nearest right-of-way line of an intersecting public road.
  - 2) Located where the sight distance in either direction along the public road would be less than five hundred (500) feet where the posted speed limit exceeds thirty-five (35) miles per hour. Where the posted speed limit is thirty-five (35) miles per hour or less, sight distance shall be not less than two hundred fifty (250) feet.
- C. No property is allowed to fill in any part of the roadway drainage ditch without prior approval by the Barrington Highway Superintendent.
  - 1) If town approved drainage pipe is required and approved for roadway drainage, the maximum length is sixty (60) feet when approved by the Barrington Highway Superintendent or Town Code Enforcement Officer (CEO)
- D. No driveway shall drain into any public road
- E. Typical driveway widths in the Town are:
  - 1) Residential = twenty (20) feet.
  - 2) Agricultural = forty (40) feet.
  - 3) Commercial = sixty (60) feet.
    - (a) The sixty (60) feet for Commercial driveways can be divided into two 30 foot driveways.
- F. The cost to install a drainage pipe to grade in order to cross the Town's highway right-of-way onto the Town highway, as per the construction parameters, shall be borne as follows:
  - 1) Purchase of the drainage pipe will be by the property owner (new construction) whether there is one or more driveways.
  - 1) Barrington Town Highway Department will install it or refund the installation cost if approved by the Barrington Highway Department. Property owner can make installation and repayment arrangements with the owner's contractor.
- G. Town of Barrington is responsible for the installation labor, but not pipe cost or driveway surfacing, for driveway drainage pipes across it's right-of-way to ensure proper installation as follows:
  - 1) Driveways to houses - one (1) thirty (30) foot pipe.

- 2) Driveways to farm buildings on operating farm properties - one (1) forty (40) foot pipe.
    - (a) The installation cost for all other driveways or field access points will be at the property owner's expense and should be borne by a third-party contractor unless the Highway Superintendent agrees to install it with the Town's crew at property owner's expense.
  - 3) Driveways to commercial buildings - one (1) sixty (60) foot pipe for a single access/exit driveway or two (2) 30-foot pipes for 2 access/exit driveways.
  - 4) All other drainage highway pipes and installation plus proper permits will be at the lot owner's cost.
- H. All driveway drainage pipe installations or replacements that connect to Town roads will require a permit for the drainage pipe installation (see Appendix E - Example of Driveway Drainage Pipe Installation Application).

### §503-3. Off-Road/Off-Street Parking & Loading Regulations

- A. Parking on public road or streets within the Town of Barrington is prohibited without a temporary parking or loading/off-loading permit issued by the appropriate Highway Supervisor (Town, County or State).
  - 1) Town Roads:
    - (a) Appendix F - "Right of Way Permit Application, Town of Barrington"
  - 2) Temporary (less than 5 minutes) on-street parking for non-NYS Route 54 streets, is allowed for the LR district only for loading or unloading purposes.
  - 3) For parking purposes in the LR district, other than temporary (less than 5 minutes) parking for loading/unloading purposes, a temporary on-street parking permit is required.
    - (a) see Appendix F - "Right of Way Permit Application, Town of Barrington"
- B. In all zoning districts, each new dwelling unit shall have at least two (2) off-road parking spaces.
  - 1) In the LR district, existing dwellings are not required to have off-road parking, but new dwellings, post the effective date of this law, must have at least enough space to accommodate two (2) vehicles.
- C. Each off-road/off-street parking space shall have minimum dimensions of at least ten feet by twenty feet (10' x 20').
- D. Bed and Breakfasts are required to have one (1) off-road parking space per guest room/personal suite, in addition to the two (2) off-road parking spaces for the resident owner(s) or responsible parties of the Bed and Breakfast.
- E. Home-based businesses in all districts, including the LR District, will be required to have at least two (2) additional spaces (total of at least 4 parking spaces), if considered necessary, to accommodate residential and business use of the lot. The necessary required off-road parking will be determined by the Planning Board in the conditions of the special use permit.
- F. Unless there is no practical alternative, off-road parking spaces shall be designed with maneuvering areas so that vehicles can exit without backing into the road.

- G. New commercial construction in the Rural Commercial Overlay District will be required to address parking needs by use and occupancy identified in the Special Use Permit / Site Plan Review process.
  - 1) One (1) parking space for each employee in the maximum employee work shift for businesses that are not home based and/or will not have on-site customers, or
  - 2) One (1) for the expected maximum customer occupancy plus 1 for each employee in the maximum working shift for retail businesses, or
  - 3) The Planning Board, in granting the relevant Special Use permit, shall take into consideration the unique requirements for off-road/off-street parking as a condition for granting such a permit.

**§503-4. Ancillary Parking Areas**

- A. The intent of ancillary parking is to manage the "overflow" of:
  - 1) Customers' vehicle parking requirements and/or
  - 2) Materials intended for the business(es), including temporary storage
- B. The parking area must be in the same ownership as the lot being served and a covenant to run with the land must be established for as long as the principal use exists for which the ancillary parking area is provided. If the lot is to serve as a shared parking area, a shared parking agreement must be established with a covenant running with the land for as long as the principle uses(s) exist.
- C. There shall be no sales, storage, repair work, dismantling or servicing of vehicles of any kind on the parking lot.
- D. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e., asphalt, concrete, or any other surface that does not release dust or debris).
- E. There shall be a minimum 10-foot buffer strip along all contiguous property lines, landscaped in accordance with development standards for the district if applicable.
- F. Lighting facilities shall be arranged and shielded so that no light will fall on the adjoining property and shall be confined within the boundaries of the parking area.
- G. The Town of Barrington does not allow ancillary parking that would require employees or the businesses' customers to walk across NYS highways (Routes. 14, 54, or 230) where posted speeds and expected car/truck traffic make the crossing the highway too dangerous.

**§503-5. Loading Zones/Truck Parking for Commercial Operations**

- A. At least one off-road truck-loading space shall be maintained on the same parcel for any mixed use or industrial establishment normally receiving or shipping more than one truckload per day. Such space shall be provided in addition to required off-road parking spaces.
  - 1) Unless there is no practicable alternative, loading spaces shall be designed so that vehicles, either tractor-trailers, trucks, or automobiles, can exit without backing onto a public road.

- B. A loading space shall have minimum dimensions of not less than twelve (12) feet in width and seventy-five (75) feet in length, exclusive of driveways and adequate maneuvering areas.
- 1) Height clearance shall be not less than fifteen (15) feet.
- C. Loading spaces shall not encroach on any required front yard, access-way, or off-road parking area, except that parking areas may be used for loading spaces whenever the business is closed.

## §504. Exterior (Outdoor) Lighting

### §504-1. Relevant Definitions

Candle Foot = a unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Glare - In this Zoning Chapter this is a specific measurable and annoying phenomenon to humans and animals that is part of official zoning application forms. It is used as it relates to wind turbines, solar panels, and signs. This effect is (1) the reflections of light off of the turbine blade and turbine housing or solar field panels with an intensity sufficient, as determined in a commercially reasonable manner, to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects. It can also be considered, (2) as in signs, to be the direct light on roadway traffic or on neighbors dwelling.

Light Pollution = is the adding-of light itself to the immediate area. Adverse consequences are multiple; some of them may not be known yet. Scientific definitions thus include the following:

- The degradation of photic habitat by artificial light.
- The alteration of natural light levels in the outdoor environment owing to artificial light sources.
- The alteration of light levels in the outdoor environment (from those present naturally) due to man-made sources of light. Indoor light pollution is such alteration of light levels in the indoor environment due to sources of light, which compromises human health.
- The introduction by humans, directly or indirectly, of artificial light into the environment.

### §504-2. Applicability

The standards for outdoor lighting shall apply to any new construction containing a residential, commercial, or industrial use(s). Such standards are intended to provide safe, convenient, and efficient lighting for pedestrians and operators of vehicles in a manner that mitigates significant adverse impacts typically associated with outdoor lighting and will limit light trespass onto neighboring properties.

#### A. Exceptions:

- 1) Lighting installed by the Town of Barrington in the public highway's right-of-way.
- 2) Holiday decorations.
- 3) Illuminated signs that conform with the sign control regulations prescribed in this Zoning Law.
- 4) Interior lighting.

- 5) Lighting integral to equipment and/or instrumentation, which such lighting was installed by the manufacturer.
- 6) Navigation lights (i.e., airports, docks, heliports, radio/television towers, etc.).
- 7) Outdoor lighting fixtures existing and operative prior to the effective date of this Zoning Law.
- 8) Outdoor lighting used for special events (e.g., carnivals, fairs, weddings, etc.).
- 9) Outdoor lighting installed at farm operations.
- 10) Outdoor lighting mandated by law.

## §504-2. Exterior Light Orientation

- A. Lighting must not be oriented towards adjacent properties, streets, or public sidewalks.
  - 1) All flood lamps shall be aimed so that the main beam is not visible from adjacent properties or the right-of-way.
  - 2) Architectural accent lighting. Outdoor lighting fixtures used to accent architectural features, materials, colors, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features.

## §504-3. Maximum Height of Exterior Light Fixtures

- A. Lighting fixtures shall be a maximum of twenty-five (25) feet in height within parking lots and shall be a maximum of fifteen (15) feet in height within non-vehicular pedestrian areas. Exceptions are:
  - 1) For residences the maximum height is the maximum height of the roof line
  - 2) For recreational and sports field lighting the maximum height is eighty (80) feet.
    - (a) All outdoor recreational and sports field lighting systems shall be designed and certified by a registered design professional
  - 3) Lighting under canopies, such as gas service stations, shall be designed to prevent glare off the site.

## §504-4. Building and Security Lighting

- A. Lighting fixtures shall be designed to direct illumination at the building wall, plantings along the building wall or other intended site features.
- B. Lighting shall be directed away from adjoining properties and the right-of-way.
- C. Wall mounted lighting shall use full cutoff fixtures.
- D. Light directed upward to accent architectural features shall be shielded to avoid night sky light spill

## §505. Exterior Stairs, Landings, Decks, Patios and Trams

### §505-1. Exterior Stairs and Landings

- A. Exterior stairs, not acting as a means of egress from buildings, and their associated landings and decks that are not directly connected to buildings they are treated the same as sidewalks and do not require a side setback.

- B. Exterior stairs attached to the dwelling building should be at least ten (10) feet from the lot boundaries, including the front yard lot line, so not to encroach into the yard setbacks without an area variance.
- C. A landing (associated with a stairway from the top of the bank to the beach area) shall not exceed fifty (50) square feet in area and may be constructed in the LR district at the lakefront and must be at least four (4) feet from the mean high waterline of Keuka Lake. This landing shall not be roofed, nor shall it have railings exceeding the state minimum code in height. The provisions of §4.2.4 of Article IV of this law (FEMA) shall apply. Must meet all set back requirements. Exterior stairs and landings must meet all relevant Code Enforcement and Highway restrictions.
- D. Stairways the LR District constructed from the top of the banks to the beach area at the lake front, which are thirty-six (36) inches or less in width are exempt from zoning regulations in this subsection.

#### §505-2. Decks and Patios

- A. A deck or patio that is unattached to the residential dwelling structure and designed to accommodate an accessory use does not require a special permit, only a building permit.
- B. No patio/deck shall exceed thirty feet in height
- C. No lot coverage shall exceed 20%
- D. The minimum square footage for a patio/deck:
  - 1) On a one-story dwelling structure shall be 600 square feet,
  - 2) For a one-and-one-half-story dwelling, 1,000 square feet,
  - 3) for a two-story dwelling, 1,200 square feet.

#### §505-4. Trams

- A. Trams do not require permitting in all districts except the LR district which requires a Special Use permit.
  - 1) Trams, in all districts, except the LR district, shall be at least five (5) feet from a side lot line.
- B. Trams, in the LR district are permitted by Special Permit
  - 1) For safety reasons, all trams must be designed and certified by a registered design professional.
  - 2) In the LR district, a tram shall be at least ten (10) feet from the side lot line.
  - 3) The lowest terminus level on a tram can be permitted to be located four (4) feet from the Mean High-Water Level at lots of record contiguous to Keuka Lake.
    - i. Will require a NYS DEC permit also to have a tram stop at less than twenty-five (25) feet from the MHWL.

## §506. Garage (Private)

- A. A private garage shall be permitted to be located only in the side or back yards of a property with a residential dwelling if it is in RA, RR, HR, RCO or DWPO districts.
  - 1. If the garage is located on a steep lot of record (equal to or greater than 15% slope) in the RA, RR, or DWPO districts, the garage can be located in the front yard of the residential dwelling.
  - 2. If the garage is located on a steep lot of record (equal to or greater than 15% slope) in the LR district, the garage can be placed either in the front yard or across the road
- B. The garage cannot contain any form of a residential dwelling as defined as containing a kitchen or bathroom.

## §507. Heights (Maximum) for Home Dwellings & Supplemental Structures

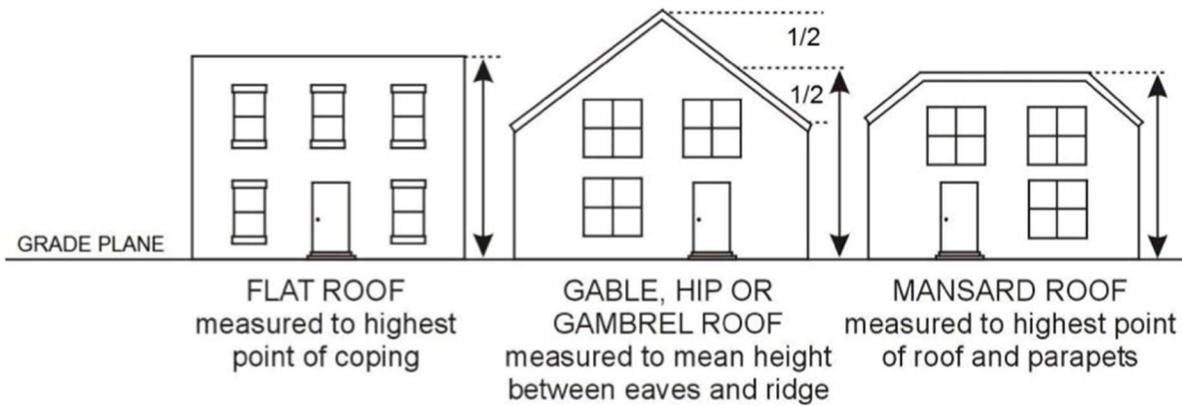
### §507-1 - Relevant Definitions

Height, Building = The vertical distance from grade plane to the top of a flat, shed or mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof.

### §507-2 - Specific Regulations

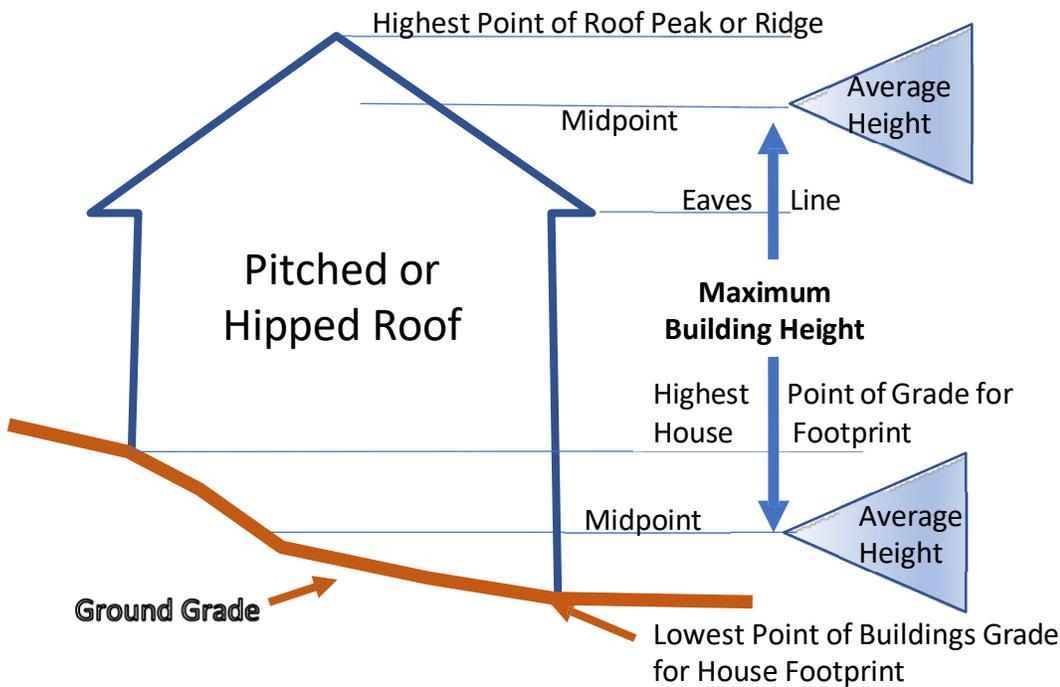
- A. No building or structure shall have a greater number of three (3) stories nor have an aggregate height of greater than of thirty-five feet unless is specifically noted in the permit as a special use.
  - 1. APPENDIX B – Table of Lot Construction Specifications
  - 2. Permitted exceptions to height regulations. The following are permitted exceptions to height regulations: chimneys, cooling towers, silos, elevators, fire towers, gas tanks, grain elevators, steeples, water towers or spires, communications, radio or television towers or necessary mechanical appurtenances which may be erected, as to their height, in accordance with existing or hereafter adopted ordinances of the Town of Barrington, provided that no tower shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations.
  - 3. How dwelling height is calculated starts with roof types and the actual dwelling height will be calculated differently. (see figures below).

## Building Height Varies with Various Types of Roofs



3. Barrington has adopted a building's height calculation method that will help to account for:
- steep ground slopes that can exist under many dwellings and can change height calculations (see the figure below).
  - account for roofs that are pitched more or less steeply.

## Building Height on a Sloped Lot of Record



## §508. Home Businesses and/or Occupations

A home business and/or occupation is one that is operated either in a personal residence or operates on the lot that the personal residence occupies. Agricultural activities do not count as home businesses or occupations in the RA and RR districts.

### §508-1. Relevant Definitions

Business = the activity of earning one's living by producing, buying, or products (goods and services)

Home Business/Occupation = a Home Business/Occupation, including a broad variety of small businesses is one on which the business and or occupation exists on the same lot that the lot owner maintains his home. The home business/occupation shall not be such as to produce offensive noise, vibration, traffic, smoke, dust, odor, heat, glare, or electronic disturbance beyond the property lot it occupies. All home businesses/occupation of the same lot as a residential dwelling require a special use permit

### §508-2. Allowable Occupations & Management

A home business and/or occupation is one that is operated either in a personal residence or operates on the lot that the personal residence occupies. Agricultural activities do not count as home businesses or occupations in RA and RR districts.

- A. Home businesses and/or occupations that can be approved, but are not limited to:
- 1) Agricultural produce sales (not associated with personally grown produce)
  - 2) Agricultural equipment repair
  - 3) Appliance repair.
  - 4) Arts and crafts manufacturing, including artists and sculptors
  - 5) Bicycle shops
  - 6) Computer Programming and/or computer support
  - 7) Clothes making, including dress making, sewing, tailoring and contract sewing
  - 8) Direct sale product distribution (Amway, Avon, Jafri, Mary Kay, Tupperware, etc.) provided there is no production on premises.
  - 9) Pet Grooming
  - 10) Professional services' offices (e.g., attorney at law, dentist, doctor, Drafting and graphic services, financial consultant, insurance agent, real estate agent, registered design professional, etc.)
  - 11) Taxidermy
  - 12) Tradesman's Shop (e.g., carpentry/fine woodworking shop, machine shop, welding shop, etc.)
  - 13) Other businesses and/or occupations that the Planning Board feels will be in harmony with the immediate neighborhood may be permitted.

### §508-3. Specific Regulations & Conditions

- A. Not more than one (1) home occupation or business shall be permitted on a residential lot of record.

- B. All home businesses or occupations will require a Special Use permit.
- C. The operation of a home business or occupation shall in no way change or alter the residential appearance or character of the neighborhood in which it is located.
- D. No objectionable noise, obnoxious odors, vibrations, glare, smoke, fumes, dust or other particulate matter, heat, humidity or electrical or electronic interference detectable outside the business structure shall emanate from the business/occupation or the residential lot it is located on.
  - a. No toxic, flammable, combustible, corrosive, or radioactive material may be used and/or stored on site without Planning Board and Town Board approval.
- E. To ensure that home businesses can adequately meet the needs of residents, customers, staff and the businesses' neighbors, the lot owner needs to provide the following:
  - 1) Adequate off road or off-street parking for residents, customers, and employees.
  - 2) Toilet and water facilities, either in the primary dwelling and/or business.
  - 3) Sufficient lighting to allow safe ingress and egress from the business.
  - 4) Working hours must align with the neighborhood they are located in.
    - (a) In no case shall a home occupation or business be open to the public at times earlier than 7:00 a.m. or no later than 7:00 p.m.
- F. Adequate provisions shall be made for water, wastewater, and the disposal of solid waste, produced by the home business' employees and customers in accordance with any applicable law.
- G. A home occupation located within a single unit dwelling shall not exceed fifty (50%) percent of the gross floor area of such dwelling. However, a home occupation located in an accessory structure is permitted to occupy the entire structure but shall comply with the applicable provisions of this Zoning Law and any other applicable law.
  - 1) Any product inventory and/or supplies shall not occupy more than fifty (50) percent of the gross floor area of the residential dwelling permitted for a home business occupation.
- H. A home business or occupation shall be permitted to have one (1) sign that conforms to the following conditions:
  - 1) A sign for a home occupation shall not be illuminated.
  - 2) A sign for a home occupation shall have a maximum sign area of sixteen (16) square feet on only one side.
  - 3) A sign for a home occupation shall have a maximum height of six (6) feet.

**§508-4 Business Structure Limitations and Number of Employees**

District	Business Building Size	Number of Employees
Rural Agricultural (RA)	as required	max. 4 employees, including family members working in the business.

Rural Residential (RR)	as required	max. 4 employees, including family members working in the business
Hamlet (HR)	max. 500ft <sup>2</sup>	max. 2 employees, including family members working in the business
Lake Residential (LR)	max. 500 ft <sup>2</sup>	max. 2 employees, including family members working in the business
Rural Commercial (RCO)	As required	As required

Other structure limitations and/or setbacks that are listed in Appendix B by district are considered valid and required in those districts.

## §509. Manufactured Dwellings

### §509-1. Relevant Manufactured Dwelling Definitions

Manufactured Dwelling = also includes "Mobile Homes" and "Modular Homes". A factory-built residential dwelling unit designed to be occupied as a single-family dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations and placement on an approved foundation and connections to utilities. Manufactured dwellings must be built after July 15, 1976 and shall meet the National Manufactured Home Construction Safety Standards as set forth by the United States Department of Housing and Urban Development (HUD) and applicable standards of the New York State Uniform Fire Prevention and Building Code (Uniform Code or International Code). This definition specifically does not include so called 'modular home' where the chassis upon which the unit or part of a unit transported is not a part of the structure of the unit itself. This definition specifically includes "single-wide," "double-wide," and "triple-wide" units which have been issued said HUD seal and further includes "mobile home" as that term is used elsewhere throughout this Zoning Law.

Mobile Dwelling = (does not include Recreational Vehicle). A moveable or portable unit, manufactured prior to January 1, 1976, designed, and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide addition cubic capacity as well as two or more towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Mobile home shall mean units designed to be used exclusively for residential purposes, excluding travel trailers. Mobile homes will have the same meaning as "manufactured home" if it was constructed in a factory on or after June 15, 1976, with a label certifying compliance with NFPA, ANSI or a specific state standard.

Mobile Home = (See Mobile Dwelling and Manufactured Dwelling).

Manufactured Dwelling Park or Mobile Home Park or Manufactured Dwelling Subdivision = A parcel (or contiguous parcels) land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for serving the lot (including, at a minimum, the installation of utilities, either final site grade or the pouring a concrete pads and the construction of streets) is completed on or after 2005.

Open Space, Subdivision = (includes Where permanent open space is required as part of a development review (see §704.E) , the calculation of the area of such permanent open space shall not include: requisite setbacks, roads, wetlands designated as protected by the New York State Department of Environmental Conservation; the developable area of any building lot which in no case shall be less than the minimum lot required in the zoning district; nor the area of any storm water management facility, including but not limited to detention and retention ponds, streams, swales, and drainage ditches. Open space for a subdivision may include non-regulated wetlands, floodways, steep slopes,

## §509-2. Manufactured Dwellings (Single Family Dwellings)

A manufactured dwelling or manufactured home; previously known as a “mobile home”, is built on a chassis, is intended to be transportable more than once, and must bear a “HUD seal” issued by HUD (NYS State Dept. Building Standards and Codes, Article 21-B of Executive Law). A “factory manufactured dwelling” or “factory manufactured home”, or commonly known as a “modular home” are simply a dwelling that is built off-site, as opposed to on-site. These dwellings are often called factory-built, system-built or prefab (short for prefabricated) homes.

### §509-2.(a). Zoning Regulations

- A. In all districts, all manufactured dwellings may be placed upon a lot that provides the minimum lot area and setback requirements for a residential dwelling in said district. All manufactured dwellings shall require a Mobile Home/Manufacture Home Permit (see Appendix K), Building Permit and a Certificate of Occupancy.
- B. Manufactured home standards. All manufactured homes installed in the Town of Barrington shall meet the following minimum requirements and have:
  - 1) No fewer than two (2) means of exit.
  - 2) Water and sewage facilities that meet state and local health standards.
  - 3) New York State certification and meet all New York State Uniform Fire Prevention and Building Code requirements.
  - 4) Installation of adequate permanent skirting.
  - 5) Anchoring as may be required on any site located within an area of Special Flood Hazard.

### §509-1(b). Manufactured Dwellings (Homes) On individual Lots

Manufactured dwellings on an individual lot not located in manufactured home parks. Manufactured homes not located in a manufactured dwellings park will be permitted in all districts except the Special Flood Hazard Overlay District, subject further the following conditions:

- A. In all districts, a manufactured dwelling located on a private lot owned by the owner of said manufactured dwellings will be permitted when:

- 1) All of the area regulations for such districts, as listed in Appendix B – Table of Requirements have been complied with.
  - 2) The manufactured home is provided with a stand and support capable of containing the manufactured home in a stable position and with anchors or tie-downs capable of securing the stability of the manufactured home. All components of the anchoring and support system shall be capable of carrying a pound force of four thousand eight hundred (4,800) pounds and must meet NYS Fire Prevention and Building Code requirements, which meets all International Codes.
  - 3) The manufactured dwelling is provided with skirts to screen the space between the bottom of the manufactured dwelling and the ground or the base of the stand. Such skirts shall be of a permanent material and shall provide a finished exterior appearance.
- B. Special necessity. In the AR district and only on land that is part of an active agricultural operation the Planning Board, per NYS Ag and Markets regulations, may issue a Special Use permit for one (1) or more manufactured dwellings to accommodate each employee and their family to be located on land not owned by the occupants of such manufactured homes, provided that:
- 1) The land under the manufactured home is owned by the farm operation property owner
  - 2) All of the requirements set forth in this Subsection A are met, unless specifically waived by the Planning Board. If the Board is going to waive all of the requirements, they must do so by part of a resolution that sets forth their reasoning].
  - 3) Proof is presented to the Planning Board that special necessity exists by reason of:
    - (a) An employer-employee relationship for the farming operation where said farming operation is dependent upon the employee residing upon such farm; or
    - (b) A relationship, by blood or marriage, exists between the landowner and the occupant of the manufactured dwelling occupant who is employed as part of the farm operation.
- C. Interim dwelling. In any district, the Planning Board may issue a Special Use permit for a manufactured dwelling not located in a manufactured home park when such manufactured dwelling is to be used as an interim dwelling during the construction of a permanent dwelling; or in the event that a permanent dwelling has been destroyed or damaged or has been unoccupied as the result of some other conditions. In all such cases said manufactured dwelling shall be removed from the lot within eighteen (18) months from the date of issuance of the special permit and the Building permits. The Special Use permit will expire within three (3) months if a Certificate of Occupancy is issued for the new dwelling. The Planning Board, upon making findings and a determination, may grant an extension thereto for an additional six-month time period.
- 1) Each interim dwelling must be operating within the requirements of the NYS Dept. of Health and the Yates County Soil and Water in regard to potable water and sewage disposal.
  - 2) The maximum number interim dwellings per lot is two (2) dwellings.

### §509-3. Manufactured Home Parks

New manufactured home parks will be a special permitted use in only the RA district along Bath Road and the RCO district along only St. Rt. 14A roads and except where the Special Flood Hazard Overlay (SFHO) District would cover a significant portion of the proposed park. An application for a

Special Use permit for a manufactured home park shall be reviewed by the Planning Board using the Site Development Plan Review process prior to the Special Use Permit review.

A. Environment requirements for manufactured dwelling parks.

- 1) Density and lot size. The density of development in a manufactured dwellings park shall not exceed four and zero-tenth (4.0) units per gross acre. Generally, the manufactured dwelling lots shall have a minimum of six thousand (6,000) square feet and a minimum width of fifty-five (55) feet.
- 2) Separation. manufactured dwellings units may be positioned in a variety of ways within a park, provided that a separation of thirty (30) feet is maintained between units. A drawing of the proposed layout manufactured dwellings units shall be prepared for the Special Use permit.
- 3) Setback. No manufactured dwelling shall be located less than twenty-five (25) feet from the pavement edge of a private street or fifteen (15) feet from the right-of-way of any public street within the manufactured dwellings park. A minimum of twenty-five (25) feet shall be maintained between manufactured dwelling units and any property line abutting an existing public road or highway right of way.
- 4) Road layout and construction. A drawing of the proposed park road layout, including connections to adjacent existing roads or highways, shall be included in all manufactured dwelling plans. Straight, uniform, gridiron patterns should be avoided unless they can be relieved by manufactured dwellings clustering, landscaping, and an interesting open space system. All roads within a manufactured dwellings park shall be at least twenty (20) feet wide and constructed in such a manner acceptable to the Town Highway Superintendent and relevant local fire department(s) when laying out a park.
- 5) Parking. Two (2) off-street parking spaces shall be provided for each manufactured dwelling site. Such spaces may be located on the individual lot or grouped to serve two (2) or more manufactured dwelling sites. Supplemental parking area shall be provided for the storage or temporary parking of travel trailers, campers, boats, snowmobiles, and similar auxiliary vehicles. At no time shall parking be permitted on a park roadway.
- 6) Manufactured home sales area. The display and sale of manufactured homes shall be permitted only outside of the manufactured home park proper but may be contiguous to the park. The sales area will be landscaped and provided with a hard, dust-free surface for the off-street parking of at least six (6) cars and no more than eight (8) dwelling units are displayed at anyone (1) time. No display unit shall be located less than fifteen (15) feet from a public right-of-way. Dwelling units that are already located in the park may be listed and shown for sale without being moved.
- 7) Open space areas and landscaping. A variety of open spaces shall be provided so as to be accessible to all park residents. Such open spaces shall be provided on the basis of five hundred (500) square feet for each manufactured home unit, with a minimum requirement of twelve thousand (12,000) square feet. Part or all of such open space shall be in the form of developed recreation areas located in such a way and of adequate size and shape as to be unusable for active recreation purposes. Said area(s) are to be maintained by the owner of the park.

- 8) Common storage area. Common Storage shall be provided for boats, recreational vehicles, motor vehicle trailers, and similar equipment. Such area shall be screened from view, shall provide adequate security, and shall be sufficient in size to serve the residents of the development.
- 9) Manufactured home stand (foundation). Each mobile home site shall be provided with a stand which will give a firm base and adequate support for the manufactured home. Such stand shall have a dimension approximating the width and length of the home and any expansions or extensions hereto. Well-anchored tie-downs shall be provided on each corner of the stand.
- 10) Patios. Each manufactured home site shall be provided with a concrete patio with a minimum width of ten (10) feet and a total area of two hundred (200) square feet.
- 11) Unit installation. The manufactured home shall be completely skirted within ninety (90) days.
- 12) Skirting Material. Materials used for the skirting shall provide a finished exterior appearance.
- 13) Water Supply. When a public water supply is not available, an approved private supply and system shall be established. Private systems shall provide one hundred fifty (150) gallons per unit per day and be adequate to supply six (6) gallons per minute at a pressure of twenty (20) pounds per square inch to each manufactured home stand. Water connections shall follow details of the Manufactured Home Manufacturers' Association
- 14) Sewage disposal. When public sewage disposal is not available, an approved private on-site wastewater treatment system shall be established in accordance with NYS Department of Health Rules and Regulations. The design and construction of all components of such system shall be subject to inspection and approval of the appropriate health department or local official.
- 15) Solid waste disposal. Provisions shall be made and approved for the storage, collection and disposal of solid waste in a manner that will cause no health hazard, rodent harborage, insect breeding areas, fire hazards or air pollution. Storage of solid waste containers shall be screened from public view.
- 16) Electricity and telephone. The distribution system for electricity, telephone, and TV/internet cable service shall be installed underground and shall comply with the requirements of the utility and telephone company.
- 17) Fuel systems. All manufactured home parks shall be provided with facilities for the safe storage of necessary fuels. All systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- 18) Mail Service. Mailbox locations shall provide safe and easy access for the pick-up and delivery of mail. Mailboxes grouped for cluster delivery will not occur on the public right-of-way.

B. Park Operation, maintenance, and inspection

- 1) Occupancy restrictions. No space shall be rented in any manufactured home park for the placement and use of a manufactured dwelling for residential purposes, except for periods in excess of sixty (60) days. No manufactured dwelling manufactured after July 15, 1976 shall be admitted to any manufactured home park, unless it bears the HUD seal or a data plate to verify its proper construction as issued by the State of New York and the State Code for the Construction and Installation of Manufactured Homes. However, if the

manufactured (mobile) dwelling is pre-1976 and can pass the structural, electrical, and other required inspection standards, it must be allowed to whenever similarly sized dwellings are allowed.

2) Responsibilities of park operator.

(a) The person to whom a Special Use permit for a manufactured home park is issued shall be known as the park operator and shall be responsible for the operation of the park in compliance with this Zoning Law. The Park operator shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.

3) Responsibility of park occupants. The Park occupant shall be responsible for the maintenance of his/her manufactured home and any appurtenances thereto and shall keep all yard space in a neat and sanitary condition.

4) Inspection. It shall be the duty of the Code Enforcement Officer to make necessary inspections required every year for renewal of manufactured home park Special Use permits. Such inspections shall be carried out at reasonable times, after prior notice to the park operator, and in emergencies, whenever necessary to protect the public interest.

**§509-4. Renewal of Special Use Permit for Manufactured Dwelling (Home) Parks**

A. Renewal of Permits. The Code Enforcement Officer shall inspect and may renew a Special Use permit for a manufactured home park every year from the date of first issuance. If, as part of said inspection the CEO determines that the manufactured home park does not meet all conditions of approval granted by the Planning Board, then the CEO shall issue a violation of the permit. The owner of the manufactured home park shall be provided a specific period of time by the CEO to make corrections and bring the park into compliance. Failure to not comply within the specified time period shall cause the Planning Board to conduct a public hearing pending revocation of said Special Use permit. Should the Special Use permit be revoked by the Planning Board then the Code Enforcement Officer shall serve an order upon the holder of the permit in accordance with the provisions of Article IV of this law. The fee for renewal of a Special Use permit shall be per the Schedule of Fees and Fines established each year by the Town Board.

B. Pre-Existing Manufactured Home Parks: If any pre-existing park, at the time of adoption of this Local Law, or thereafter, desires to expand in area, number of units, etc., the conditions of this Local Law shall be complied with. All manufactured home parks shall require a license from the Zoning Officer, pursuant to Local Law #1-75 of the Town of Barrington.

**§509-5 Special Use/Site Plan Checklist Requirements**

<b>Site Development Plan Checklist Requirements from Appendix E</b>	<b>Required to Meet with Planning Board</b>	<b>Optional as Decided by COE</b>
<b>Single Manufactured Dwelling</b>	<b>Not Required; permitted use; building permit only</b>	<b>Not Required; permitted use building permit only</b>

<b>Commercial - Manufactured Dwelling Park</b>	<b>Only permitted use via SU in RA and RCO districts  1, 2, 3, 4, 5(a)-(m), 8, 9</b>	<b>Only permitted use via SU in RA and RCO districts  6, 7</b>
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## §510. Mailboxes

Mailboxes that have been constructed by the lot owner or purchased from a third-party by the lot owner and the mailbox's placement approved by the Barrington Highway Superintendent or CEO must stringently meet the US Postal Service's construction and installation standards. At the same time, the mailbox or mailboxes must either meet the placement of mailboxes along roads maintained by the Town Highway Department, Yates County Highway Department or New York State D.O.T.

### §510-1. - Specific Regulations

- A. The US Postal Service has set nearly all of regulations regarding the
  - 1) The height of a mailbox must be between forty-one (41) inches and forty-five (45) inches from the road surface to the bottom of the mailbox or point of mail entry.
  - 2) Installation and painting of curbside mailboxes,
  - 3) The mailboxes' posts and/or supports, and
  - 4) Their permitted locations and if appropriate,
  - 5) Their grouping into single location.
  - 6) Meeting these regulations is the responsibility of the lot owner and is not a responsibility of the Town.
- B. The town requires all mailbox placements meet the following requirements:
  - 1) Mailboxes must be placed off of the public roads and the roadway shoulders to the extent they are beyond the road's right-of-way and do not interfere with snow removal or snow "storage" (NYS Highway Law §319) (see Appendix I). This will decrease the occurrence of snowplow damage (winter) and be out of the way for shoulder repair work (summer).
    - (a) The minimum distance from the edge of the paved portion of the road shoulder to the front of the mailbox is three (3) feet.
    - (b) See Appendix I.
  - 2) Actual placement of the mailbox must be approved by Highway Superintendent or the Code Enforcement Officer before it is installed. Failure to have the mailbox placement approved before installation may result in having to move the mailbox to an acceptable distance from the road.
    - (a) Cost of moving mailbox is the responsibility of the landowners.
    - (b) If the mailbox placement interferes with immediate snow removal or the right of-way storage of the plowed snow on the Town's roads, the mailbox can be removed immediately by the Town to do snow removal that day.
- C. Town has little or no regulations in the manner that the landowners or residential/commercial renters construct their mailboxes. However, if mailboxes are constructed in a manner approved by the Highway Superintendent or COE in order to "swing away" out of the way of snowplows or a road crew's road shoulder work (see Appendix I) and they are damaged by the crews, the Town will replace them at the Town's cost.

- 1) The Town Highway Superintendent or Town COE must approve the placement and construction prior to any damage incurred.
- 2) If a plastic constructed mailbox is used in a "swing away" installation and is damaged it will not be replaced by the town; it must be metal.
- 3) The replacement of mailboxes only covers the cost of a "generic" mailboxes.
- 4) Barrington's Highway Superintendent can provide much more detailed diagrams of the materials and construction of the "reimbursable" mailboxes.

## §511. Outdoor Wood Burning Boilers (Furnaces)

- A. Outdoor wood burning boilers or furnaces are permitted under Special Use permits as follows in the Barrington zoning districts:
  - 1) All of the Rural Agricultural District.
  - 2) All of the Rural Residential District.
  - 3) Not permitted in the Hamlet Residential District.
  - 4) Not permitted in the Lake Residential District.
  - 5) Permitted in the Rural Commercial Overlay District by Special Use permit.
  - 6) Permitted in the Dundee Wellhead Overlay District.
- B. All residents within the RA, RR, RCO and DWPO districts with outdoor wood burning boilers will conform to the fuel use limitations and nuisance provisions of 6 NYCRR Part 247.
- C. Emission limits and setback and stack height requirements are established for new outdoor wood burning boilers (OWBs) by the manufacturer and must be complied with by the users.

## §512. Property Maintenance, Personal Junk Storage and Outdoor Storage

By adoption of this section, the Town of Barrington declares its intent to regulate and control the storage of materials and the maintenance of property, as per the 2020 NYS Property Maintenance Code, Section 304 Exterior, and to specifically regulate the storage of "junk" on residential property. The Town Board hereby declares that a clean, wholesome, and attractive environment is of vital importance to the continued general welfare of its citizens and that junk and junkyards can constitute a hazard to property and persons and can be a public nuisance.

### §512-1. Relevant Definitions

#### Junk:

- A. A broad-based definition: Non-functioning or poorly functioning manufactured products, or other waste (unwanted or unusable materials. Waste is any substance which is discarded after primary use, or is worthless, defective and of no use).
- B. Junk may be any product that is:
  - 1) That may be used again in some altered or repaired form.
  - 2) That is secondhand, worn, or discarded articles, including clothing.
  - 3) something of relative, "remaining poor quality" to the general public.
  - 4) something of little meaning, worth, or significance to the general public.

- C. Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, off-road recreational vehicle, boat, watercraft, dock, float, trailer, agricultural equipment, or similar object which is abandoned, demolished, discarded, dismantled or so worn, deteriorated or in such a condition as to be generally unusable in its existing state that is stored upon property located within the Town of Barrington. This definition shall include but shall not be limited to scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts, and used tires. This definition does not apply to farm machinery that is stored on an actively farmed site and governed further by New York State Agriculture and Markets Laws.

Waste = Constitutes any material temporarily or permanently discarded or unwanted and not stored in a vermin proof, sealed enclosure, or structure for subsequent disposal.

### §512-2. Specific Regulations

- A. Outdoor storage of any type of waste, as defined above in §510-1 shall not be allowed to be stored in the front yard of any residence.
- B. All outdoor storage of waste in the side or back of a residential lot shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residences.
  - 1) Screening shall be of sufficient height and density to completely hide the waste storage from public view.
- C. The outdoor storage or deposit of any of the following shall constitute the storage of junk and will require a time limited Special Use permit for a Private/Personal "Junkyard".
  - 1) Two (2) or more junk (non-operable) motor vehicles, including watercraft.
  - 2) Two (2) or more abandoned or inoperable appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, and televisions.
  - 3) Two (2) or more abandoned or irreparably damaged pieces of indoor furniture including but not limited to sofa, lounge chairs, mattresses, bed frames, desk, table, chairs, and chests of drawers.
  - 4) Any combination of the above or parts of the above that total two (2) or more.
- D. Organic waste, other than leaves, brush or wood, must be legally removed from property unless stored in vermin proof, sealed enclosure or structure for subsequent disposal.

### §512-3. Penalties for Non-compliance

The penalties for non-compliance with the regulations §510. Property Maintenance, Personal Junk Storage and Outdoor Junk Storage are outlined in the Fees and Penalties that the Town Board updates annually.

### §513. Recreational Vehicles and Camping Units Storage on a Personally Owned Lot

#### §513-1. Relevant Definitions

Camping Unit = Camping vehicles or tents having less than fifty (50) feet in length, include self-propelled campers (RV's), pop-up campers, camper trailers, tents larger than one hundred

twenty (120) square feet and other property for the intent of being under cover but is not a part of a residential dwelling.

Travel Trailer = a dwelling that is towed behind a road vehicle to provide a place to sleep, eat or relax which is more comfortable and much more protected than a tent.

Motorized Recreational Vehicle (RV) (1). = Any road capable and licensable, motorized vehicle used or arranged to be used for living in or as sleeping quarters, mounted on wheels and movable, propelled either by its own power or drawn by another power vehicle, which can be placed on a lot and used for recreational, camping, or travel purposes for seasonal use. Such as, but not limited to, pickup truck coaches (campers), motor homes, boats, travel trailers, and camping trailers not meeting the specifications for manufactured housing. A recreational vehicle is not designed or permitted for use as a permanent dwelling. For the purposes of this Zoning Law a recreational vehicle shall not be considered to be a dwelling unit.

Recreational Vehicle (2) = recreational equipment, including all-terrain vehicles (ATVs), motorcycles, personal watercraft, and boats.

Non-motorized Recreational Vehicle = Utility trailers for transporting and/or storing of recreational vehicles (2), are considered as non-motorized recreational vehicles and have the same regulations regarding storage as a road capable, motorized recreational vehicle.

## §513-2. Specific Camping Use Regulations

- A. Up to three (3) occupied camping units shall be allowed on a residential lot in the RA and RR districts for up to thirty (30) days with a Camping permit. The property owner must obtain a camping permit to allow a unit to be used on a lot in an RA and RR districts for an additional thirty (30) days. At the end of the second thirty (30) day period, the Code Enforcement Officer will verify the occupied camping unit has been removed or the lot owner will be given a violation.
  - 1) After the thirty-day (30) permit period elapses the fine will be assessed on a per day basis as per the approved Barrington Schedule of Fees & Fines
- B. An occupied camping unit shall be allowed on a residential lot in the LR district, without a Camping permit, for a maximum of seven (7) days. The property owner may apply in advance for a permit to allow said unit to remain on said lot for an additional seven (7) consecutive days for a maximum total of fourteen (14) days as of the date on the camping permit.
  - 1) This regulation applies to the lot and not to the respective camping unit(s).
- C. On a parcel of land located in the RA, RR, HR, RCO and DWPO districts, only two (2) units will be permitted.
- D. No more than one (1) camping permit at any one time shall be granted on a parcel of land located in LR district during the calendar year.
  - 1) After the thirty-day (30) permit period elapses for the permit, a fine will be assessed on a per day basis as per the approved Barrington Schedule of Fees & Fines
- E. The camping unit with a toilet and/or shower and with camping permits issued for a site located in LR district, it is allowed that it can be connected to the same parcel's septic system through existing connections.

- 1) If the camping unit with a toilet and/or shower cannot be hooked up to the parcel's septic system, it must leave the parcel to be emptied every seven (7) days at a facility with waste treatment and disposal facilities.
  - 2) A camping unit with a toilet and/or shower must comply with New York State Department of Health regulations regarding efficient temporary storage of waste treatment and disposal.
- F. In the RA, RR, HR, RCO and DWPO districts, an occupied camping unit must be located at least 300 ft. from the nearest dwelling.
- 1) In the LR district it must be placed an acceptable distance from the nearest dwelling as determined by the CEO.

### §513-3. Specific Storage Use Regulations When Unused

- A. Recreational vehicles, both motorized or non-motorized recreational vehicles, and/or travel trailers/campers can be stored when:
- 1) In garages, barns or other enclosed structures on a residential lot, an unlimited number of recreational vehicle types can be stored.
  - 2) In the any District, they cannot be stored outside when empty or unused within the highway/streets' right-of-way.
  - 3) In the RA, RR, HR, RCO and DWPO districts, they can't be stored outside and be placed closer than twenty-five (25) feet of the property line.
    - (a) In the LR district they cannot be stored when empty or unused within two (2) feet of any property line.
    - (b) Motorized recreational vehicles, either (1) individual recreational vehicles and/or (2) with their associated trailers and/or other non-motorized travel trailers stored in any district may only be stored in the reasonably level portion of the backyard or side yard of a parcel.
  - 4) No camping unit, including motorized recreational vehicles, in addition to non-motorized recreational vehicles (trailers) can be stored in the front yard of any residential lot in the Town.
    - (a) This includes the defined front lot of LR district homes between East Lake Road and Keuka Lake.
    - (b) The exception in the LR district will be boat storage in the front lot if not on a trailer.
- B. All recreational vehicles and/or travel trailers stored outside and/or used as temporary living and/or sleeping accommodations must be operable; be in the condition for its intended use; be in a condition suitable state for registration; and either be registered or have been registered within the past twelve (12) months if such recreational vehicle and/or recreational equipment is required by law to be registered.
- C. No more than one (1) recreational vehicle or travel trailer per parcel may be displayed for sale.
- 1) If a recreational vehicle and/or travel trailers is displayed for sale in front of a residential dwelling (between the residential dwelling and the road(s)), it must be placed in a legal parking space or driveway.

- D. No recreational vehicles and/or travel trailers may be stored on property that is not owned by said recreational vehicle or travel trailer owner, except in a permitted business in the RCO District or outside of the Town of Barrington.

## §514. Signs

### § 514-1. Signs –Intent and Purpose.

The purpose of this chapter is to regulate the construction, maintenance, and placement of signage in the Town of Barrington in a manner to protect the freedom of speech, to distinguish between commercial and non-commercial signage and to promote the health, safety and welfare of the general public in keeping with the rural character of the town and the specific goals and policies of the Town of Barrington as contained in the Comprehensive Plan.

All regulated signs require a standalone "Sign Permit" that will cover the design, installation and/or required maintenance of a sign in all Zoning districts unless noted in §511.B.

### §514-2. Signs—Definitions

A-Frame or Sandwich Board = A freestanding sign not exceeding four feet in height with a face no greater than two feet by three feet of "A-frame" design and which is not illuminated.

Abandoned Sign = A sign, which for a period of at least one (1) year or longer, that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises on which the sign is located

Awning = A sign which is displayed upon a sheet of canvas or other material used to protect from sunlight or rain, which is attached to the face of a building. Also, a sign which is displayed upon a permanent roof-like shelter extending from part of a building face over an entryway.

Banner = A temporary sign constructed of any lightweight canvas-like material, such as cloth, bunting, plastic, paper or similar nonrigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle.

Billboard = Any sign of which the size and/or structure exceeds the maximum size and/or square footage for the district within which it is located.

Canopy = refer to definition of Awning.

Cumulative Square Footage of Signs = The total square footage (length of sign times height of sign) without including the calculation of total sign height (length of sign supports) that includes only the visual or readable portion of a sign. If the sign is two-sided then it is twice the square footage of just one side.

Ground Sign = A sign supported by a foundation, or one or more columns, uprights or braces not attached to or forming part of a building. The bottom of the sign face shall not be more than 7 feet above grade.

Off-premises Directional Sign = signs for the convenience of the general public and for the purpose of directing persons to a business, attraction, or community facility.

Right-of-Way = The area, designated by the Town/County/State Highway Departments, that is to remain free of any structures or encroachments, including signs.

Pennant = see Banner

Portable Sign = Any sign not permanently attached to the ground or other permanent structure, or a sign to be transported, including but not limited to, signs designed to be transported by means of a person or wheels.

Projected Sign = A sign attached to or supported by a building or structure in such a manner that it extends more than 12 inches from the façade.

Roof Sign = Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Sign = Any material, structure, or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building or structure, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include, but not be limited to, any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person, business, organization or cause when such is placed in view of the general public. Any vehicle and or trailer bearing an advertising message that is parked for an extended period of time or in such a manner that it can be construed that the purpose is to function as sign shall be subject to the provisions of this Zoning Law.

Temporary Sign = A sign which is not intended to be used for a period not to exceed 90 days, nor is attached to a building, to a structure, or into the ground in a permanent manner, not to exceed four (4) square feet area on one side or eight (8) square feet total area on both sides combined. Such signs usually being constructed of poster board, cardboard, Masonite, plywood, or plastic material and mounted to wood, metal, wire or rope frames or supports and are easily relocated.

Wall Sign = A sign fastened or applied to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Window Sign = A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen. We also provided a definition for temporary signs that should help clarify the use of such signs and should eliminate the need for a questionable sign and speech designations. We find this definition is preferable to any definitions attempting to classify or distinguish between types of commercial and/or noncommercial speech, which can be problematic. In addition to this definition here is some example language that will help the Town limit the location, number, and size of these types of signs. This language can be adjusted to better fit the Town's needs.

### §514-3. Signs—Sign Regulations Applicable to All Zoning Districts

The Town of Barrington may impose reasonable “time, place and manner” restrictions on signs in order to set forth the circumstances under which signs may be displayed. Restrictions that deal with the size, illumination, location, and manner of posting signs without regard to the content of

the sign are examples of local government enactments likely to be sustained as reasonable time, place and manner sign regulations, provided they advance a legitimate governmental interest.

- A. Maintenance: Signs must be constructed of durable materials and maintained in good condition. If allowed to become dilapidated, they shall be repaired or removed within 30 days, by direction of the Code Enforcement Officer. The Code Enforcement Officer may remove a sign immediately and without written notice if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public.
- B. Height of signs:
  - 1) No sign located on the roof of any building shall be higher than the highest point of the roof.
  - 2) No freestanding sign shall be higher than 20 feet above the ground.
- C. Sign Location:
  - 1) Signs and lighting devices must be arranged so that they do not interfere with traffic control devices. They must comply with state and county regulations when located along state or county roads.
  - 2) No sign shall be so located as to obstruct the vision of motor vehicles or horse and buggies or wagons entering or leaving any highway, driveway or right-of-way or within traffic lanes of any parking area.
  - 3) No signs will be allowed within any Town, County or State highway right-of-way (except for state approved signs where New York State Department of Transportation regulations are in effect).
  - 4) NYS Department of Health has control over signage at public beaches, swimming areas and docks.
  - 5) Freestanding signs or signs attached to fences at approximately eye level, no larger than 2 square feet in area, notifying the public against hunting, fishing, trespassing, swimming, or the presence of dangerous animals, or the like are permitted.
- D. Sign Size:
  - 1) Signs for Home Occupations and Bread and Breakfast in the LR district must be less than ten (10) ft<sup>2</sup> (see definition for Cumulative Square Footage of Signs).
  - 2) Signs for all commercial and agricultural enterprises in all districts except LR and DWPO districts must be less than one hundred less than one hundred (100) ft<sup>2</sup>. (See definition for Cumulative Square Footage of Signs).
    - (a) This regulation does not apply to marquee or awning/canopy signs.
- E. Lighting:
  - 1) Lighting shall be focused directly on the face of the sign which it is intended to be illuminated and shall be shielded so that there is no direct light from the light sources which cast light onto any adjacent highways, or into neighboring properties, or result in excessive light pollution.
  - 2) An internal or external illuminated sign, using the word "open", may be operational only when the related commercial business at is open for business, provided further that it has no more than two colors and is no greater in size than three (3) square feet, and faces the public right-of-way. Only one such sign per premises is permitted.

- (a) If more than one separate business entity, occupying a separate portion of the building is present, each building can have an “Open” sign.
- 3) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.
- 4) Illuminated signs may be turned on only during the hours the business is open.

#### §514-4. Signs—Exempted Signs

These exempted signs are allowed in all districts, a Sign Permit not required.

- A. Permanent house number and name plate signs must comply with the following: (in addition to the requirements of §511-3-A thru §511-3-D)
  - 1) One (1) house number and name plate sign allowed per lot.
  - 2) Along with one house number and name plate sign of the street side of the house, if the lot is on Keuka Lake a second house number and name plate sign is permitted.
    - (a) The sign should be no larger than two (2) square feet in area on one side or four (4) square feet total area on two (2) sides (see definition for Cumulative Square Footage of Signs).
    - (b) The second sign is encouraged and permitted to be attached to the waterside of a dock that meets the Dock and Moorings Law standards so that the property can easily be found along the water in the case of an emergency)
  - 3) The sign is situated within the property lines and mounted on a pre-existing structure.
  - 4) The signs must be non-illuminated and/or a non-flashing sign.
  - 5) Sign is situated within the property lines and mounted on a pre-existing structure, including a fence facing the public road.
- C. Temporary Signs that need to comply with the following: (in addition to the requirements of §511-3-A thru §511-3-D)
  - 1) A sign which is not intended to be used for a period of time to exceed 90 days.
  - 2) A sign that is awaiting installation of a permanent sign, or until the installation of a permanent sign.
  - 3) Temporary sign cannot be attached to a building, to a structure, or into the ground in a permanent manner.
  - 4) Sign does not exceed four (4) square feet area on one side or eight (8) square feet total area on both sides combined.
  - 5) Temporary Signs are usually being constructed of:
    - (a) Poster board, cardboard, Masonite, plywood or plastic material and mounted to wood, metal, wire, or rope frames or supports and is easily relocated.
    - (b) Signs mounted on small trailers, wheels or post stands and is meant to be moveable and that have replaceable letters and often can be back lit.
      - i. A permit for such a portable sign unit shall be required. Upon completion and installation of the permanent sign the permit fee paid for the portable sign shall be applied to the permit fee for the permanent sign.
- D. Notwithstanding any other provision of this code, each parcel of real property shall be allowed, without a permit, an additional thirty-two (32) square feet (see definition for

Cumulative Square Footage of Signs) of temporary non-commercial signage, not to exceed four (4) signs at any one time, for a period not to exceed ninety (90) days per calendar year.

#### §514-5. Signs - Regulations for Permanent Signs (Sign Permit Required)

- A. Location: A free-standing permanent sign located on a lot owned by the owner of the sign shall not be located within the highway or road right-of-way. The sign setback from road right-of-way must be at least 25 feet except for signs along East Lake Road where the setback must be 16.8 feet.
- B. Size: Such sign shall not exceed fifty (50) square feet on one side, or 100 square feet total area on two (2) sides including any sign roof or decorative trim
- C. Lighting:
  - 1) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights.
  - 2) Window signs illuminated from within may be turned on only during business hours
  - 3) Neon or LED signs are only permitted inside buildings where they cannot be readily seen from outside
- D. Quantity: In addition to the primary permanent sign, one non-flashing secondary sign may be erected on the same premises. Secondary sign shall not exceed 20 square feet in area on one side or a total of 40 square feet in area if free standing.
- E. Off premise signs: Signs located on land not owned by the owner of the sign shall be no larger than 50 square feet (see definition for Cumulative Square Footage of Signs). No more than three (3) such signs are permitted per sign owner.
  - 1) Large Off Premise Directional Signs - Same regulations as §511-5 sub-sections A, B and C.
  - 2) Small vehicle traffic directional signs: Signs which indicate entry and exit drive access to a Town of Barrington property or business shall be no more than three (3) feet in height and with each sign face measuring no more than 12 inches in height and 2 feet in length with no more than 6-inch-high lettering of either the word 'ENTER' or 'EXIT' and a short arrow indicating direction of vehicular travel. These signs shall be located outside the road right-of-way.
- F. No permanent sign shall be hereafter constructed, erected or otherwise established, moved, altered or maintained within the limits of the Town of Barrington unless specifically herein permitted ("Sign Permit") and has been obtained in compliance with the provisions of this law.

#### §514-5. Signs—Specialty Signs (Sign Permit Required)

##### *§514-5.(a) Awning or Canopy Sign*

- A. An Awning Sign, or Canopy Sign, shall not project beyond the supporting Canopy
- B. The bottom edge of any Awning Sign shall be at least ten (10) feet above the sidewalk or ground elevation

- C. The Awning Sign to which such Awning Sign is to be attached shall be of a permanent nature and constructed of rigid and substantial materials approved by the Commissioner.

*§514-5.(b) Flag, Pennant or Banner Signs*

Flags, pennant, or banners are meant, in Barrington, to be a temporary sign constructed of any lightweight canvas-like material, such as cloth, bunting, plastic, paper or similar nonrigid material used for advertising purposes attached to any structure, staff, pole, line, framing, or vehicle.

Flags, pennants, and banner signs are commonly regulated under sign regulations because they are easy sign substitutes for other types of signs, especially as temporary signs In the Town of Barrington.

- A. Pennants, flags, and banners, along with streamers, tinsel, balloons, and strings of lights on commercial properties or fluttering devices, except as part of a grand opening or a business are not to be displayed
  - 1) Without a temporary sign permit and
  - 2) Not to exceed 30-day permit.

*§514-5.(c) Ground Sign*

- A. Ground signs will follow the regulations of §511-5. sub-sections A, B and C.
- B. Ground Signs having an open space of more than five (5) feet and less than eight (8) feet between the lower edge of signboard and the ground shall have a substantial horizontal rail between principal supports directly under the sign four (4) feet above the ground.
- C. Ground signs shall be located back from all property lines a distance not less than six (6) feet.
- D. Ground signs shall be securely built, constructed, and erected upon one or more posts or standards which shall be adequately anchored to the ground and braced, if required.
- E. Ground Signs shall not exceed forty (40) square feet in area on any one side and shall not exceed ten (10) feet in any direction.

*§514-5.(d) Projected Sign*

- A. A Projecting Sign or any part thereof shall not project over a property line except that a Projecting Sign may project over a street property line or street building line a distance not to exceed eighteen (18) inches
- B. The bottom edge of a Projecting Sign or of any affixed devices, shall be at least ten (10) feet above grade at the Projecting Sign when located over a street property line or street building line.
- C. A Projecting Sign shall not have advertising in a plane parallel to the surface of the supporting structure
- D. All Projecting Signs shall be located as low on a building as possible, above the store front or main entrance door. A Projecting Sign or a supporting framing shall not project above the eave, parapet wall, or where there is no parapet, above the roof line of the building; nor shall a Projecting Sign or its supports project at any point above the structure to which it is attached. Only one (1) Projecting Sign shall be permitted for each building on a public street frontage except that in a multi-tenant retail building one Projecting Sign shall be permitted at each ground floor tenant space that has direct access from a street. No Projecting Signs

shall be permitted above the ground floor of buildings up to fifty (50) feet or four (4) stories, whichever is lower, above average grade except for buildings fronting on I-287. When the mounting height of a Projecting Sign exceeds fifty (50) feet or four (4) stories, whichever is lower, above the average grade of a building.

*§514-5.(e) Wall Sign*

- A. Wall Signs shall not be painted directly onto the outside face of any building, part of a building or wall.
- B. Wall Signs shall be securely and safely attached to the wall of a building or to the supporting structure by means of corrosive resistant metal anchors, bolts or expansion screws of not less than three-eighths of an inch in diameter or by any method which may be found adequate and approved by the Commissioner. Wall Signs shall not be secured by wooden blocks or anchored with wood, wire, nails or screws.
- C. Wall Sign shall not be permitted to extend more than four (4) inches from the face of its supporting wall over public property, right-of-way, public area or public highway unless the lowest point of said Wall Sign is at least ten (10) feet above the grade under such Wall Sign.
- D. A Wall Sign may project a distance not to exceed fifteen (15) inches from the face of its supporting structure, provided that the lowest edge of such Wall Sign or any affixed device is a minimum of ten (10) feet above grade at the Wall Sign and provided further that the Wall Sign does not project beyond any property line other than a street property line or a street building line.
- E. A Wall Sign shall not obstruct the required door and/or window area of any building, nor shall it be attached to or placed upon a fire escape.
- F. All Wall Signs shall be located as low on a building as possible, above the store front or main entrance door. A Wall Sign or a supporting framing shall not project above the eave, parapet wall, or where there is no parapet, above the roof line of the building; nor shall a Wall Sign or its supports project at any point above the structure to which it is attached. Only one (1) Wall Sign shall be permitted for each building on a public street frontage except that in a multi-tenant retail building one Wall Sign shall be permitted at each ground floor tenant space that has direct access from a street.
- G. All Wall Signs on the same building are to be of a similar height with no new Signs higher than the top of any existing adjoining Sign on that building. This standard shall also apply to Signs on adjacent buildings where relative store front elevations permit. In case of demonstrated hardship the Planning Board may grant exceptions to the foregoing regulation.
- H. Wall Signs shall be permitted only on a street front or face of a building for each corporation or business enterprise per location, except Wall Signs shall also be permitted on a building's face which has direct public access from a public or quasi-public area such as

a parking lot or courtyard when the Signs advertise a business or firm located in the building.

- I. All Wall Signs on the same building are to be of a similar height with no new Signs higher than the top of any existing adjoining Sign on that building. This standard shall also apply to Signs on adjacent buildings where relative store front elevations permit. In case of demonstrated hardship the Design Review Board may grant exceptions to the foregoing building.

**§514-5.(f) Window Sign**

- A. Window Signs may be affixed or otherwise attached to or displayed within a door or other windows of commercial establishments and stores, provided, however, that the aggregate area of all such Window Signs shall not exceed twenty-five (25) percent of the glass area of all windows and doors fronting a public street of each premises or tenant space.
- B. The Planning Board may approve a Window Sign the area of which is greater than twenty-five (25) percent of the glass area of all windows and doors fronting a public street of each premises or tenant space. Approval and installation of a Window Sign described in this Subsection (2) shall require an application
- C. Permanent perimeter or background rope lighting, flexible lighting, neon lighting, series lighting, lighting arranged in patterns, lighting unrelated to communicating the name of the business and other similar applications of window trimming or lighting on any part of a window shall only be permitted if approved by the Design Review Board.
- D. Storefront windows at grade that provide a view from the outside of interior areas that are accessible to the public within any store or premises shall not be permitted to (1) be blocked by merchandise, (2) have opaque glass or (3) be permanently or continuously covered by any window treatment. Such window treatment includes, but is not limited to, blinds, drapes, shades, opaque film or similar material. Blinds, drapes and shades shall not permanently or continuously cover windows and shall only be used at such times as are required to screen customers, patrons and persons from direct sunlight.

**§514-5.(g) Reserve for Additional Sign**

**§514-6. Signs—Billboard Signs (Sign Permit and Special Use Permit required)**

Billboard signs (signs exceeding the size requirements of §513-5-B or not located on land owned by the owner of the sign) shall only be permitted within the Rural Commercial Overlay district and outside of the Route 14A's right-of way and shall require a Special Use Permit in addition to a Sign Permit.

- A. They shall be permitted only for businesses located within the Town of Barrington and outside of the NYSDOT authority. Barrington has adopted the following NYDOT's pertaining requirements that are:
  - 1) Billboard signs must be farther than 300 feet from the next nearest off-premises sign.

- i. Spacing requirements may be waived if the signs are separated by buildings or other obstructions, which only allow one sign at a time to be read from the highway
- 2) The maximum area for any one billboard sign is one hundred (100) square feet (see definition for Cumulative Square Footage of Signs), with a maximum height of 30 feet and a maximum length of 60 feet.

#### §514-7. Signs—Pre-existing Signs

Pre-existing signs that do not comply with these regulations shall be brought into conformity herewith upon any:

- A. Change of ownership of the premises; or
- B. Failure to maintain such sign as required herein; or
- C. If there is destruction or damage of said sign as determine by the Code Enforcement Officer, it may be rebuilt or restored within six-months' time as a nonconforming sign provided further that it is:
  - 1) In the same location as the original
  - 2) Is no larger than the original sign in both area and in height,
- D. Planning Board approval of a sign permit will be required in the event the rebuilt or restored sign is increased in any of these previously stated conditions. The Planning may impose conditions upon such sign permit approval which are determined to bring the non-conforming sign into greater compliance with these sign regulations.; or
- E. By a written determination by the Code Enforcement Officer (CEO) that said sign creates a hazard to the health, safety and welfare of the general public. Any sign determined to create such a hazard shall be removed immediately upon notice being made by the CEO to the property owner of such condition.
- F. No non-conforming sign shall be enlarged, reconstructed, structurally altered or changed in any manner; from the time it became a non-conforming sign without the approval of the Planning Board.

#### §514-8. Signs - Off-Premises Directional Signs

Off-premises directional (OPD) signs for the convenience of the general public and for the purpose of directing persons to a business, attraction or community facility may be erected providing such are limited to name or identification, arrow or direction and distance.

All OPD signs within the Town of Barrington shall comply with the following regulations, standards and uniformity:

- A. Advertising messages and images shall be prohibited.
- B. All OPD sign permits must be renewed on an annual basis
- C. OPD signs shall not be located any private property without the property owner's written consent.
  - 1) OPD sign shall not be located within 15 feet from any adjoining property line.
  - 2) OPD signs shall not obstruct the right-of-way of any roadway.

- 3) OPD Barrington business' community sign structures can incorporate multiple OPD signs representing a variety of different Barrington business establishments.
  - (a) One set of community signs, consisting of a maximum of six OPD signs are permitted at each location.
  - (b) Permits are issued on a "first come, first served" basis.
  - (c) No OPD signs other than those on the Barrington business' community sign structure shall be permitted
- 4) OPD signs may not be located closer than 100 feet from any intersection and must not interfere with the line of sight of any municipal traffic signs(s).
- 5) No OPD sign shall be placed further than seven miles, measured in a straight line, from the location of the corresponding business.
- 6) OPD signs for businesses located outside of the Town of Barrington shall be limited to only one (1) sign.
  - (a) A non-Barrington business OPD cannot be part of a Barrington business' community OPD sign.

#### §514-9. Signs—Required Permit Application

Application for a sign permit shall be made in writing to the Code Enforcement Officer upon forms prescribed by the Town Board and provided by the Code Enforcement Officer. It shall include any fee such as may be prescribed by the Town Board of the Town of Barrington and shall contain the following information:

- A. The name, street address, postal address, email address (if available) and telephone number(s) of the landowner and the applicant on behalf of the landowner.
- B. The location of the building, structure or land upon which the sign is to be erected.
- C. A detailed drawing showing a description of the construction, mounting and electrical details of the sign and showing the letter and/or pictorial matter composing the sign; the position of lighting or other extraneous devices; a location plan showing the position and colored rendering of the sign on any building or land, and its position in relation to nearby buildings or structures and its relationship with the surrounding area.
- D. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, in the event that the applicant is not the owner.
- E. A copy of any required or necessary electrical permit issued for said sign or a copy of the application, therefore.
- F. A copy of any required New York State Department of Transportation approvals or permits if applicable.
- G. The estimated net cost of sign, including the cost of installation.
- H. Eight copies of the application and one of which must be a colored rendering shall be submitted to the Code Enforcement Officer at least 14 days prior to the meeting of the Planning Board at which it is to be considered.

## §514-10. Signs—Review and Appeal

Any person aggrieved by any decision of the Code Enforcement Officer and/or the Planning Board relative to the provisions of this law may appeal such decision to the Zoning Board of Appeals, as provided in the Zoning Law of the Town of Barrington (§614) and shall comply with all procedural requirements prescribed by the Zoning Board of Appeals Board.

## §514-11. Strictly Prohibited Signs

The following signs are prohibited:

- A. Signs which are structurally unsafe or in disrepair.
- B. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, a traffic signal or other road management system that requires line-of-sight.
- C. Beacon signs.
- D. Signs with iridescent or phosphorescent finish.
- E. Signs that display public obscenities or nudity. Especially applies to, but not limited to eye-catching displays of nude or erotic photographs and silhouettes are used by adult businesses to beckon passersby.

## §514-12. Signs—Penalties for Offenses

If, after a notice being issued for a violation of Chapter §5.12. by the Code Enforcement Officer, any person who shall continue to willfully violate or cause to be violated or assist in the violation of any provision of this chapter, shall be subject to conviction of a violation as defined in the Penal Law of the State of New York and shall be subject to a fine of not less than \$100 nor more than \$250 or by a sentence of imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each week that such violation continues shall constitute a separate offense.

## §515. Steep Slopes

## §516. Reserved for Additional Uses

## Article VI - Supplemental Commercial Lot Use Regulations

### §601. Adult Entertainment

#### §601-1. Relevant Definitions

Adult Entertainment - (as an Appendix A - a commercial enterprise). Adult entertainment, as defined for the purpose of this zoning law, is entertainment intended to be viewed by adults only (age limited) and distinguished from family entertainment. The style of adult entertainment may be ribaldry or bawdry. Any entertainment that normally includes sexual content qualifies as adult entertainment, adult movie theaters, sex shops, and strip clubs. The term "adult entertainment business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Adult entertainment business activities include, but not limited to, are:

- 1) Adult arcades - Any place to which the public is permitted or invited wherein electronically or mechanically controlled still or motion-picture machines, projectors, computers, or other image-producing devices are maintained to show images where the images so displayed are distinguished or characterized by the depiction or description of a specified sexual activity or specified anatomical areas.
- 2) Adult cabarets - A building or portion of a building regularly featuring dancing or other live entertainment is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons therein.
- 3) Adult media - Magazines, books, videotapes, movies, slides or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas
- 4) Adult motion picture theater - A building or portion of a building with a capacity of 50 or more persons used for presenting material if such material is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons therein.
- 5) Escort and/or Escort Agency - A person or business association who or which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

#### §601-2. Specific Regulations

- A. All adult use and entertainment establishments within the Town shall be in the RCO district only.
- B. No adult entertainment business, regardless of whether it is the principal or accessory business, may be located with five hundred (500) feet of the following uses which are legally in existence or have received legal authority to locate on a site, lot, or parcel:
  - 1) Any property within in the RCO or RA districts.

- 2) Any area that has two or more single-family and/or multi-family residential uses regardless of the district in which the residential uses are located.
- 3) Any church or church-related organization, public or private educational facility, daycare center, public park or trails system, senior living center or adult care facility, youth facility or community center.
- 4) To determine compliance with the distance requirements of §601-1.B. above, distances shall be measured along a straight line from the building faces or exteriors nearest to each other of the two establishments in question.
  - (a) If a court of competent jurisdiction determines that the distance requirement in subsection B is unconstitutional or unenforceable, then the distance shall be reduced to a length that is constitutional and enforceable.

## §602. Automobile/Truck Fueling Stations

(With/Without an Attached Auto Service, Convenience Store or Car Wash)

### §602-1. Relevant Definitions

Automobile/Truck Fueling Station = Any commercial business that sells gasoline and/diesel to customers. This nomenclature Includes convenience stores, car washes or any other business that also sells gasoline and/or diesel to the public.

### §602-2. Specific Regulations for Fueling Stations

- A. A fueling station with/without an attached auto service facility, car wash and/or convenience store may be allowed, as per Appendix A, only in:
  - 1) the Rural Commercial Overlay District
  - 2) in the Rural Residential District along Rt. 54.
  - 3) in the Rural Agricultural District along Bath Road (Yates County Road 17).
- B. Fueling stations may provide/sell any auto/truck fuel, including:
  - 1) Gasoline
  - 2) Diesel Fuel
  - 3) Kerosene
  - 4) Propane
  - 5) Electric Charging Stations
- C. Fueling stations may or may not, include the following in its enclosed facility:
  - 1) Auto service facility; minor repair or service. specific regulations, see §602-3.
  - 2) Convenience store.
  - 3) Retail sale of food.
  - 4) Minor automotive supplies.
  - 5) Car wash - specific regulations, see §602-2.
- D. Fueling stations are subject to the following regulations:
  - 1) The site plan will include the locations, number, capacity and type of fuel storage tank, the number of pumps to be installed, and the depth to the tanks
  - 2) Fueling stations shall keep continuously posted on the individual pumps or other dispensing device from which such fuel is sold or offered for sale a sign or signs posted on

- such pump or other dispensing device which clearly and legibly states the name, trade name, brand, mark or symbol and grade or quality classification of any such fuel.
- 3) All fuel tanks shall be placed underground and comply with NYS Dept. of Environment Conservation regulations.
  - 4) Minimum Lot Dimensions
    - (a) The minimum lot area shall be two (2) acres.
    - (b) The minimum lot width shall be 250 feet.
    - (c) The minimum lot depth shall be 250 feet.
    - (d) The minimum front setback for the principal structure shall be 50 feet.
    - (e) The minimum side setback for the principal structure shall be 25 feet.
    - (f) The minimum rear setback for the principal structure shall be 50 feet, allowing for underground storage of fuel tanks.
    - (g) Total lot coverage shall not exceed 50%.
  - 5) Fueling station will be under the control of an attendant at all hours of operation.
  - 6) No fuel pump shall be located closer than twenty (20) feet to any side lot line nor closer than twenty-five (25) feet to any highway right-of-way, measured from the edge of the fuel dispensing unit. Fuel pumps will be placed a minimum of 25 feet from any occupied building, either on lot or buildings on adjoining lots.
  - 7) The fuel dispensing pumps will be protected by the following:
    - (a) Fire suppressing system designed to extinguish petroleum-based product fires
    - (b) Fire extinguishers of adequate size and number will be provided at all fuel pumps and within any occupied building.
    - (c) Fire and smoke alarms will be provided at all fuel pumps and within the fueling station and will be capable automatically dialing 911 contacts
  - 8) No access drive shall be located within two hundred (200) feet of and on the same side of a street, or from a school, library, theater, church or other public gathering place, park, playground or fire station located within two hundred (200) feet of said gasoline station.
  - 9) No fueling station shall be within 500 feet of another fueling station.
  - 10) The required site plan will also include a landscaping plan including evergreen trees along the forty (40) foot buffer between any neighboring residential property and the fueling station property.

### §602-3. Car Wash (as part of Automotive/Truck Fueling Station)

Car washes shall be allowed on automotive/truck fueling station sites provided they comply with all relevant fueling station regulations and the regulations applicable specifically to car washes:

- A. All washing facilities shall be contained within an enclosed building.
- B. Vacuuming facilities may be outside of the building but shall not interfere with the free flow of traffic on or off the site.
- C. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e., asphalt, concrete, or any other surface that does not release dust or debris).
- D. Where fuel stations are either a principal use with or an accessory use to the car wash, a separate special use permit shall be required.

- E. In the event a car wash is abandoned, the owner shall immediately remove any outdoor vacuums, and all signs. The owner shall also provide adequate protection against unlawful entry into the building and onto the property and shall close all vehicular entrances to the property. A car wash shall be considered abandoned if it is inactive for a period of 12 consecutive months.
- F. If a Car Wash is intended to be established as a standalone facility it must meet all provisions in §602-3 in additions to §602-2.A, §602-2.E.6) and §602-2.E.8).

**§602-4. Automotive/Truck Service (as part of Automotive/Truck Fueling Station)**

Vehicular service stations, motor vehicle repair shops, and service stations shall comply with the following:

- A. All major auto & truck repair work and servicing shall be done within a completely enclosed building that is separate from any other service the Fueling station has.
  - 1) No automotive or truck repair work shall be done outside of the repair/service facility.
  - 2) The hydraulic lifts and/or oil drainage pit(s) will have to be no closer than fifty (50) feet to any property line
  - 3) Storage of vehicles either waiting on repair or just general storage shall be kept behind the building or out of sight from the road. No junk motorized vehicle or watercraft may be stored outdoor on any gasoline station or repair shop property for a period exceeding sixty (60) days. No more than two (2) such motorized vehicles or watercraft may be stored outside at any one time.
- B. No motor vehicle sales or storage shall be allowed unless a separate special use permit application for such use is approved by the Planning Board.
- C. Any such use shall be buffered from adjacent uses by no less than 10 feet. The buffer area shall be in conformance with Article 4 in order to prevent the unwanted transmission of ` , concrete, or any other surface that does not release dust or debris).
- D. Perimeter landscaping along the street frontage(s) shall not be less than 10 feet in width.
- E. If an Automotive/Truck Service is intended to be established as a standalone facility it must meet all provisions in §602-4 in additions to §602-2.A, §602-2.E.6) and §602-2.E.8).

**§602-5. Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Commercial - Automobile/Truck Fueling Stations</b>	<b>1, 2, 3, 4(a), 4(b), 4(c), 4(d), 4(e), 4(f), 4(g), 4(h), 4(i), 4(j), 5, 6, 7, 8, 10, 11</b>	<b>2, 4(k), 9</b>

## §603. Bed and Breakfasts

### §603-1. Relevant Definitions

Bed & Breakfast = (as an Appendix A commercial enterprise or occupation) Is a commercial establishment that offers overnight lodging accommodation and breakfast. Bed and breakfasts are often private family homes and typically have a relatively small number of guest rooms.

Lot of Record = A lot which is part of an approved subdivision recorded in the office of the County Clerk, or a lot described by metes and bounds, the description of which has been so recorded.

### §603-2. Specific Regulations

- A. Access to the B&B sleeping rooms shall be provided through the main entrance to the bed-and-breakfast portion of dwelling. In addition, no sleeping rooms for transient B&B use shall be located above the second story of a bed-and-breakfast dwelling.
- B. Access to a bed-and-breakfast dwelling shall only be taken from a public road.
- C. Accessory dwelling/living units are not permitted in conjunction with a bed-and-breakfast dwelling.
- D. No cooking facilities (e.g., microwave, or stove) shall be provided or permitted in any B&B portion's sleeping room.
- E. Accommodations at the bed-and-breakfast dwelling shall include breakfast for the guests and included in the charge for the room. No meal other than breakfast may be prepared on the premises for the guests. The owner shall comply with all federal, state, and local requirements for the preparation, handling and serving of food.
- F. An overall bed-and-breakfast dwelling shall have a minimum gross floor area of 2,000 square feet.
- G. A bed-and-breakfast dwelling shall be located on a lot of record that is compliant with the minimum lot area of the applicable zoning district but shall not be less than two acres.
- H. The owner shall have his or her permanent place of abode at the bed-and-breakfast dwelling.
- I. One parking space shall be provided for each B&B sleeping room, which shall be in addition to those required for the owner's dwelling unit.
- J. All parking spaces shall be located at the rear and/or side yards and be designed to facilitate the exiting of vehicles in a forward motion from a lot of record onto the contiguous road.
- K. A buffer shall be installed between all parking spaces and a contiguous lot of record that contains an existing residential use.

§603-3. Special Use Permit Checklist Requirements

Special Use Permit Checklist Requirements from Appendix H	Required Prior to Meeting with Planning Board	Optional Data as Decided by CEO
Commercial - Bed and Breakfast	1,3,4(a), 4(b), 4(c), 4(d), 4(e), 4(j), 7, 8	2, 4(f), 4(g), 4(h), 4(i), 4(k), 5, 6, 9, 10

§604. Campground Accommodations - Commercial

§604-1. Specific Regulations

- A. Access to a commercial campground shall only be taken from a public road.
- B. Buffer. A buffer shall be installed at the perimeter of a campground.
- C. Boundaries of campsites shall be well-defined and permanently marked. In addition, campsites shall meet the following requirements:
  - 1) The maximum capacity of the campgrounds will be:
    - (a) 100 people for commercial campgrounds in the RR and RCO districts.
    - (b) 150 people for commercial campgrounds in the RA district.
    - (c) No commercial campgrounds allowed in the LR and HR districts
  - 2) The density of campsites in a campground shall not exceed an average of 10 campsites per acre inclusive of service roads, service buildings and accommodations, recreational areas, etc.
  - 3) Each campsite, which shall include its parking space, shall provide a minimum of 2,500 square feet of space and shall not be less than 30 feet at its narrowest point.
  - 4) Each campsite shall be identified by number and section. Camping units within a campground shall be required to locate within the designated campsites. It shall be unlawful for more than one camping unit to occupy a single campsite.
  - 5) Each campsite shall be well-drained, with no pooling of water, and shall provide sufficient open and graded space for the accommodation of camping units.
  - 6) Each campsite shall provide a parking space for a vehicle, which such space shall not interfere with the convenient and safe movement of traffic at the campground.
- D. Caretaker office and/or sleeping quarters. A caretaker office and/or sleeping quarters should be provided within a principal building as an accessory dwelling unit, or on a lot of record as a detached single-unit dwelling.
  - 1) The campground will have an on-site person 24 hours per day whenever a campsite is occupied to provide safe operating conditions for all guests.
- E. Interior roads. An interior road located within a campground shall be designed and certified as fire apparatus access roads pursuant to the Uniform Code.
- F. Length of stay. The maximum continuous habitation allowed in a campground is seven continuous months. After seven months, the camper shall vacate from that campground for a minimum of five continuous months.

- G. Lot area. A campground shall be located on a lot of record with a property lot area of 20 acres or more.
- H. Management.
- 1) In every campground there shall be an attendant or person in charge that is responsible for the following:
    - (a) Keep a register of all campers, which shall include the minimum information:
      - i. Names and addresses of each camper
      - ii. Dates of entrance and departure of each camper.
      - iii. License numbers of all vehicles and state that issued such license.
    - (b) Maintain the campground in a safe, orderly, and sanitary condition.
    - (c) Assist emergency response agencies in cases of emergency.
- I. Recreation area. No less than 20% of the gross area of any campground shall be devoted to common recreational areas with facilities, such as playgrounds, trails, swimming pools or community buildings on suitable land for the stated purpose.
- J. Safety.
- 1) The electrical installation and electrical hook-up provided for camping units shall be in accordance with the provisions of the NEC, current edition.
  - 2) If open fires are permitted, there shall be a fireplace or fire pit provided for the building of fires by a camper, which shall be located within a cleared area to aid in fire control.
- K. Service building(s) and accommodations.
- 1) General. A campground shall have a suitable building(s) for housing toilets, lavatories, showers, and slop sinks. The building(s) shall be located to not exceed 200 feet travel distance from any campsite. The building(s) shall be constructed to provide adequate lighting, privacy and ventilation as prescribed by the Uniform Code.
    - (a) The number of plumbing facilities shall be based on the total campground capacity according to the approved site plan.
    - (b) Floors of such buildings shall be of concrete, tile or similar material impervious to water and easily cleaned and drained by means of a floor drain.
  - 2) Garbage and/or rubbish disposal. All garbage and rubbish shall be stored in a suitable watertight as well as animal- and pest-resistant receptacle. It shall be the duty of the owner of the campground to regularly dispose of garbage and rubbish in a sanitary manner.
  - 3) Potable water. A campground shall obtain potable water from a source approved by the NYSDOH. The drinking, cooking, laundry, bath and general water supply for each campsite shall be obtained only from faucets or other plumbing fixtures connected directly to the potable water supply system. Such faucets or water supply fixtures may be either located by each campsite or at centralized watering stations.
  - 4) Public telephone. At least one public telephone shall be provided that is accessible and operational at all times. Such telephone shall be located in the vicinity of the permanent registration center and shall be illuminated at all times.
  - 5) Emergency information sign. A permanent and waterproof emergency information sign shall be installed within the immediate vicinity of the public telephone and shall contain the following information:
    - (a) The name(s) and telephone number of the campground's attendant; and

- (b) The address of the campground; and
  - (c) The telephone numbers of the local emergency medical service, fire department and police department.
- 6) Sewage disposal. A campground shall contain facilities for the proper disposal of wastewater via an approved septic system, legal RV dump station or any other approved system.

**§604-2 Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Commercial - Commercial Campsites</b>	<b>1, 3, 4(a), 4(b), 4(c), 4(d), 4(f), 4(h), 4(i), 4(j), 4(l), 4(k), 6, 7, 8, 10</b>	<b>2, 4(e), 4(g), 5, 9, 11</b>

**§605. Cemeteries**

**§605-1. Relevant Definitions**

Cemetery = A cemetery or graveyard is a place where the remains of dead people are buried or otherwise interred.

Columbarium = a place for the respectful and usually public storage funerary urns holding a deceased's cremated remains.

Mausoleum = a place where cremated remains can be interred in an external, free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.

**§605-2. Specific Regulations**

- A. Cemeteries, for the purpose the burial of human bodies are allowed only in the Rural Agricultural (RA) district and only under a Special Use Permit.
- B. The land used as part of a cemetery must be owned and operated/maintained by either a Barrington church or a privately owned cemetery company.
  - 1) Each individual burial site does not require permit, just the overall land parcel.
- C. Access to a cemetery shall only be taken from a public road.
- D. Caretaker quarters. A caretaker quarters may be provided within a principal building as an accessory dwelling unit, or on a lot of record as a detached single-unit dwelling.
- E. Cemetery-related structures. Cemetery-related structures, such as, but not limited to, mausoleums and columbarium are encouraged in order to maximize the use of interment acreage. Existing cemeteries shall not be required to obtain a special use permit or a use variance for the construction of cemetery related structures.

- F. Compliance with the state law. A cemetery shall comply with state law, such as, but not limited to, Article 15 of the Not-for-Profit Corporations Law of NYS, §§ 450-451 of the Real Property Law of NYS and §4216-4221 of the Public Health Law of NYS. Where, in any specific case, conflicts occur between provisions of this section and such state law, the more restrictive requirement shall govern.
- G. Flood zone. Burial plots or cemetery related structures shall only be permitted in areas outside the five-hundred-year flood zone as prescribed by the Flood Insurance Rate Map of the Town, which is created by FEMA.
- H. Parking spaces. The minimum number of parking spaces as prescribed within this Zoning Law shall not apply to burial plots and cemetery related structures, such as, but not limited to, a mausoleum or a columbarium.
- I. Landscaping and Buffer. A landscaping plan, which includes sizes and types of vegetation, shall be submitted. This plan shall include a buffer located adjacent to all contiguous lots of record containing a residential use. No recreational activities, parking and/or structures shall be allowed in this buffer.
- J. Setbacks. All burial plots as well as cemetery-related structures shall be set back from any lot line in accordance with the minimum yard dimensions for a principal building at the applicable zoning district. In any district where permitted, no burial or memorial plots or buildings shall be located less than fifty (50) feet from a highway right-of-way nor less than fifty (50) feet from any residential lot line, except that when there is maintained a dense evergreen hedge or a wall or landscaped strip, at least six (6) feet in height, affording complete visual screening from all adjacent residential property, burial or memorial buildings of less than six feet in height may be located no closer than twenty five (25) feet from any residential lot line.
- K. Abandonment / Cease Operations. In cases where the operations of a cemetery cease, the maintenance of the cemetery grounds must continue under one of the following conditions:
  - 1) If affiliated with a church:
    - i. The church must assume and continue the future maintenance costs or
    - ii. If the church ceases to exist, the property goes back to the previous owner, and they are responsible for all future maintenance costs.
  - 2) If affiliated with a private corporation, that corporation assumes all future maintenance costs.
- L. Within a reasonable time following the burial, the grave shall be identified by a permanent marker of noncorrosive metal or stone.

**§605-3. Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Commercial - Cemeteries</b>	<b>1, 2, 3, 4(a), 4(b), 4(c), 4(f), 4(h), 4(i), 4(j), 5, 6, 7, 8, 10, 11</b>	<b>4(g), 4(k), 9</b>

## §606. Commercial Dog Kennels (Breeding and/or Boarding)

### §606-1. Regulatory Agencies:

- A. United States Department of Agriculture (United States' Animal Welfare Act (AWA)),
- B. New York State Department of Agriculture and Markets (Articles 7, 26, 26A, 35-D)
  - 1) If dog breeding and eventual sale of individual dogs is expected to be ongoing
- C. NYCRR Part 65, Importation of Dogs from Outside US.
- D. New York Professional Pet Breeder Association

### §606-2. Relevant Commercial Dog Kennel Definitions

Commercial Kennel = Any use on a lot, whether such use is primary or otherwise, wherein five or more dogs, each of which is six months of age or older, are kept or maintained for sale, boarding, breeding, grooming, letting for hire, training or any other purpose involving compensation, whether monetary or otherwise, of any kind.

Dams = Female dogs maintaining breeding capability.

Dog = Male and female, licensed and unlicensed, members of the species "Canis familiaris".

Dog (or other small animal) Boarding Kennel – (as an Appendix A commercial enterprise). A boarding kennel is a structure or shelter for dogs (or other small animals). Used in the plural, the kennels, the term means any building, collection of buildings or a property in which dogs or other animals are housed and maintained.

Dog Breeding Kennel = Any lot or premises of which five (5) or more dogs more than six (6) months old are housed, bred, boarded, or sold.

Exempt Kennel = Any use on a lot for veterinary facility or dog rescue, unless such use includes activities which would be defined herein as a commercial kennel.

Non-Commercial Kennel = Any use on a lot, whether such use is primary or otherwise, wherein five or more dogs are kept or maintained for a purpose other than compensation of any kind.

### §606-3. Application Process

- A. The Planning Board may issue a Special Use permit approval upon a completion of a Special Use Permit Review for any commercial dog kennel if it falls within the following categories:
  - 1) Commercial Kennels
    - (a) Dog boarding kennels,
    - (b) Dog breeding kennels,
  - 2) Exempt Kennels
    - (a) Dog rescue/fostering facilities,
    - (b) Veterinary clinic/veterinary office or animal hospital with kennels for dogs.
- B. The Planning Board must issue final approval for a site plan in accordance with this Zoning Law for such proposed special use for a special use permit can be issued.
- C. Relevant state or federal (Dept. of Agriculture) agency approvals must be established prior to issuing the final Special Use permit.

## §606-4. Specific Regulations

The Town of Barrington Zoning Law, Section 606, and including specific and relevant federal and state agencies listed in §606-1 will control and limit the commercial use of dog kennels. The governing agencies shown in have most of the regulations establishing the standards will apply to all commercial dog kennels. This Zoning Law, §606, repeats several of the regulations of the relevant Federal Dept. of Agriculture and NY State Agriculture and Markets agencies to ensure the consistency in dog facilities is followed and to make the responsibilities of the Barrington Code Enforcement Officer easier to maintain.

- A. Inspectors from the Federal Department of Agriculture will file a copy of the federal report on the relevant commercial dog facility with the Barrington Town Clerk or the Barrington CEO.
- B. Reports by veterinarians on the health of individual dogs or all of the dogs housed in the facility will be asked to forward their comments on the negative or positive nature of maintenance in kennel facilities and the reports will be sent to the Barrington Town Clerk or Barrington CEO and be used to investigate past negative occurrences.

### *§606-4.(a) - Facility Lot Size and Facility Setbacks*

- A. Lot Size - Must meet the lot size requirements for the number of dogs as set out in:
  - 1) The Federal Animal Welfare Act.
  - 2) The NYS Agriculture and Markets Law - Care of Animals by Pet Dealers

### *§606-4.(b) - Animal Housing Facility*

- C. Facility must be designed and constructed of:
  - 1) Suitable materials.
    - (a) Flooring for the dog kennel or separate office facility shall be either solid hardwood (impervious to moisture) or a plastic-coated wire flooring with a minimum of 50% solid flooring which may be required upon the recommendation of any of the regulatory agencies.
      - I. Plastic wire covered flooring is permitted as long as the gauge of openings is small enough to prevent injuries for the size of dog being housed, including newborn puppies.
    - (b) Be structurally sound.
    - (c) Kept in good repair
    - (d) Protect dogs from injury, securely contain the dogs, keep dogs dry and clean.
- D. Facilities must be fully enclosed with the ability to provide shelter from extreme weather conditions including rain, wind, temperatures, and both humidity and odor build up.
  - 1) Temperatures must be maintained above 45<sup>0</sup> F for no longer than 4 consecutive hours.
    - (a) If high temperatures cannot be maintained above 45<sup>0</sup> F then the facility must demonstrate its ability to provide all animals clean, dry bedding.
  - 2) Temperatures must be maintained below 85<sup>0</sup> F for no longer than 4 consecutive hours.
    - (a) If high temperatures cannot be maintained below 85<sup>0</sup> F then all animals must have easy access to outdoors and provide shade from the sun.
    - (b) Temperatures must be kept above 50<sup>0</sup> F if there are newborn or young puppies.

- E. Facility should have at least windows on three sides of building that can be opened.
- F. Fans will be provided for cooling and odor management.
- G. Dog "Runs" that are adequate for daily exercise for individual dogs or group runs for compatible groupings of puppies or adult dogs.
- H. The applicant shall submit a site plan including adequate plantings and buffering that will be provided and maintained to minimize the impact of inherent nuisance such as noise and odor.

**§606-4.(c) - Hours of confinement.**

All dogs shall be confined in a fully enclosed animal housing facility between the hours of 9:00 P.M. to 7:00 A.M.

*§606-4.(d) - Individual Animal Housing*

- A. Cages must have adequate space to allow dogs to turn around, sit, lie down or stand comfortably.
- B. Cages' must meet the following conditions: as a minimum for dogs' type:
  - 1) Minimum floor space is 13 ft<sup>2</sup> .
    - (a) If a dog is longer than 37" the calculation would be: (dog's length (nose to base of tail)) + 6")<sup>2</sup>
  - 2) Minimum height of a cage shall be 40"
    - a. If a dog is taller than 34", the calculation would be: dog's height + 6"
- C. Cage floors must be composed of hard woods and/or impervious surfaces except cement.

*§606-4.(d) - Maintenance*

- A. Housing and exercise areas shall be maintained daily as a clean and waste-free environment.
- B. No excrement, manure or other odor or dust-producing substance shall be stored or disposed of within 100 feet of any lot line.

**§606-5. Facility Inspections and Certificate.**

- A. Prior to commencement of use:
  - 1) The structure shall be inspected by the Code Enforcement Officer for compliance with all laws, ordinances, rules, and regulations applicable.
  - 2) All Inspection reports from the USDA inspector shall be copied and supplied to the Zoning Office.
- B. The owner/operator shall allow inspections by:
  - 1) The Code Enforcement Officer of the Town of Barrington of the operation at unannounced times to ensure compliance with all conditions and requirements set forth by the Town of Barrington.
    - (a) A written report by Code Enforcement Officer shall be filed in Town offices of any inspection.

(b) Violations shall be enforced by the Code Enforcement Officer and/or any of the applicable regulatory agencies in accordance with Section 418-1 of this Zoning Law.

(c) The facility owner will provide the US Dept. of Agriculture's authorization to receive all inspection reports.

- A. The applicant shall submit and maintain proof of compliance with licensing requirements of all applicable regulatory agencies.
- B. The applicant shall comply with the requirements of all applicable regulatory agencies for disposal of deceased dogs.

#### §606-6. Veterinary Care

- A. Each applicant for a kennel or dog facility described above shall provide the name of a fully NYS certified veterinarian who has agreed to attend animals that are to be housed at said kennel or dog facility and submit a letter from that veterinarian containing the following:
  - 2) Confidence in the applicant's ability to properly care for the number of breeding dogs requested in the facility as designed.
  - 3) Instructions for the breeder in proper technique and equipment for any procedure that the breeder are allowed to perform by law.

#### §606-7. Specific Regulations Pertaining to Dog Breeding Kennel

- A. Cages or other suitable enclosures must be large enough for both the dame and/or puppies still weaning to be comfortable during giving birth and during weaning.
  - 1) Minimum floor space for dam and puppies is 16ft<sup>2</sup>.
    - a) Floor space (minimum) = (Appropriate floor space for dam) + (0.5 of dam's appropriate space X number of puppies).

#### §606-7. Failure to Pass Inspections or Failure to Maintain Certification

- A. Failure to pass the regular Inspection Reports from the pertinent licensing bodies and contracted veterinarian(s) can result in having the special permit suspended or cancelled. Inspections that can be expected are as noted below:
  - 1) The US Dept. of Agriculture inspector.
  - 2) NY State Agriculture and Markets Animal Inspector.
  - 3) Regular monthly or bi-monthly veterinarian.
- B. The irregularly timed reports by the contracted and/or attending veterinarian to verify treatment of individual dogs' health and/or safety.
- C. The Town CEO on his/her site inspections.
  - 1) Allowing the CEO access to the facility at the time of the CEO's convenience is a condition for maintaining the Special Permit.
- D. Regular and/or numerous violations from any pertinent licensing body can result in the termination of the Special Use Permit.

**§606-8. Pre-existing Dog Kennels and Dog Breeding Facilities.**

Pre-existing facilities, pre-dating the approval of this Zoning Law, shall be reviewed under the earlier Special Use permit regulations and shall be allowed to function at previously approved small animal capacity.

**§606-9. Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Commercial - Commercial Dog Kennels</b>	<b>1, 3, 4(a), 4(b), 4(c), 4(f), 4(i), 4(j), 5, 6</b>	<b>2, 4(d), 4(e), 4(g), 4(h), 4(k), 7, 8, 9</b>

**§607. Excavations and Soil Mining**

**§607-1. Relevant Definitions**

Excavation, Commercial = (as an Appendix A commercial enterprise). Same as “Mine”. Under the NYS DEC regulations, an “Excavation’ or "Mine" means any excavation from which a mineral is to be produced for sale or exchange, or for commercial, industrial, or municipal use. An excavation includes all haulage ways and all equipment above, on or below the surface of the ground used in connection with the excavation, as well as all lands included in the life of the mine as presented to the Department of Environmental Conservation.

Excavation Site = A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

**§607-2 Specific Regulations**

- A. Excavations and Soil Mining is restricted to the Rural Agricultural District
- B. Reference NYS DOT Environmental Procedures Manual, Mined Land Permit Requirements Chapter 5.2.
- C. Any extraction of soils or minerals from a site that exceed 640 tons in a calendar year are subject to the NYSDEC Mined Land Reclamation Act. The Town may regulate such matters as requiring a Special Use permit in the respective zoning district(s), location of driveways to the site, etc.
- D. Any proposed excavations adversely affecting the natural drainage, or the structural safety of adjoining buildings or lands shall be prohibited. Excavations shall not create objectionable dust or noise, contribute to soil erosion, or create any kind of noxious or injurious substance or condition nor cause public hazard.
- E. All commercial excavation and mining activity shall be by special permit authorized by the Town Board. Such special permit shall be renewed annually, subject to Town Board approval of an operating plan for said activity and a plan for reuse of the excavation area.

- F. A performance bond may be required by the Town Board. The New York State Department of Environmental Conservation in accordance with the State Mined Land Reclamation Law must have first approved any mining activity, and proof of permit must be presented prior to local approval.

**§607-3 Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Commercial - Excavation &amp; Soil Mining</b>	<b>1, 2, 3, 4(a), 4(b), 4(c), 4(d), 4(h), 4(i), 4(j),</b>	<b>2, 4(e), 4(f), 4(g), 4(k), 7, 8, 9, 10, 11</b>

**§608. Farm Winery/Distillery/Brewery/Cidery**

**§608-2. Relevant Definitions**

Agricultural Processing Plant = A large scale facility for the processing of wheats or grains for wholesale distribution. The term does not include Farm winery, Farm distillery, Farm brewery or Farm cidery.

Farm Winery, Farm Brewery, Farm Distillery, and/or Farm Cidery = a farm licensed by the NYS Ag & Markets Dept., under the original 1976 Farm Winery Act or the New York Craft Act of 2014 and modified several times later, for the manufacture of alcoholic wines and/or ciders, beers or distilled alcohols that are manufactured entirely from constituents grown or produced in NYS. The New York State Alcohol Board authorizes the farm(s) to sell its wines, beers and/or grain alcohols to any winery or farm winery and to licensed wholesalers or retailers and to deliver such wines to persons outside of New York pursuant to the laws of the place of such sale and delivery. No further license required to sell wine, cider, beer/ale, or liquors by the glass.

Farm Distillery - any place or premises located on a farm in New York state in which liquor is manufactured and sold, or any other place or premises in New York state in which liquor is manufactured primarily from NYS farm and food products. Farm distilleries can only produce less than 75,000 gallons of finished product per year.

Farm Brewery - a beer must be made primarily from at least 60% hops and an 60% average of all other ingredients and produce less than 75,000 barrels of finished product per year.

Farm Winery - The winery produces wines and/or ciders/braggot produced from 60% of NYS farms' produce (grapes or apples) and produce less than 75,000 gallons of finished product per year. The license also allows the winery the operation or use the services of a custom crush facility.

**§608-2. Regulating Authorities**

A. Federal Agency

- 1) Department of the Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB)

- (a) Cannot sell alcoholic beverages in a residential dwelling.
- B. New York State
  - 1) NYS Liquor Authority and Alcohol Beverage Control Act,
    - (a) Issuance of appropriate liquor license,
    - (b) Business siting restrictions.
      - I. Must approve the location, layout, and configuration of a winery, cidery, brewery or distillery.
- C. Town of Barrington
  - 1) Legal sale of alcoholic beverages
  - 2) Compliance with Zoning Law.

**§608-3. Specific Regulations**

- A. Farm Wineries/Distilleries/Breweries and Cideries shall be permitted in all zoning districts and require a Special Use Permit.
  - 1) In all districts, the minimum lot size must be three (3) acres
  - 2) In the LR district, the minimum lot size must be two (2) acres and have its only entrances/exits on Route 54 with no entrances/exits on East Lake Road.
  - 3) The Planning Board will decide if a Special Use Review or a Site Development Plan Review will be required before any decision is made by the Planning Board.
- B. All Farm Wineries/Distilleries/Breweries and/or Cideries will have a dedicated facility for the fermenting and/or distillation of alcoholic beverages and the aging and/or the storage of finished product.
  - 1) At the election of the Farm Wineries, Distilleries, Breweries and/or Cideries, it might have a processing facility, or it may elect to hire the work to a third party.
- C. All Farm Wineries, Distilleries, Breweries and/or Cideries may include a tasting room and a retail sales area as designated on the approved site plan.
  - 1) Tasting rooms and/or retail sales facilities must be a minimum of two hundred (200) feet from schools, school bus stops and/or places of worship.
- D. A minimum of five (5) parking spaces must be shown in the Special Use Review or a Site Development Plan Review and constructed.
- E. All improvements located on the property shall be designed, constructed, maintained, and operated in accordance with the standards of the New York State Building Code and shall always comply with the requirements of the New York State Health Department.
- F. All sanitary facilities shall be built and maintained in accordance with the requirements of the New York State Department of Health and the New York State Department of Environmental Conservation.
- G. Off street parking facilities shall be provided and shall be specifically designated on the approved site plan.
- H. All signs will require a separate Sign permit

- I. All patron activities, including but not limited to the use of tasting rooms and retail sales rooms, shall be conducted within the enclosed structures, or on exterior portions of the property specifically designated on the approved site plan.
- J. The tasting room and/or retail sales business shall be limited to the hours of operation as approved by the Planning Board.
- K. In reviewing the exterior portions of the property to be utilized for patron activity, the Planning Board shall consider the proximity of the operation to neighboring residential properties, and the impact of such activities on the peaceful enjoyment of the occupants of such residential property.

**§608-4. Additional Activities Allowed**

- A. §301(11) of the Agriculture and Markets Law expressly acknowledges that “marketing activities” are part of the “farm operation” of a vineyard (winery), orchard (cidery), agricultural product (distillery or brewery) when the alcoholic beverage served at these events is composed predominantly of on-farm produce and fruit. These activities include:
  - 1) Private marketing events,
  - 2) On-farm wedding receptions,
  - 3) Charitable events, and
  - 4) Other similar undertakings.
- B. Events must be hosted with predominately on-farm alcoholic beverages that are:
  - 1) Directly related to the sale of the beverages produced on-site,
  - 2) Be composed from at least 51% of the fruit (grapes or apples) and/or grain (wheat, barley and/or hops) harvested thereon,
  - 3) Be incidental to the retail sale of the alcoholic beverage sold.
  - 4) Be hosted by the agricultural operation or a customer of the agricultural operation, not an unrelated third-party.

**§608-5. Special Use Permit Checklist Requirements**

Special Use Permit Checklist Requirements from Appendix H	Required Prior to Meeting with Planning Board	Optional Data as Decided by CEO
Farm Winery, farm Distillery, Farm Brewery & Farm Cidery	1, 2, 3, 4(a), 4(b), 4(c), 4(d), 4(e), 4(f), 4(h),4(i), 4(j), 5, 6, 7, 10, 11	4(g), 4(k), 8, 9,

## §609. Hotels, Motels, and Inns

### §609-1. Relevant Definitions

Hotels = An establishment that provides paid lodging on a short-term basis of less than 3 weeks. Facilities provided may range from a modest-quality mattress in a small room to large suites with bigger, higher-quality beds, a dresser, a refrigerator and other kitchen facilities, upholstered chairs, a flat screen television, and ensuite bathrooms. Small, lower-priced hotels may offer only the most basic guest services and facilities. Larger, higher-priced hotels may provide additional guest facilities such as a swimming pool, business center (with computers, printers, and other office equipment), childcare, conference and event facilities, tennis or basketball courts, gymnasium, restaurants, day spa, and social function services.

Inns = Generally establishments or buildings where travelers can seek lodging and usually, food and drink. An Establishment which provides not more than 16 rooms for hire for overnight accommodations. Inns are typically located in the country or along a highway

Motels = is a hotel designed for motorists and usually having a large parking area for motor vehicle. The term usually refers to a type of hotel consisting of a single building of connected rooms whose doors faced a parking lot and in a common area or a series of small cabins with common parking.

### §609-2. Specific Regulations

- A. A hotel, motel or inn shall be located on a lot of record with a lot of area of five (5) acres or more.
- B. Access to a hotel shall only be taken from a public road.
- C. Accessory uses associated with a hotel, motel or inn which are, but shall not be limited to, a restaurant, cafeteria, swimming pool and health facility, newsstand, pharmacy, barbershop, hairdresser, gift shop and other personal service shops for the convenience of guests, shall be classified as an accessory use and shall be permitted as part of the lodging.
- D. All hotels, motels or inns must provide at least one parking space for every guest room plus one parking space for the maximum number of employees on the largest employee shift.
  - 1) It is preferred if the parking lot can meet 110% of the minimum parking space required to manage guests with two or vehicles or an oversized vehicle.
- E. A landscaping plan, which includes sizes and types of vegetation, shall be submitted for review and approval. This plan shall include a buffer located adjacent to all contiguous lots of record containing a residential use. No recreational activities, parking and/or structures shall be allowed in this buffer.
- F. A member of the staff, representing a manager, receptionist or facility caretaker will be provided with an easily identifiable on-site office so that they can be easily accessible to guests for 24 hours per day.
- G. A hotel, motel or inn shall comply with the Sanitary Code of NYS Dept. of Health, Part 7, Subpart 7-1 Temporary Residences (Hotels, Motels and Cabin Colonies), as currently in effect and as hereafter amended from time to time.

H. Conflicts that occur between the provisions of this Zoning Law and any related NYS law, the more restrictive requirement shall govern.

**§609-3. Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Commercial- Hotels, Motels, and Inns</b>	1-8, 10	<b>9, 11</b>

**§610. Junkyards - Commercial**

This section is adopted pursuant to the authority granted the town in the Municipal Home Rule Law and in §130, Subdivision 15, of Town Law.

Commercial junkyards of all types where applications are received after the date of this Zoning Law are prohibited in all zoning districts within the Town of Barrington.

**§610-1. Relevant Junkyard Definitions**

Commercial Junkyard = (as an Appendix A commercial enterprise). Any place for the exterior storage or deposit for commercial profit, whether in connection with another business or not, of:

- (1) Wastepaper, rags, scrap metal, waste building material and all other materials, appliances or farm equipment no longer intended for use which cover over 100 square feet of area or which, in the aggregate, weigh over 300 pounds and which are visible from any public highway.
- (2) Wastepaper, rags, scrap metal, waste building material and all other materials, appliances or farm equipment no longer intended for use which cover over 500 square feet of area or which, in the aggregate, weigh over 5,000 pounds.
- (3) Two or more unregistered, old, or secondhand motor vehicles and/or boats no longer intended or in condition for legal use upon the highways or waterways of the state, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose.
- (4) One or more abandoned mobile homes or trailers no longer intended or in condition for use as a dwelling, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose.

Provided, however, that the term "farm equipment" in the above definition shall not include farm equipment no longer intended for use if such equipment is owned by a farmer who stores such equipment upon his property and uses such equipment for spare parts.

- H. The outdoor storage or deposit of any of the following clearly visible from a public road, public right-of-way, or adjoining property shall constitute "Junk:"
- 6) Two (2) or more unlicensed, inoperable motor vehicles.
  - 7) Any junk mobile home.
  - 8) Any abandoned or inoperable appliance, including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers, televisions, and other electronic components
  - 9) Any abandoned or irreparably damaged piece of indoor furniture, including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs, and chests of drawers.
  - 10) Any hazardous materials, materials that pose a risk to health, safety, or welfare, or those determined to be a public nuisance are to be considered junk.

## §610-2. Specific Regulations

- A. Commercial junkyards of all types where applications are received after the date of this Zoning Law are prohibited in all zoning districts within the Town of Barrington.
  1. Applications received for commercial junkyards received prior to the date of this Zoning Law must have the approval of all immediate neighbors and the issuance of a Special Use Permit by the Planning Board.
- B. As per the 1996 Zoning Law, updated in 2005, all existing Junkyard permits must be renewed on an annual basis.
  1. Failure to renew the Special Use Permit annually will result in the immediate loss of the Junkyard permit.
- C. An owner operating or causing to operate a junkyard pursuant to a license issued before this Zoning Law becomes effective and is effective under (1) §136 of the General Municipal Law of the State of New York and (2) shall apply to obtain a new operating Special Use permit, from the Code Enforcement Officer within 60 days of the effective date of this Zoning Law. If the existing junkyard does not meet the requirements of this Zoning Law or the prior Zoning Law of 1996 and the presently dated New York State Uniform Fire Prevention and Building Code, a temporary operating permit shall be granted with the condition that such junkyard be brought into compliance with said requirements within one calendar year from the date of issuance. If at the end of such time the junkyard does not comply with said requirements, such owner shall cease and desist from maintaining a junkyard, and all junk, including portions thereof, shall be removed from the premises by such person at his/her expense.
- D. It shall be unlawful for any owner to use, occupy or maintain any building, premises or structure or portion thereof in violation of any provisions of this Zoning Law or fail in any manner to comply with any notice, directive, or order of the Code Enforcement Officer.
- E. Any condition caused or permitted to exist in violation of any of the provisions of this law shall be deemed a public nuisance and shall be abated as such by the owner in an approved manner.

1. Whenever the Code Enforcement Officer determines that there has been a violation of this law or has grounds to believe that a violation has occurred, or an owner fails in any manner to comply with any notice, directive or order of the Code Enforcement Officer, a notice of violation shall be given in the manner prescribed in this article to such owner of any building, premises or structure or portion thereof in violation of any provisions of this chapter.
2. A notice of violation shall be in accordance with all of the following:
  - a) Be in writing and delivered by Certified Mail.
  - b) Include a description of the real estate sufficient for identification.

### §610-3. Penalty for Violation

- A. Any person violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine of \$250 or by imprisonment for 15 days, or both.

### §610-4. Enforcement

- A. This Zoning Law shall be enforced by the Code Enforcement Officer.

### §611. Sawmills - Small

Small Sawmill = (as an Appendix A commercial enterprise) a non-portable manufacturing facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products. This does not include the processing of timber, including chemical or pressure treatments, but is generally operated for the custom cutting of timber for local craftsmen, carpenters, and farmers.

### §611-2. Specific Regulations

- A. Permitted only in the RA district.
- B. The minimum lot size shall be 5 acres with a minimum width of 150 feet on the road frontage.
- C. All buildings or other structures and all equipment or storage areas associated with the sawmill shall be located not less than 100 feet from any property line, nor less than 300 feet from any neighboring dwelling.
- D. The earliest start operations time and latest finish operations time
  - 1) Monday - Friday 8am to 6 pm
  - 2) Saturday - 8am to 3pm
  - 3) Sunday - Closed
- E. No storage area for logs, sawn lumber or waste materials shall be located within 100 feet of any stream, other water body or a well providing a source of potable water.
- F. Accumulation of waste materials in an onsite dump or landfill shall not be permitted. All waste materials shall be recycled or removed from the site to the Barrington Organic dump,

per Barrington Highway Supervisor or to a State approved solid waste management facility in a timely fashion.

- G. All uses shall provide sufficiently long stacking lanes into the facility so that vehicles waiting will not back-up onto streets.
- H. All access drives onto the site shall be paved for a distance of at least one hundred (100) feet or consist of a one hundred (100) foot long gravel section of driveway to help collect any mud that may have attached to a vehicle’s wheels. The owner and/or operator shall be responsible for removing any mud from streets caused by persons traveling to and from the site.
- I. Appropriate firefighting equipment will be immediately available on site as per CEO instructions
- J. All fuel used for equipment shall be stored in a manner that meets all New York State requirements for fuel storage.
- K. Owner/Operator of sawmill shall cooperate with the Fire Department and Barrington CEO to determine appropriate access lanes for adequate fire prevention/emergency vehicle service.

**§611-3. Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Commercial- Sawmills - Small</b>	<b>1, 2, 3, 4(a), 4(b),4(c),4(d),4(g), 4(i), 4(j), 5, 6, 8, 9, 10, 11</b>	<b>4(e), 4(f),4(h), 7</b>

**§612. Solar Energy Systems - Private/Commercial or Large-Scale Commercial**

**§612.1. - Authority and Statement of Purpose**

This Solar Energy Zoning Law is adopted pursuant to §261-263 of the Town Law and §20 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Barrington of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore”.

**§612.2. - Relevant Solar Energy Definitions**

Building-Integrated Solar Energy System = A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

Farmland Of Statewide Importance = Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law 170

Glare = The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Ground-Mounted Solar Energy System = A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

Native Perennial Vegetation = native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

Pollinator = bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

Prime Farmland = Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

Roof-Mounted Solar Energy System = A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

Solar Access = Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

Solar Energy Equipment = Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System = The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110 % of the electricity consumed on the site over the previous 12 months.

OR

Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with a total surface area of all solar panels on the lot of up to 4000 square feet and that generate up to 110% of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

Solar Panel = A photovoltaic device capable of collecting and converting solar energy into electricity.

Storage Battery = A device that stores energy and makes it available in an electrical form.

### §612-3. Applicability

- A. The requirements of this Zoning Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Barrington after the effective date of this Local Law, excluding general maintenance and repair.
- B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Zoning Law.
- C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than [5] % of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Zoning Law.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the and the Town of Barrington Zoning Law.

### §612-4. General Requirements for All Solar Energy Systems

- A. Building permit shall be required for installation of all Solar Energy Systems.
- B. The Planning Boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.
- C. Issuance of permits and approvals by the Code Enforcement Officer or Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].

### §612-5. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

- A. Roof-Mounted Solar Energy Systems
  - 1. Roof-Mounted Solar Energy Systems shall incorporate the following design requirements:
    - (a) Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface the highest edge of the system.
    - (b) Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
    - (c) Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
    - (d) Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
  - 2. Glare: All Solar Panels shall have anti-reflective coating(s).
  - 3. Height: Tier 1 Solar Energy Systems shall be subject to the height limitations specified for primary or accessory structures, when applicable, within the underlying zoning district.

- B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

### **§612-6. Permitting Requirements for Tier 2 Solar Energy Systems**

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

- A. Glare: All Solar Panels shall have anti-reflective coating(s).
- B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground- Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.
- C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
- D. Screening and Visibility.
  - a. All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
  - b. Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district

### **§612-7. Permitting Requirements for Tier 3 Solar Energy Systems**

- A. All Tier 3 Solar Energy Systems are permitted through the issuance of a Special Use permit within the RA zoning district only, and subject to a Site Development Plan Review as required in this Section.
- B. Application and supporting materials will be reviewed by the Code Enforcement Officer for completeness.
- C. Special Use Permit Standards will include:
  - 1. The property on which the Tier 3 Solar Energy System is placed shall meet:
    - (a) the lot size requirements in Appendix B
    - (b) The setback requirements in Appendix B.
    - (c) The height limitations in Appendix B.
    - (d) Lot coverage. Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.
      - i. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
        - 1. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
        - 2. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.

3. Paved access roads servicing the Solar Energy System.

## §612-8. Site Development Plan Review Requirements for Tier 3 Solar Energy Systems

The Site Development Plan Review will discuss, as a minimum, the following:

- A. Site Plan. Will include the following information:
  1. Property lines and physical features, including roads, for the project site.
  2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
  3. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
  4. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.
  5. No signage or graphic content shall be displayed on the Solar Energy Systems site except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information.
  6. All Solar Panels shall have anti-reflective coating(s).
  7. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
  8. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible and at the discretion of the Planning Board.
  9. A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
  10. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
  11. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
  12. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
  13. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
  14. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards and to such standards as may be established by the Planning Board.
  15. Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.
  16. Screening and Visibility.

- a) Solar Energy Systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
  - b) Solar Energy Systems larger than 10 acres shall be required to conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties.
    - 1) At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, may be required to be submitted by the applicant.
17. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
18. Prior to the final approval by the Planning Board and the issuance of the building permit but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.
- B. Decommissioning.
- 1. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators' expense, which at the Owner's option may come from any security made with the Town of Barrington as set forth in Section 13-12.B. herein.
  - 2. A decommissioning plan, signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
    - (a) The cost of removing the Solar Energy System.
    - (b) The time required to decommission and remove the Solar Energy System any ancillary structures.
    - (c) The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
- J. Security Deposit.
- 1. The deposit, executions, or filing with the Town Clerk of Barrington of cash, bond, or other form of security reasonably acceptable to the Town attorney shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125 % of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.
  - 2. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Barrington which shall be entitled to maintain an action thereon. The cash

deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

shall be depicted within an area no more than [8] square feet.

#### §612-9. Public Hearings for Tier 3 Solar Energy Systems

- A. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- B. The application will be subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Barrington shall have a notice printed in a newspaper of general circulation in the Town of Barrington at least 5 days in advance of such hearing.
  - 1. Applicants shall have delivered the public hearing notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
- C. The approved application will be referred to the Yates County Planning Board pursuant to General Municipal Law § 239-m, if required.
- D. Upon closing of all of the public hearings required, the Planning Board shall act on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.

#### §612-11. Safety

- A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.
- B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.
- C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Barrington and any applicable federal, state, or county laws or regulations.

#### §612-12. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board within 18 months after approval, the applicant or the Town of Barrington may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.
- B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town of Barrington may notify and instruct the owner and/or operator of the Solar

Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

- C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Barrington may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

**§612-13. Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Solar Energy Systems - Private Use</b>	<b>For Building Permit only: 1, 3, 4, 5, 6</b>	<b>For Building Permit only: 2, 7, 8, 9, 10, 11</b>
<b>Solar Energy System - Large Scale - Commercial</b>	<b>1, 2, 3, 4, 5, 6, 7, 8, 10, 11</b>	<b>2, 7, 8, 9, 10, 11,9</b>

**§613. Telecommunication Towers (Wireless)**

**§613-1. - Relevant Telecommunication Tower (Wireless) Definitions**

Telecommunications Facilities, Personal Wireless = Towers and/or antennas and accessory structures used in connection with the provision of cellular telephone service, personal communications services (PCS), paging services, radio and television broadcast services and similar broadcast services which have been defined by the courts to be essential services and structures.

Telecommunication Accessory Use = An accessory use that serves the principal use, is subordinate in area, extent or purpose to the principal use, and is located on the same lot as the principal use. Examples of such uses include transmission equipment and storage sheds.

Telecommunication antenna = A system of electrical conductors that transmit or receive radio frequency waves.

Telecommunications facility = any or all of the physical elements of the central cell facility that contains all the receivers, transmitters, and other apparatus needed for cellular/pc's operation (also known as base transceiver station (BTS)).

Tower Height = Relating to CWECU and/or telecommunication towers, tower height is equal to the distance from the ground to the top of the tower not including the nacelle or rotor blades.

Telecommunication tower = A structure on which one or more antennas will be located, that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

## §613-2. - Purpose and Intent

The purpose of this law is to establish predictable and balanced regulations for the siting of wireless telecommunication facilities to accommodate the growth of such facilities while protecting the public against any adverse impacts on aesthetic resources and the public safety and welfare. The Town of Barrington wants to accommodate the need for telecommunications facilities while regulating their location and number, minimizing adverse visual impacts through proper design, siting, and screening, avoiding potential physical damage to adjacent properties, and encouraging joint use of tower structures.

The law also seeks to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers, and the use of existing tall buildings and other high structures, to further minimize adverse visual effects from telecommunications towers.

This law is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall it be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

## §613-3. Legal Authority and Procedure

- A. For purposes of this zoning law, telecommunication towers shall not be governed by the zoning regulations which apply to the broader definition of public utility facilities, but shall be governed by these specific regulations.
- B. The Planning Board of is hereby authorized to review and approve, approve with modifications, or disapprove special use permits for telecommunications facilities pursuant to this law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication facility, including the use of camouflage of the tower structure and/or antenna to reduce visual impact.
- C. Except as provided below, no telecommunication facility shall here-after be erected, moved, reconstructed, changed or altered and no existing structure shall be modified to serve as a telecommunication facility, except after obtaining a special use permit in conformity with this law.
- D. The Planning Board of is hereby authorized to review and approve, approve with modifications, or disapprove special use permits for telecommunications facilities pursuant to this law. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication facility, including the use of camouflage of the tower structure and/or antenna to reduce visual impact.
- E. Except as provided below, no telecommunication facility shall here-after being erected, moved, reconstructed, changed, or altered and no existing structure shall be modified to serve as a telecommunication facility, except after obtaining a special use permit in conformity with this law.
- F. Telecommunication antenna for private ham radio use placed on existing telecommunication towers or on existing structures do not require a special use permit, unless the existing tower

or structure is located in a residential district, or unless it will be modified in such a way as to increase its height, or a new accessory structure would be built.

- G. The Planning Board may waive any or all of the requirements for approval for applicants proposing minor changes to existing facilities and for applicants proposing the use of camouflage for a telecommunication tower when the board finds that such camouflage significantly reduces visual impact to the surrounding area. However, the board may not waive the requirement that a public hearing be held on the application.
- H. No building permit shall be issued until the applicant provides proof that space on the facility has been leased or will be operated by a provider licensed by the FCC to provide service in the area.

#### §613-4. - General Criteria.

No special use permit relating establishing a telecommunications facility shall be authorized by the Planning Board unless it finds that such a facility is:

- A. Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities or will be inadequate in the near-term.
- B. Conforms to all applicable regulations promulgated by the Federal Communications Commission, Federal Aviation Administration, and other federal agencies; and,
- C. Will be designed and constructed in a manner which minimizes visual impact to the extent practical.
- D. Is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility.

#### §613-5. - Special Use Application Requirements

- A. Shared Use - The shared use of existing telecommunications towers or other structures shall be preferred to the construction of new facilities. Any special use permit application, renewal or modification thereof shall include proof that reasonable efforts have been made to co-locate within an existing telecommunication facility or upon an existing structure within a reasonable distance, regardless of municipal boundaries, of the site. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on existing telecommunication facilities due to one or more of the following reasons:
  - 1) If in the construction of a new telecommunication facility, the applicant will be required to provide assurance to share the new facility with other telecommunication providers.
  - 2) The planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or other structures, considering existing and planned use for those facilities.
  - 3) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
  - 4) Existing or approved telecommunications facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
  - 5) Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures.

- 6) The property owner or owner of the existing telecommunication facility or other structure refuses to allow such co-location or requests an unreasonably high fee for such co-location compared to current industry rates.
- B. Fall Zones - Telecommunication facilities shall be constructed so as to minimize the potential safety hazards and located in such a manner that if the facility should fall, it will remain within the property boundaries and avoid habitable structures, public streets, utility lines and other telecommunication facilities.
  - C. Setbacks - Telecommunication facilities shall comply with all existing setbacks within the affected zone. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities. Additional setbacks may be required by the zoning board to contain on-site substantially all icefall or debris from tower failure and/or to preserve privacy of adjoining residential and public property.
  - D. Lighting - Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Notwithstanding, an applicant may be compelled to add FAA-style lighting and marking, if in the judgement of the zoning board, such a requirement would be of direct benefit to public safety. The board may choose the most appropriate lighting and marking plan from the options acceptable by the FAA at that location. The applicant must provide both standard and alternative lighting and marking plans for the board's review.
  - E. Visibility and Aesthetics
    - 1) The maximum height for telecommunication towers permitted under this article, including any antennas or other devices extending above the tower, measured from the ground surface shall be 150 feet.
    - 2) Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend into the natural surroundings below the surrounding tree line unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Accessory uses shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
    3. The project shall be designed to blend with the natural and/or man- made surroundings to the maximum extent practicable.
    4. Structures offering slender silhouettes (i.e., monopoles or guyed tower) may be preferable to freestanding lattice structures except where such freestanding structures offer capacity for future shared use. The zoning board may consider the type of structure being proposed and the surrounding area.
    5. The applicant must examine the feasibility of designing a proposed telecommunication tower to accommodate future demand for additional facilities.
  - E. Vegetation and Screening
    1. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter shall take place prior to approval of the special use permit. Clear- cutting of all trees in a single contiguous area shall be minimized to the extent possible.
    2. The zoning board may require appropriate vegetative buffering around the fences of the tower base area, accessory structures and the anchor points of guyed towers to buffer their

view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

F. Access and Parking

1. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
2. Equipment or vehicles shall not be stored on the facility site.

F) Signage

- 1) The use of any portion of a telecommunication facility for signs for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers, and balloons is prohibited. The zoning board may require the installation of signage with safety information.

G. Security

- 1) Towers, anchor points around guyed towers, and accessory structures shall each be surrounded by fencing not less than six feet in height.
- 2) There shall be no permanent climbing pegs within fifteen feet of the ground.
- 3) (3) Motion-activated or staff-activated security lighting around the base of a tower or accessory structure entrance may be provided if such lighting does not project off the site.
- 4) A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public thoroughfare.

H. Engineering Standards

1. All telecommunication facilities shall be built, operated and maintained to acceptable industry standards. Each application must contain a site plan for the facility containing the signature of an engineer licensed by the State of New York.
2. Every facility shall be inspected at least every second year for structural integrity by a New York State licensed engineer. A copy of the inspection report shall be submitted to the municipality.

I. Abandonment and Removal

- 1) At the time of submission of the application for a telecommunication facility the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower used as a telecommunication facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than twelve consecutive months. Upon removal, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.

## §613-6. Special Use Permit Checklist Requirements

Special Use Permit Checklist Requirements from Appendix H	Required Prior to Meeting with Planning Board	Optional Data as Decided by CEO
Telecommunication Facilities and Towers	1-11	

## §614. Wind Powered Water Pumps

### §614-1. Description

Wind pumps are devices for moving water or air that are powered solely by the wind. There are 3 main types:

- A. The turbine directly pumps the water by moving a pump rod in the well to lift the water to the surface
- B. Electric generator on the turbine:
  - 1) The turbine generates electricity which drives the well pump.
    - (a) Allows to have the pump some distance from the electric turbine.
- C. The wind pumps air into a pond to aerate the standing water.

### §614-2. Specific Regulations

- A. Wind powered pumps are permissible only in the RA and RR districts and in the HR, RCO and DWPO districts by Special Use permit
- B. Capacity: None
- C. Height: Wind tower can have a height no taller than thirty (30) feet or no higher than the roof line of residential/commercial building; whichever is less.
  - 1) Wind pumps that only are used to pump water into ponds or to pump air to aerate ponds can be no taller than twenty (20) feet

## §615. Wind Energy (Electric) Systems - Personal Use and Large-Scale Commercial

### §615-1. Relevant Definitions

Commercial Wind Energy Conversion Systems (CWECS) = More than one (CWECU) designed to generate power only for transfer to a commercial utility grid including all structures and facilities utilized or necessary for the normal operation of the project being submitted by an applicant under this local law, including, but not limited to, wind energy conversion units, all accessory facilities and equipment thereto, and/or any portion thereof.

CWECS Accessory Facilities or Equipment = Any structure, other than a CWECU, related to the use and purpose of deriving or distributing energy from such towers located at or near the CWECS site.

Commercial Wind Energy Conversion Unit (CWECU) = Any single mechanism designed for the purpose of converting wind energy into electrical energy and transferring the energy to a commercial power grid. A CWECU is capable of producing one or more megawatts of power and does not produce power for onsite consumption. This definition shall include the tower, monopole, or other structure supporting the mechanism at its final working location.

Glare - In this Zoning Law this is a specific measurable and annoying phenomenon to humans and animals that is part of official zoning application forms. It is used as it relates to wind turbines, solar panels, and signs. This effect is (1) the reflections of light off of the turbine blade and turbine housing or solar field panels with an intensity sufficient, as determined in a commercially reasonable manner, to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects. It can also be considered, (2) as in signs, to be the direct light on roadway traffic or on neighbors dwelling.

Commercial Wind Farm (CWF) = (as a commercial enterprise). A commercial enterprise consisting of one or more WECS located and attached as a group to the commercial utility grid.

Decommissioned = Status applied to a Wind Energy Conversion Unit when it has been non-productive for a period of one year, or when the unit or project no longer provides a useful service.

Height of CWECU = The vertical distance as measured from the average elevation at the base of the structure to the tip of the highest point of the structure including all blades when at their apex position.

Landscape = The features of a particular area of land, especially when that area has been improved by designed plantings and arrangement using gardens, bushes, trees and other materials. Landscaping can include hardscaping. Landscaping should not significantly change the underlying grade

Nacelle = The portion of the Wind Energy Conversion Unit that connects the rotor to the support tower and houses the generator, gearbox, drive train and braking system.

Shadow Flicker = The effect of the sun shining through the turning blades of the Wind Energy Conversion Unit and casting a shadow over the landscape

Wind Energy Conversion System (WECS) = Same as Commercial Wind Energy Conversion Unit (CWECU).

Wind Energy Deriving Tower = Any tower facility, pole or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of a rotor that consists of blades and hub, as well as a nacelle and generator for producing electricity.

Wind Energy Facility = An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Farm = Multiple, large-scale WECS sited upon a single parcel, or adjacent parcels, designed to generate and sell electricity for off-premises use or to a public utility company.

Wind Energy Farm Facility Owner = The entity or entities having an equity interest in the wind energy farm, including their respective successors and assigns.

Wind Energy Farm System Height = The combination of tower height plus blade length.

Wind Measurement Tower = A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

Wind Turbines = refer to Wind Energy Conversion System (WECS), a large device that converts the wind's kinetic energy into electrical energy.

Tip Height = Tip height is equal to the distance from the ground to the tip of the rotor blade in a full and upright vertical position; the highest point on the CWECU during operation.

## §615-2. Wind Electric System - Private Use Wind Towers

Small wind-energy systems, for personal use on the same lot as the residential dwelling and/or commercial business, shall be permitted on parcels greater than seven acres in size in the RA and RR districts.

- A. Small wind energy systems (single wind towers) for personal use, both residential and commercial, in the LR, HR and DWPO districts are prohibited.

### *§615-2.(a) Application Requirements*

- A. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
- B. A plot plan on an approved property survey, at a scale of one-inch equals one hundred (100) feet, depicting the limits of the fall zone distance from structures, property lines, public roads, and projected noise-level decibels (DBA) from the small wind-energy system to the nearest occupied dwellings.
- C. Tower height shall not exceed 120 feet for the RA district except for agricultural lot use purposes where they are exempt from the height restrictions in this Zoning Law. Tower height in the RR district will be limited to 80 ft.
  - 1) To prevent harmful wind turbulence to the small wind-energy system, the minimum height of the lowest part of any horizontal or vertical axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a radius of 250 feet.
  - 2) Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
- D. Setbacks. Notwithstanding the provisions of the Bulk Schedule, the following standards shall apply to small wind-energy systems:
  - 1) A small wind-energy system shall be set back from a property line a distance no less than the total height of the small wind-energy system, plus 10 feet.
  - 2) No part of the wind system structure, including guy wire anchors, may extend closer than 10 feet to the property boundaries of the installation site.
  - 3) A small wind-energy system shall be set back from the nearest public road a distance no less than the total height of the small wind-energy system, plus 10 feet, and in no instance less than 100 feet.

- 4) There shall be no habitable structures on the applicant's property within the fall zone.
- E. Noise. Small wind-energy systems shall not exceed 60 DBA, as measured at the closest neighboring inhabited dwelling at the time of installation. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- 1) A new bladeless wind turbine is both silent and streamline enough that it could be used residential and/or commercial lots in the RA & RR districts.
- E. Building permit applications for private wind-energy systems shall:
- 1) Follow New York State Uniform Building Code and accompanied by standard drawings of the wind turbine structure, including the tower, base and footings as outlined in the New York State Uniform Building Code.
  - 2) An engineering analysis of the tower showing compliance with the New York State Uniform Building Code.
  - 3) Certified by a licensed professional engineer shall also be submitted. This requirement may be satisfied by documentation presented by the manufacturer.
  - 4) Compliance with National Electric Code. Building permit applications for small wind-energy systems shall be accompanied by a line drawing of the electrical components on the plot plan in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This requirement may be satisfied by documentation supplied by the turbine manufacturer.
  - 5) Compliance with FAA regulations. Small wind-energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. The allowed height shall be reduced to comply with all applicable federal aviation requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
  - 6) Utility notification. No small wind-energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**§615-2.(b) Construction Standards**

- A. Exterior lighting on any structure associated with the system shall not be allowed, except that which is specifically required by the Federal Aviation Administration.
- B. The system's tower and blades shall be a nonreflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate nonreflective surfaces to minimize any visual disruption.
- C. All on-site electrical wires associated with the system shall be installed, underground, except for tie-ins to a public utility company and public utility company transmission poles, towers and lines.
- D. At least one sign shall be posted on the tower at a height of five feet warning of potential electrical shock or high voltage and potential harm from revolving machinery
- E. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's

manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

- F. Towers shall be constructed to provide one of the following means of access control or other appropriate method of access:
  - 1) Tower-climbing apparatus located no closer than 12 feet from the ground.
  - 2) A locked anti-climb device installed on the tower (if tower is a climbable type).
  - 3) A locked, protective fence at least six feet in height that encloses the tower.
- G. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any aboveground, electric transmission or distribution lines.
  - 1) The point of attachment for the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above the ground.
- H. All small wind-energy systems shall be equipped with manual and automatic overspeed controls.
  - 1) The conformance of rotor and overspeed control design and fabrication with good engineering practices shall be certified by the manufacturer.
- I. System Capacity. Small wind-energy systems shall generate no more than 110% of the agricultural operation's anticipated demand at the time of application.

#### *§615-2.(c) Abandonment of Use*

All small wind-energy systems which are not used for 12 successive months shall be deemed abandoned and must be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the CEO.

### **§615-3. Large Scale Wind Energy Systems (Wind Farms)**

#### *§615-3.(a) Large Scale Wind Energy Systems - Application Procedure*

- A. The use of large-scale wind energy systems, also known as wind farms, are only allowed in the RA district.
  - 1) Besides meeting all regulations and standards of §526-3, the installation and consequent maintenance will have to meet the rules and regulations for Local Law 1 of year 2013, The Use and Repair of Town Roads, and have a valid permit issued by the Barrington Highway Superintendent and approved by the Town Board.
- B. A completed application for a Commercial Wind Energy Conversion System (CWECS) shall be submitted to the Town Clerk at least fifteen (15) business days prior to the regular meeting of the Town Planning Board. The Applicant or his duly authorized representative shall attend the meeting of the Planning Board to discuss the application.
- C. Within sixty-two (62) days after the Town Planning Board meeting where the completed application is submitted to the Town, as determined to be complete by the Town Planning Board, a public hearing shall be held. Notice of such public hearing shall be published in the

official newspaper of the Town at least ten (10) days prior to the date thereof. The Applicant shall give notice in writing by certified mail to all property owners of record of the land immediately adjacent to the proposed parcel (or parcels) where the site is proposed. The Applicant shall mail these notices at least ten (10) days in advance of the public hearing scheduled in the matter, and file with the Town Clerk the United States Post Office receipts as proof of such notification being made prior to the public hearing date.

- D. Within sixty-two (62) days of the close of the public hearing, the Town Planning Board shall recommend approval, conditional approval, or rejection of the application. The time in which the Planning Board may render its decision may be extended by mutual consent of the Applicant and the Planning Board. The decision of the Town Planning Board on the application shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the Applicant.
- E. Within sixty-two (62) days of receiving the Planning Board's recommendation, the Town Board will hold a public hearing on the application.
- F. Within sixty-two (62) days of the close of said public hearing, the Town Board shall make a final decision on the proposal [to approve, conditionally approve, or reject the application] and finalize any financial agreements negotiated with the applicant.

*§615-3.(b) Commercial Wind Energy Systems - Wind Measurement Towers (WMT)*

- A. The construction of a temporary Wind Measurement Tower (WMT) for the collection of wind data in a location of a proposed Commercial Wind Farm shall be permitted. Such temporary use shall be for a period of not more than 26 months and shall be subject to Site Plan Review and approval by the Town Planning Board and the issuance of a zoning permit by the zoning officer, and the posting of a surety in a form acceptable to the town in an amount sufficient to fund the removal of such tower at the conclusion of the use.
- B. Requirements:
  - 1) The distance between the WMT and the property line shall be at least 8 times the tip height of the WMT.
  - 2) Anchor points for any guy wires for a WMT shall be located within the property that the WMT is located and not cross any above-ground electric wires. The point of attachment for the guy wire to the anchor shall be sheathed in bright orange or yellow covering from three (3) to eight (8) feet above the ground.
  - 3) The New York State Department of Agriculture and Markets guidelines for agricultural mitigation shall be adhered to both in and outside the agricultural districts.

*§615-3.(c) Commercial Wind Energy Systems - Application Requirements*

The Applicant for the proposed development of a Commercial Wind Energy Conversion System (CWECS) shall submit fifteen (15) copies of the application and a site plan showing the following information, unless such information requirements are waived by the Town Planning Board for good cause:

- A. Name of the project, a map indicating boundary lines of the parcel (or parcels) that the project will include and the proposed site location(s), date, North arrow and scale of the plan.

The maps shall include an overall map of the project, as well as individual site maps for each proposed CWECU.

- B. Name and address of the owner(s) of record of the parcel(s) where the project is proposed to be sited, Name and address of the project sponsor and the signed seal, including the name and address, of the engineer, architect, or surveyor preparing, or assisting in the preparation of, the site plan.
- C. Name and addresses of all owners of record, as indicated in the Yates County Clerk's office, of all adjacent property owners to the project and all property owners of any and all parcels within the property setback requirements as specified.
- D. A map showing all existing lot lines, easements and rights of way, and a sketch plan showing proposed road access, including provisions for paving, if any, proposed transmission lines and accessory facilities, and location of all existing and proposed utility systems to the project.
- E. A survey of the land to be leased, if applicable.
- F. A map showing existing microwave and communication links within the project boundaries.
- G. A map showing existing and proposed topography at five-foot contour intervals.
- H. A site plan showing all existing natural land features, trees, forest cover, water courses, wetlands, and all proposed permanent changes to these features, including size and type of plant material and erosion control measures.
- I. A fully completed State Environmental Quality Review Act (SEQRA) Environmental Assessment Form.
- J. A visual impact study assessing the visibility of the project from key viewpoints relative to such project, existing tree lines, and proposed elevations. This study shall be digitally enhanced to simulate the appearance of the as-built project as such completed project would appear from distances specified by the Planning Board within a five (5) mile radius of the location of such project, or any portion thereof. Additional pictures from specific locations may be required by the Town Planning Board, and all such pictures shall be in color and no smaller than 5" X 7".
- K. Documentation of the proposed intent and capacity of energy generation to be derived from the completed project.
- L. Preliminary report prepared by the applicant describing:
  - 1) Surrounding topography in relation to the capabilities for generation of electricity by wind and why the project site was selected for development.
  - 2) Required improvements for construction activities, including those within the public right of way or land controlled by the Town of Barrington.
  - 3) Proposed mitigation measures for visual impacts of any and all components, structures, and materials related to the CWECs including, but not limited to Commercial Wind Energy Conversion Units CWECUs, substation(s), Wind Measurement Towers, support structures and access roads.
  - 4) Proposed safety measures to mitigate any potential CWECU failure.
  - 5) Documentation and justification for any proposed land clearing around structures within the project.
- M. Elevation map showing the CWECU's height and design, including a cross-section of the structure and components of the nacelle; statement of compliance documenting the unit's

compliance with applicable structural standards; and the CWECU's abilities in terms of producing energy.

- N. The Applicant shall provide shadow flicker and blade glint information for the area within the boundaries of the parcel upon which the project or any portion thereof is to be sited and for any additional area located within a radius of one mile beyond the boundaries of said parcel. Such information shall include a shadow flicker zone map and documentation of the non-reflective coating for the blades. Accompanying such information shall be the proposed schedule with which the non-reflecting coating for the blades shall be reapplied as based on the manufacturer's suggested life of the coating product.
- O. The Applicant shall also state the following:
  - 1) Identify the most likely locations of shadow flicker, estimate the expected duration of such shadow flicker at these locations per day, and calculate the potential total number of hours per year at each location such shadow flickers may occur.
  - 2) Identify potential problem zones where shadow flicker may interfere with existing residences and describe proposed measures to mitigate these problems including but not limited to a change in the location of the unit, a change in operation of the unit, or grading or landscaping mitigation measures.
  - 3) Provide tax identification numbers for all properties within the potential shadow flicker zones.
- P. The Applicant shall submit a lighting plan. This must include location and type of lighting, as well as the expected impact on residential property within a five-mile radius of the project and must follow FAA minimum lighting requirements and meet the lighting requirements of Section 7-D.
- Q. Description of the Applicant's ten-year plan for the project that shall include the estimated market demand and long-term project expansion needs within the Town associated with the project for the duration of the required ten (10) year plan.
- R. Report showing soil logs and soil profile analysis for any area being disturbed as part of the project.
- S. A complete Storm Water Pollution Prevention Plan to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, and flooding of other properties, in compliance with NYS Phase II regulations and Town of Barrington Steep Slopes ordinance.
- T. The Applicant shall, in consultation with the Town of Barrington and Yates County, establish an Emergency Preparedness Plan, in the event of an emergency requiring immediate response or attention during the construction and operation of the Commercial Wind Energy Conversion System or any portion thereof.
- U. The applicant shall present a spill containment response plan, to be implemented in the event of any environmental contamination resulting from, but not limited to, oil or other chemicals. A performance bond or other appropriate mechanism shall be required to deal with this situation.

- V. Proof of all required financial surety or other similar financial requirements relative to the project. Such proof may include, but is not limited to, proof of liability insurance, decommissioning funds, development mitigation funds and whatever other financial requirements relative to the application.
- W. In addition, the Town Planning Board may request any and all additional information the Town Planning Board might deem necessary for review of such application, but such additional requested information must be reasonable in scope and relevant to the application being reviewed

*§615-3.(d). Commercial Wind Energy Systems - Design Standards*

- A. Development Status – Proposed CW ECS shall be of a design which is in production. Installed operating units shall be identified and available for inspection by Town of Barrington representatives to assess compliance with the Design Standards.
- B. Location – All CW ECS shall be located, erected and sited in accordance with the following requirements:
  - 1) The applicant will evaluate the effects of the CW ECS on any migratory flight path of birds and bats.
  - 2) No individual Commercial Wind Energy Conversion Unit (CWECU) shall be installed in any location where such unit’s proximity with existing fixed broadcast, or reception antenna (including residential reception antenna or satellite system) for radio, television or wireless phone or other personal communication systems where unit would produce interference with signal transmission or reception. The applicant shall correct (or document significant progress toward corrective action on) any unforeseen interference to the satisfaction of the Code Enforcement Officer within thirty (30) days of any complaint being given to the applicant by the Code Enforcement officer or affected person. To correct such problem:
    - (a) The Applicant shall provide the affected person(s) with service equal to or better than the service that was interrupted, or an acceptable alternative to such service which is agreeable to the Code Enforcement Officer and the affected property owner.
    - (b) If emergency service needs have been affected, such problem shall be remedied by the Applicant within thirty-six (36) hours of notification being given to the Applicant by the Code Enforcement Officer or affected person.
  - 3) All CW ECUs shall only be located, installed, or constructed on the subject parcel in accordance with the following setbacks:
    - (a) A distance not less than that equal to five (5) times the tip height of the CWECU as measured from any and all public roadways or above ground power lines in the vicinity of said unit, to the base of such unit.
    - (b) A distance not less than that equal to three (3) times the tip height of the CWECU from any existing residential building on the parcel
    - (c) A distance not less than five (5) times the tip height of the CWECU from any neighboring residential building unless waived in writing by the owner of such neighboring residential building.
    - (d) A distance not less than that equal to five (5) times the tip height of the CWECU as

measured from the property lines of the parcel on which said unit is to be sited.

- (e) Waiver - The Town Planning Board is authorized to grant a waiver to the setback requirements of subparagraphs c. and d. of this section in accordance with Article 6.4.3 and Appendix XX of the Town of Barrington Zoning Ordinance, only if said Board is in receipt of a written, notarized consent form from the impacted property owner
- C. Noise - The level of noise produced by or from the operation of the CWECs shall not be in excess of 10 decibels (DbA) above ambient sound level for more than 25 minutes per day in duration measured at any point along the CWECs parcel boundary. Ambient noise level shall be established at multiple locations surrounding the CWECs parcel. The level of noise shall not exceed this established ambient noise level at any of these specific locations in excess of 10 decibels. Averaging of increased noise levels at multiple locations is specifically ruled out as a noise increase assessment technique.
- D. Emergency Shutdown / Safety Operations:
- 1) The Applicant shall file emergency contact information, including but not limited to a telephone number and unique ID number, for each CWECU with the Town Clerk, and post at the entrance of each access road to such CWECU so the appropriate people may be contacted should any CWECU need immediate attention or care.
  - 2) Each CWECU shall have an automatic manufacturer certified or engineer certified braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components or nacelle.
- E. Lighting:
- 1) No CWECU shall be artificially lighted unless such lighting is required by a local, state or federal statute, rule or regulation. The use of nighttime and overcast daytime condition stroboscopic lighting shall be the minimum required by law to satisfy the lighting requirements as issued by the Federal Aviation Administration.
  - 2) Light shields, or other devices to direct area lighting downward must be used. A study of the potential impact of the proposed lighting, as well as any required alterations as determined and required for approval hereunder, on the area surrounding the subject project must be submitted.
  - 3) Prior notification of any changes in the lighting plan for the project must be communicated to the Town Planning Board prior to installation of such new lighting scheme, and such alterations shall only be approved for installation for good cause shown or in order to bring such project into compliance with any and all statutory and regulatory requirements.
  - 4) If the minimum lighting requirement, as determined by applicable federal, state or local rules, regulations or statutes change during the course of operation of the wind energy conversion system, the applicant shall alter the lighting and install such lighting in the wind energy conversion system that is at a level equal to such revised minimum requirements.
- F. Utility Service:

- 1) All power transmission lines servicing the project, or any portion thereof, shall be underground to a minimum depth of forty-eight (48) inches or to such depth as required by the Uniform State Fire Prevention and Building Code whichever is greater.
  - 2) If this standard is deemed to be technically infeasible, rationale and alternative solutions and designs shall be submitted with the completed application for review and approval by the town planning board. Such approval shall be granted if such alternative is deemed acceptable by the Town Planning Board based upon substantial evidence in the record ensuring such alternative provides the level of protection and safety afforded by the standard set forth in paragraph a of this subparagraph.
  - 3) In the unlikely event of a stray voltage occurrence, the applicant shall be notified, and shall take corrective action immediately fully remedying such occurrence.
- G. Blade Sweep – The minimum height of the lowest part of the blade sweep area shall be thirty (30) feet above the highest existing major structure or tree within a one-hundred-fifty (150) foot radius of the base of the wind energy conversion unit. The total tip height for each wind energy conversion unit cannot exceed five-hundred (500) feet maybe as measured from the base of the unit to the tip of the unit’s longest blade.
- H. Access Roads – All access roads will comply with the requirements of Local Law 171 and Local Law 1 of 2013, Town of Barrington Road Laws in addition to the Town Supervisor Highway Supervisor Manual".
- 1) Existing driveways, improved as required, shall be used for access to the site whenever possible.
  - 2) If existing driveways are not practicable to be utilized for access, any necessary new access roads shall be constructed in a way so that they are level to the surrounding environment. Unless the landowner upon which such new access road is located signs, a waiver requesting such property not be gated, new access roads constructed from existing roadways shall be gated and locked near the vicinity of the intersection of the access road and the existing roadway with breakaway gates allowing emergency access to the CWECU.
- I. Accessory Structures / Facilities – Transmission facilities and/or buildings shall be located along roadways, below ridgelines or behind vegetation to screen such facilities and/or buildings from visibility. If such a facility or building is to be located in or along the side of an open field, the facility or building shall be landscaped in such a way as to blend such facility or building in with the surrounding environment.
- J. Security – To secure each and every CWECU so constructed within the Town, each such unit shall:
- 1) Not have any climbing device of any kind attached to the CWECU closer than fifteen (15) feet from the ground, and
  - 2) Have a locked anti-climbing device installed on the unit.
- K. Shadow Flicker – The wind energy conversion system shall be designed such that shadow flicker from an individual CWECU or the cumulative effect of multiple CWECUs will not fall on any portion of a residential structure in excess of twenty-five (25) hours per year unless waived in writing by the owner of such residential structure. If shadow flicker exceeds these

conditions, the CWECU or CWECUs causing the shadow flicker shall be shut down until the offending condition is remedied.

- L. Blade Glint – All CWECUs shall have blades coated with a non-reflective coating, that shall be reapplied as required by the manufacturer’s recommendations, so as to prevent blade glint from the CWECU. If blade glint is detected, the CWECU(s) causing the blade glint shall be shut down until the offending condition is remedied.
- M. Signage – No CWECU shall be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
- N. Environmental Contamination by Oil or Other Chemicals – The applicant of a wind energy conversion system, after such application has been approved and before a permit is issued, shall submit the maximum amount letter of credit or other mechanism necessary to ensure the clean-up of any contamination according to DEC requirements. The Town Board and the attorney for the Town shall judge the letter of credit or other surety as adequate and satisfactory before such a permit is granted.
- O. Below-Grade Foundations – The foundation top of each CWECU shall be buried to a depth of four (4) feet below ground, or to the specifications of the New York State Department of Agriculture and Markets guidelines, whichever is greater, to enable use of the land for farming/agriculture during the life of the project.
- P. Road Mitigation- To be approved, the applicant shall submit and deposit with the Town a sum of money equal to an amount determined by the Town Board to offset the estimated direct and indirect adverse impacts on the Town’s Highway system anticipated to be incurred by the Town as a result of the approval of such application.
- Q. Decommissioning and Restoration – Upon approval and prior to the construction of any portion of such wind energy conversion system, each approved wind energy conversion system shall require a decommissioning plan and related financial surety are filed with the town.
  - 1) Such plan and surety shall include the following:
    - (a) The anticipated life of the project,
    - (b) The estimated decommissioning cost in current dollars,
    - (c) A method and schedule for updating the costs of decommissioning and restoration.
    - (d) A method of ensuring that funds will be available for decommissioning and restoration, and
    - (e) The anticipated manner in which the project will be de-commissioned, and the site restored.
  - 2) As soon as relevant design information is available the application shall be referred to the Town Board for determination of the financial surety required under this subparagraph.
  - 3) The applicant shall provide an appropriate and adequate demolition bond or similar financial surety such as a letter of credit or cash, to be utilized by the Town in removing the CWECU in the event the Applicant fails to do so as required under this subparagraph. Proof of this bond or similar surety shall be filed with the Town Clerk each year and

recalculated in an amount reflecting the then current estimated costs for decommissioning such system.

- 4) The Applicant shall notify the Code Enforcement Officer within thirty (30) days of the discontinuance of use of any CWECs or any portion thereof.
  - (a) Should the applicant fail to notify the Town Code Enforcement Officer as required in this paragraph (4), the applicant shall be subject to all penalties provided under this local law and following additional penalties:
  - (b) A \$200.00 per day penalty from the time the applicant should have notified the Code Enforcement Officer as required in this paragraph (4) and the date the wind energy conversion system or portion thereof is removed or made operational as set forth under paragraph 6 of this section.
- 5) Should the CEWCS or any portion thereof not operate for a total period of 60 days within any ninety (90) day period, the Town shall notify the applicant that such offending CWECs or portion thereof shall be removed or made operational.
- 6) The Applicant shall remove any discontinued, decommissioned, obsolete or unused commercial wind energy conversion system or portions thereof and restore the site to pre-construction conditions or make the wind energy conversion system or portion thereof fully operational, within one hundred eighty (180) days of delivery or receipt of the notification set forth in paragraph 5 of this section.
- 7) Prior to the expiration of this time, the applicant may apply to the Town Code Enforcement Officer, and the Code Enforcement Officer may grant, an extension in time for which such CWECs or portion thereof needs to be removed or made operational, up to an additional time of one hundred eighty (180) days. Such extension shall only be granted if the applicant demonstrates good cause that such extension is necessary as a result of uncontrollable events such as weather delays, repair delays or other similar conditions requiring the need for such extension.
- 8) Failure to notify and/or remove any discontinued, decommissioned, obsolete or unused CWECs or portion thereof in accordance with this local law shall be in violation of this local law and subject the applicant to the penalties set forth herein. In addition, the cost of removing the offending CWECs or portion thereof shall be drawn against the financial surety posted by the applicant for demolition or decommissioning of the project as set forth in this section.
- 9) Any costs incurred by the Town that exceeds the amount of such financial surety or not be covered by said surety shall be the complete and sole responsibility of the applicant.
- 10) Upon completion of all such removal activities by the Town, any remaining portion of the posted surety shall be returned to the applicant forthwith

P. Post-Installation

- 1) On an annual basis a post-installation field report identifying the CWECs's generation of electricity, and impacts upon the environment, including but not limited to any adverse drainage patterns then existing, sites of erosion in vicinity of the system, and other potential adverse environmental conditions, shall be submitted by the applicant to the Town Board. This report shall also include all complaints and remedial actions logged by the Applicant and any other reasonable items that may be requested by the Town Planning Board. This report shall be filed annually with the Town Clerk.

- 2) If it is determined that any CWECS or portion thereof is operating outside the parameters of the zoning requirements and conditions of approval, the Applicant shall be notified, and any and all necessary remedies implemented. If the problem cannot be remedied within an appropriate amount of time, based on its nature and severity, the Code Enforcement Officer may require the CWECS or a portion thereof be shut down until such repairs can be made. If the applicant and the Code Enforcement Officer are unable to agree on an appropriate time or method for remedying such problem, either party shall ask the Town Board to determine such a reasonable time or method of remedy.
- 3) Safety issues deemed to be of an imminent significant threat to the health, safety and/or welfare of any person affected by the wind energy conversion system or any portion thereof as determined by the Code Enforcement Officer shall require the immediate shut down of the CWECS or portion thereof system until corrective action is taken and the imminent significant threat fully mitigated.

*§615-3.(e) Wind Energy Systems - Operating Considerations*

- A. Landscaping – Upon completion of installation the site shall be returned as close as possible to its natural state, including, but not limited to, restoring the subsoil, topsoil and any drainage infrastructure to pre-construction condition and reforestation of at least 40% for any woodlands that have been cleared.
- B. Building and Grounds Maintenance – Any damaged or unused parts shall be removed from the premises within thirty (30) days or stored in a locked on-site storage building. All maintenance equipment, spare parts, oil or chemicals (cleaning, pesticides, fuels) shall also be stored in said on-site locked storage building.
- C. Ownership Changes – If the ownership of a CWECS changes, the approved permit shall remain in full force and effect. All requirements of the approved permit, including bonding, letters of credit or continuing certification requirements of the original owner shall continue to be obligations of the succeeding owners. All such changes in ownership shall be registered with the Town Clerk within thirty (30) days of such transfer, and any emergency contact information posted shall be changed accordingly.
- D. Commercial Wind Energy Conversion Unit Modifications – Any and all modifications, additions, deletions, or changes to CWECS, whether structural or not, shall be made by obtaining a new approval from the Town Planning Board and Town Board prior to any modifications or changes being made.
- E. Repairs – However, prior approval as set forth in paragraph D of this section shall not be required for repairs which become necessary in the normal course of operation of the CWECS, become necessary as a result of natural forces such as wind or ice, as a result of any other acts of God, or repairs caused by the malicious or negligent acts of any persons or the behavior of animals.

*§615-3.(f) Wind Energy Systems - Certifications*

- A. Routine Inspection Report – An inspection report prepared by a qualified professional engineer licensed in the State of New York shall be required at the completion of the installation of the CWECS. Said inspection report shall certify the wind energy system and any

portion thereof complies with all manufacturing specifications and any and all rules, regulations and statutes pertaining thereto. Said inspection report shall be filed with the Code Enforcement Officer and the Town Clerk.

- B. Insurance – Liability – Prior to the issuance of a building permit regarding an approved CWECS, the applicant shall file with the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance in a reasonable level as determined by the Town Board in consultation with the Town’s insurer, guided by industry standards, to cover damage or injury which might result from the CWECS or any portion thereof. Such liability insurance shall also name the Town and the current property owner of record as an additional insured, unless said property owner waives such coverage in writing.
- C. National and State Standards – In addition to any requirements of this local law, the applicant shall show that all applicable manufacturers, New York State and U.S. standards for the construction, operation, and maintenance of the proposed CWECUs have been met or are in compliance. CWECUs shall be built, operated, and maintained to applicable industry standards of the Institute of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
- D. Continuing Obligations – All requirements detailed in this local law shall remain in full force and effect for the duration of the granted permit.

*§615-3.(g) Wind Energy Systems - Inconsistency*

All other local laws and ordinances of the Town of Barrington inconsistent with the provisions of this Local law are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

*§615-3.(h) Wind Energy Systems - Penalty*

- A. Any person who violates or knowingly permits the violation of this Local Law shall be deemed to have committed a violation and shall be subject to the following penalties: a minimum of \$25.00 to the maximum of \$250.00 per day or 15 days imprisonment, or both. Each separate violation shall constitute a separate additional offense for which a penalty may be assessed thereon.
- B. Further, every day such violation is determined to have existed shall be deemed to constitute a separate and additional offense for which the person may be subject to the penalties set forth herein for each and everyday violation so existed. Failure to remedy the violation within a reasonable time shall cause the penalties to be doubled each week (seven days).

**§615-4 Special Use Permit Checklist Requirements**

<b>Special Use Permit Checklist Requirements from Appendix H-1</b>	<b>Required Prior to Meeting with Planning Board</b>	<b>Optional Data as Decided by CEO</b>
<b>Wind Turbines - Private Use</b>	<b>1, 3, 4, 5, 6, 7</b>	<b>2, 8, 9, 10, 11</b>

<b>Wind Energy Systems - Large Scale Wind Farms</b>	<b>1-11</b>	
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**§616. Prohibited/Restricted Land Uses in the Town of Barrington**

**§616-1 Prohibited Land Uses**

- A. Disposal of radioactive waste.
- B. Disposal of waste resulting from natural gas and/or petroleum extraction, exploration, or production or storage.
- C. Non-regulated petroleum pipelines.
- D. Underground natural gas storage.
- F. Mining and/or disposal of wastes resulting from mining. Uses with a high likelihood of a physical hazard due to fire, explosion, radiation or other cause, to persons or property.
- G. Commercial junkyards

**§616-2 Highly Restricted Land Uses**

The land uses below should be prohibited by the Planning Board but may be allowed by the Zoning Board of Appeals under very restrictive conditions.

- A. Uses that produce offensive or objectionable vibration, noise, odor, or glare noticeable beyond the property line, except those that are customary in agricultural practices shall not be restricted hereby.
- B. Uses that include storage of material in such a manner that it facilitates the breeding of vermin.
- C. Uses that include the emission of smoke, fly ash, or dust in such a manner as to damage property or to harm the health of persons, animals, or plants.

## ARTICLE VII. NON-CONFORMING BUILDINGS, STRUCTURES AND USES.

### §700. Relevant Definitions

Non-conforming Lot = A lot of record existing at the date of the enactment of this Zoning Law which does not have the minimum width, depth, or height for the district in which it is located.

Non-conforming Use = Any use of a building, other ancillary structures, or a tract of land, otherwise lawfully established, but which does not conform to the present regulations of the district in which such use is located, either prior on the effective date of this Zoning Law or as a result of subsequent amendments thereto. Also as referred to as a "grandfathered use" but that terminology is no longer in favor.

### §701. Continuation of Existing Non-conforming, Buildings, Structures and Uses.

The lawful use, or the bulk of use, of any building, structure, or land use zoning use in existence on the effective date of this Zoning Law may continue, although it still may be determined to not be in conformity with this Zoning Law.

That prior, non-conforming use may continue even under a new owner since it is the status of the land and not ownership which controls. In other words, you can transfer the property to a new owner without the land losing the right to the existing use.

However, the doctrine of prior, non-conforming use comes with several caveats:

- A. The doctrine assumes that the use will gradually come to an end. For example, if you have a factory established in a residential zone, generally, you may NOT upgrade the factory in order to continue the "use" beyond its original expected span of life.
- B. You may not expand the "use" by making it physically larger or with a greater operational capacity.
- C. No enlargement or reconstruction of a non-complying building can increase the dimensions either laterally or vertically or its position in the lot.
- D. Maximum allowable reconstruction of a prior, non-conforming structure is the same square footage of the building's ground floor footprint and the maximum structural height prior to the damage (approximates the same cubic feet of the prior, non-conforming to requiring repair/reconstruction.
  - 1) A non-conforming accessory structure or a dwelling building can be rebuilt without using the same precise original square footage, height, and cubic foot content spacing of the original footprint if is determined by the CEO that by moving the building to a different location or using a smaller footprint than the original non-conforming building is in the interest of the town and/or the immediate neighbors.
    - (a) The non-conforming land use can't be altered without losing the right to a non-conforming land use the land use right.

- 2) In the LR district, with prior COE approval, moving a rebuilt, prior, non-conforming accessory building to another non-conforming location on the same lot but away from the lake's high-water mark to meet the twenty-five (25) foot setback requirements would also be able to retain its prior, non-conforming status.
- E. You cannot change land uses to conforming land use and later go back to the prior non-conforming use. Once ended, the non-conforming use is no longer available to the property owner.
- F. A non-conforming lot and/or building cannot create any new non-compliance.

## §702. Repair

The repair of a non-conforming building, or structure, including the restoration of a building or structure declared unsafe by proper authority and ordered to be restored to a safe condition; and the repair of a building or structure damaged by fire or other cause, shall require the approval of the Code Enforcement Officer and an issuance of a Certificate of Pre-existing Non-conformity.

## §703. Reconstruction and Restoration

If a non-conforming building, structure or land use, or part thereof, has been destroyed or damaged by any means after the effective date of this Zoning Law, the rebuilding or restoration must begin within eighteen (18) consecutive months as a non-conforming building, structure, or use.

Said rebuilding or restoration shall only be permitted if reconstructed or restored with:

- A. The same or less floor area, height and cubic foot content space.
- B. With the same site layout and use as that of the original structure.
- C. An exception would be granted if the CEO or subsequent review by the ZBA found that moving the non-conforming structure to another non-conforming location would benefit either the town or the structure's immediate neighbors.

If this 18-month time period cannot be met, the Zoning Board Appeals may grant an extension, with reasonable justification. Zoning Board of Appeals approval of reconstruction or restoration plans shall also be required when the degree or extent of nonconformity is increased. The Zoning Board of Appeals may impose conditions on such approval provided there is a finding that such conditions would bring the non-conforming use or activity to one that is more in conformity with the regulations for the district in which it is located. In no event shall there be a change in land use allowed without first the granting of a use variance by the Zoning Board of Appeals.

## §704. Changes to Non-conforming Uses

A non-conforming use may be changed to another non-conforming use only by a Use Variance Permit granted by the Zoning Board of Appeals. A non-conforming use may be changed to a conforming use but shall not thereafter be able to revert back to a non-conforming use.

## §705. Abandonment or Discontinuance

- A. Abandonment or discontinuance of any non-conforming use or building for a period of eighteen (18) consecutive months beginning when the Zoning Board of Appeal officially notes abandonment or discontinuance in its official minutes.
- B. This Zoning Law has established a two-pronged subjective test to determine if a property owner has abandoned a non-conforming use. This test requires to show (1) an intention to abandon, and (2) some overt act or failure to act which carries a sufficient implication that the owner neither claims nor retains any interest in the subject matter of the abandonment.
- C. The criteria that can be used to document abandonment are:
  - 1) Lack of any utility bills for one year
  - 2) The visibility of discontinued use, as documented by photographs and the CEO certification citing the periods of observations.
    - (a) Vacating the non-conforming property or building
    - (b) Razing the building and not moving forward to replace it
    - (c) Cessation of the non-conforming use including commercial use
- D. The property owner shall immediately terminate and acknowledge such non-conforming use of the building and premises. No existing non-conforming use shall be considered in conformance with the provisions of this Zoning Law for the area in which such building or premises is located.

## §706. Commercial, Industrial and Related Uses

Any new construction to, or expansion of, an existing non-conforming commercial, industrial or related activity/use requires a Use Variance permit issued by the Zoning Board of Appeals and shall comply with Article VI of this law

## §707. Expansion of Non-conforming Uses

- A. The expansion of any non-conforming use shall be prohibited, except in the case of a Use Variance Permit being issued by the Zoning Board of Appeals.
- B. Any addition to, or alteration of, a non-conforming structure will require an Area Variance permit issued by the Zoning Board of Appeals
- C. Before the Board may exercise its discretion and grant a variance upon the ground of unnecessary hardship, the record must show that:
  - 1) the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.
  - 2) that the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself.
  - 3) that the use to be authorized by the variance will not alter the essential character of the locality.
- D. Criteria for issuance of a Use Variance Permit:

- 1) The footprint of the new structure can't exceed the original structure
- 2) The new structure must begin construction within 2 years of the permit approval.

## ARTICLE VIII - ZONING ADMINISTRATION, ENFORCEMENT AND APPEALS

### §800. Purpose and Intent

This portion of the Barrington Zoning Law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Barrington. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

### §801. Relevant Definitions for §802 to §808

Building Permit = a building permit is required by Barrington prior to any construction of any new buildings, building additions, and/or reconstruction projects. The issuance of a Certificate of Occupancy cannot be issued for any work for which a Building Permit was not issued prior to construction.

Certificate of Occupancy = (also referred to as a Certificate of Completion) is the legal document describing a building's use and/or the type of occupancy permitted in a building. The Certificate of Occupancy is the municipality's way to approve the construction so long as it was built in accordance with the approved plans and conforms with the local building codes. It is also used to record that structure has been modified or repaired to bring in back into zoning compliance.

Code Enforcement Officer = appointed by the Town Board and shall administer and enforce all the provisions of the NYS Uniform Code, the NYS Energy Code and the Barrington Zoning Law.

Energy Code = New York State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time. The NYS Energy Code follows the International Energy Conservation Code 2018 (IECC 2018).

Member = means an individual appointed by the Town Board to serve on the Zoning Board of Appeals or Planning Board pursuant to the provisions of the local law or ordinance that first established such Zoning Board of Appeals or Planning Board.

Alternate Member means an individual appointed by the Town Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Operating Permit = Permit which is renewed, amended or extended pursuant to any provision of this local law.

Order to Remedy = an order issued by the Code Enforcement Officer pursuant to of this Zoning Law.....

Permit Holder = the Person to whom a Building Permit has been issued.

Person = shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of

any kind or description for the purpose of designating the holder of any permit issued by the Code Enforcement Officer (CEO).

Stop Work Order =

Temporary Certificate = a certificate of occupancy issued for a limited time pursuant to ...

Special Use Permit= A specific exception to the zoning code regulations from a list of acceptable exceptions for a particular parcel of land in a district of a particular zoning character which requires the review and approval of the Planning Board and the approval as per Barrington Town Board procedures.

Subdivision = refer to §300

Uniform Code = The New York State Uniform Fire Prevention and Building Code, or International Code, in effect and as hereafter amended from time to time by the State of New York.

## §802. Code Enforcement Officer

The Code Enforcement Officer, who shall be appointed bi-annually by the Town Board, shall administer and enforce the provisions this Zoning Law, along with the Uniform Code and the Energy Code. He/she shall issue no Building Permit or Certificate of Occupancy except where all the provisions of this Zoning Law, the Uniform Code and the Energy Code have been complied with.

### §802-1. Duties

The office of Code Enforcement Officer (CEO) has been appointed by the authority of the Town Board. The Code Enforcement Officer shall administer and enforce all the provisions of this Zoning Law in addition to the Uniform Code and the Energy Code.

In terms of the Zoning Law, the Code Enforcement Officer shall have the following powers and duties:

- A. To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates of Occupancy and Operating Permits, and the plans, specifications and construction documents submitted with such applications.
- B. Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates of Occupancy and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates of Occupancy and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate.
- C. To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Zoning Law.
- D. To issue stop-work orders.
- E. To review and investigate complaints.
- F. To issue orders pursuant to §803-2 (Contents of Notice of Violations) of this Zoning Law.
- G. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by the CEO, including records of:

- 1) All applications received, reviewed and approved or denied.
  - 2) All plans, specifications and construction documents approved.
  - 3) All Building Permits, Certificates of Occupancy, Temporary Certificates of Occupancy, Stop Work Orders, and Operating Permits issued.
  - 4) All inspections and tests performed.
  - 5) All statements and reports issued.
  - 6) All complaints received.
  - 7) All investigations conducted.
  - 8) All condition assessment reports received.
  - 9) All fees charged and collected.
  - 10) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.
  - 11) These records will be kept by the Town Clerk in the Town office.
- H. To collect fees as set by the Town Board of this Town.
- I. To pursue administrative enforcement actions and proceedings.
- J. In consultation with this Town Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this Zoning Law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this Zoning Law.
- K. To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Zoning Law and the Town Board.

## 803. Building Permits

### §803-1. Building Permit Requirements

- A. No building or structure shall be erected or altered until the Code Enforcement Officer has issued a building permit.
- 1) The drilling of water wells will also require a Building Permit from the Code Enforcement Officer.
  - 2) Permits for dredging, drilling of non-water wells and commercial excavating must be permitted by the NYS Department of Conservation.
- B. No building permit shall be issued for any modifications to any existing non-conforming building or structure that will result in a violation of the Zoning District Regulations (plus Appendix A); or the Zoning Schedule/Table of Requirements (Appendix B) pertaining to maximum percentage of lot coverage, minimum floor area, maximum height of buildings and structures. In these instances, either a use variance, or area variance shall first be required to be approved by the Zoning Board of Appeals and then a building permit is issued by the Code Enforcement Officer.
- C. No Building Permit shall be required for work in any of the following categories:
- 1) Construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool

and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet.

- 2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses).
  - 3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground.
  - 4) Installation of fences which are not part of an enclosure surrounding a swimming pool.
  - 5) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids.
    - (a) This regulation does not include Keuka Lake retaining walls to hold back lake waters which require a NYS Department of Conservation permit for the work.
  - 6) Construction of temporary motion picture, television and theater stage sets and scenery.
  - 7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
  - 8) Installation of partitions or movable cases less than 5'-9" in height.
  - 9) Painting, wallpapering, tiling, carpeting, or other similar finish work.
  - 10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances.
  - 11) Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
  - 12) Repairs, provided that such repairs do not involve:
    - (a) The removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component.
    - (b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress.
    - (c) The enlargement, alteration, replacement or relocation of any building system.
    - (d) The removal from service of all or part of a fire protection system for any period of time.
- D. Ordinary maintenance to a conforming, or existing non-conforming, building, or structure which does not result in the need for any variance described above herein, or within Appendix B shall not require the approval of the Code Enforcement Officer.

## §803-2. Building Permit Application

Applications for a Building Permit shall be made in writing on a form provided by the CEO. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- A. A layout or plot map, drawn to 1"=100' scale, showing the actual dimensions of the lot and the dimensions of the building or structure to be built including all set back dimensions from the property lines. In addition, such other information as may be determined necessary by

the Code Enforcement Officer to determine compliance with this Zoning Law and to provide for the enforcement of other State, County, or Town laws. The layout or plot maps need to include the following information (Appendix H-1 provides a general format of plot contents):

- 1) The lot's tax number and street address.
- 2) A description of the proposed work.
- 3) The occupancy classification of any affected building or structure
- 4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code.
- 5) At least 2 sets of construction documents (drawings and/or specifications) which
  - (a) Define the scope of the proposed work.
  - (b) Are prepared by a New York State registered architect or licensed professional engineer.
  - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed.
  - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code.
  - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- 6) Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp.
  - (a) One set of the accepted construction documents shall be retained by the Code Enforcement Officer. A second set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the CEO.
    - i. The return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued.
    - ii. Work shall not be commenced unless a Building Permit is issued.
- B. Once an application has been determined to be complete by the Code Enforcement Officer it shall be acted upon within 30 days from the date of receipt.
- C. Modifications to existing buildings and structures which would result in difference to the provisions of this Zoning Law, as noted in Appendix B must first be granted a variance by the Zoning Board of Appeals. All variance applications shall be accompanied by two copies of a layout or hand-drawn sketch to appropriate scale showing clearly the degree to which the relief being requested would otherwise be in violation of provisions of this Zoning Law.
- D. All applicants must conform to the regulations in Table of Permitted Uses/Table of Requirements-Appendix A. If a use is requested that is not listed as "permitted" in Appendix A then a use variance is required from the Zoning Board of Appeals if CEO initially turns down the use requested.

- E. No more than one building or structure shall be allowed on a single building permit.
- F. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- G. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

#### §803-4. Building Permit - Permit Expiration

- A. A building permit shall expire one (1) year after the date issued by the Code Enforcement Officer unless substantial construction has begun.
  - 1) A Building Permit which has become invalid or which has expired may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- B. Revocation or suspension of Building Permits. If the CEO determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the CEO shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that:
  - 1) All work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code.
  - 2) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

#### §803-5. Building Permit - Permit Fees

A Schedule of Fees and Fines for all building permits and approval applications as required in this Zoning Law shall be set forth in the Annual Fee Schedule adopted by resolution of the Town Board.

#### §804 Construction Inspections

- A. Code Enforcement Officer will maintain the "Listing of Required Construction Documents for Building Permit XX-YEAR"
- B. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision of this section is ready for inspection.
- C. Elements of work required to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) Work site prior to the issuance of a Building Permit.
  - (2) Footing and foundation.
  - (3) Preparation for concrete slab.
  - (4) Framing.
  - (5) Building systems, including underground and rough-in.
  - (6) Fire resistant construction.
  - (7) Fire resistant penetrations.
  - (8) Solid fuel burning heating appliances, chimneys, flues or gas vents.
  - (9) Energy Code compliance; and
  - (10) Final inspection after all work authorized by the Building Permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code.
- 1) Work not in compliance with any applicable provision of the Zoning Law, Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

## §805. Stop Work Orders

- A. The Code Enforcement Officer shall issue a Stop Work Order to halt:
- 1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work.
  - 2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work.
  - 3) Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.
- B. Stop Work Orders shall:
- 1) Be in writing.
  - 2) Be dated and signed by the CEO.
  - 3) State the reason or reasons for issuance.
  - 4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. The CEO shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by [*registered mail / certified mail*]. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work

Order, personally or by *registered mail*; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

- D. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- E. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 16 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

## §806. Certificate of Occupancy

A Certificate of Occupancy shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy

### §806-1. Relevant Definitions

Certificate of Occupancy = (also referred to as a Certificate of Completion) is the legal document describing a building's use and/or the type of occupancy permitted in a building. The Certificate of Occupancy is the municipality's way to approve the construction so long as it was built in accordance with the approved plans and conforms with the local building codes. It is also used to record that structure has been modified or repaired to bring in back into zoning compliance.

### §806-2. - Specific Regulations

- A. No dwelling shall be used or occupied until a certificate of occupancy has been issued by the Code Enforcement Officer stating that applicable provisions of this Zoning Law, as well as the provisions of other State, County and Town Laws have been met.
- B. Failure to obtain a Certificate of Occupancy may not be necessary in other matters governed by this Zoning Law. These other matters, however, shall then be subject to a Certificate of Zoning Compliance being issued by the Code Enforcement Officer stating that all other requirements of this Zoning Law have been satisfied.
- C. No dwelling, structure or use permitted by reason of Special Use permit or Variance ruling issued by the Planning Board or Zoning Board of Appeals shall be used or occupied until a Certificate of Occupancy or a Certificate of Zoning Compliance has been issued by the Code Enforcement Officer stating that all requirements of the special permit or variance have been met.
- D. An application for a Building permit, Special Use permit or Variance shall each be considered as a separate application with an additional fee being required in accordance with the Annual Fee Schedule adopted by the Town Board.

### §806-3. Temporary Certificate of Occupancy

- A. The CEO shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit.
- B. In no event shall the CEO issue a Temporary Certificate unless the Code Enforcement Officer determines:
  - 1) That the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely.
  - 2) That any fire and smoke-detecting or fire protection equipment which has been installed is operational.
  - 3) That all required means of egress from the building or structure have been provided.
- C. The CEO may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code.
- D. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the CEO and specified in the Temporary Certificate.
  - 1) During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

### §806-4. Revocation or Suspension of Certificates

If the Code Enforcement Officer determines that a Certificate of Occupancy or a Temporary Certificate of Occupancy was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate

### §807. Fire Safety and Property Maintenance Inspections

As per NY Code, Rules & Regulations Title 19, Chapter XXXII 1203.3

#### §807-1. Fire Inspections required.

Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- A. Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
- B. Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
- C. Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and

occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every twelve (12) months.

## §807-2. Fire Inspections Permitted

In addition to the other inspections required by the CEO, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the CEO at any time upon:

- A. The request of the owner of the property to be inspected or an authorized agent of such owner;
- B. Receipt by the CEO of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- C. Receipt by the CEO of any other information, reasonably believed by the CEO to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist.

provided, however, that nothing in §807 shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

## §807-3. OFPC Inspections

Nothing in this section or in any other provision of this Zoning Law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary:

- A. The CEO shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
- B. The CEO shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
- C. The CEO shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and
- D. The CEO shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.]

## §807-4. Fee

The fee specified in the Town Fee Schedule must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

## §808. Complaints of a Violation

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law [ *ordinance*] or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.

### §808-1. Complaint Investigation

The process for responding to a complaint shall include such of the following steps as the CEO may deem to be appropriate:

#### *§808-1.(a). Permission for Dwelling Entry and Inspection*

- A. Request for permission to inspect will normally be made verbally, but in case such a request is refused, the request will then be granted within one week of date of delivery, or date of mailing, of the written request at a time of owner's convenience, or the matter will be handled in accordance with due process of law. Inspection of the interior of a building will normally be required only when the owner had indicated a change of use or where there is good cause to believe a change of use is being accomplished.
- B. After requesting permission of the owner, the CEO upon showing proper credentials, shall have the right to enter upon, examine, inspect, measure, sample and/or test or cause to be entered, examined and inspected any building or property at any reasonable time for the purpose of carrying out duties and to determine compliance with the provisions of this law.

#### *§808-1.(b). Performing the Inspection*

- A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 16 (Violations) of this local law;
- C. If appropriate, issuing a Stop Work Order;
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.
- E. A written report of each such examination and inspection shall be prepared on any appropriate form and kept on file by the Code Enforcement Officer. Note that an application for an area variance, a use variance, a Special Use permit, subdivision, or site plan approval grants permission by the owner for the CEO to inspect the property to determine compliance with the application form information.

## §808-2. Service of Notice of Violation

Whenever in the opinion of the Code Enforcement Officer, after proper examination and inspection, there appears to exist a violation of any provision of this Zoning Law or of any rule or regulation adopted pursuant thereto, he/she shall serve the property owner a written Notice of Violation sent by Certified Mail or by hand delivery with a signed form letter upon the appropriate form.

### §808-2.(a). Contents of Notice of Violation

Such notice of violation shall inform the property owner of:

- A. The nature and details of such violation;
- B. The remedial action recommended by the CEO, which, if begun within 14 days will affect compliance with, the provisions of this Zoning Law and with rules and regulations adopted pursuant thereto;
- C. The date of compliance by which the violation must be remedied or removed. The date of compliance shall be thirty (30) days after said notification, if said violation has not been corrected, then this written notice shall be considered to constitute a violation and the property owner shall be subject to appropriate penalties. If there is an immediate threat to the health and safety, then the order to correct can become whatever the CEO's Notice of Violation documents as necessary.

## §808-3. Extension of Date for Existing Certificate of Occupancy

The Code Enforcement Officer may extend the date of Certificate of Occupancy specified in a notice of violation after written application; if, in his/her opinion, there is reasonable evidence of intent to comply and that reasonable conditions exist which prevent zoning compliance by the specified date. This finding by the CEO should be in writing and forwarded to the Town Clerk. The findings and the resulting extension shall contain a conclusion that such extension will not result in a threat to the health or safety of the site or adjoining properties. Refer to §802-2-A of this document for definition and further explanation.

## §808-4. Emergency Action to Abate Violations

If, in the opinion of the Code Enforcement Officer, a violation exists from either the Zoning Law or the NYS Fire Code which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building or to other persons, he/she may order such violation immediately remedied or may take direct action on his/her own initiative to abate the hazard or danger. The owner, occupant or person responsible for the violation shall pay for any costs incurred by such action. The Code Enforcement Officer shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and he/she is furthermore authorized to institute a lawsuit, if necessary, against the person liable for such expense, in order to recover the costs.

## §808-5. Violation Conclusion - A Revised/Updated Occupancy Certificate

On re-inspection following the expiration of the date of compliance as specified in the notice of violation, if the violation has been remedied or removed in accordance with the specified remedial action and there is no longer a violation of any provision of the law, then the Code

Enforcement Officer shall issue a revised/updated Occupancy Certificate that will note the zoning compliance. The Occupancy Certificate will be permanently filed with the property file at the Town Clerk's Office.

## §808-6. Penalties for Offenses

If, after notice of a violation of this Zoning Law has been served, any person who shall continue to willfully violate or cause to be violated or assist in the violation of any provisions of this law, shall be subject to a fine of not less than \$50 or more than \$250 or by a sentence of imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each day that such violation continues shall constitute a separate offense.

## §809. Health Department Requirements

No building permit or certificate of occupancy issued by the CEO under the provisions of this Article shall become or remain valid unless the holder thereof has complied with the applicable rules and regulations of the Keuka Lake Watershed Improvement Cooperative Regulations that have been adopted by the Town Board. These regulations provide for uniform design of on-site wastewater management systems and pursue appropriate action to resolve other potential threats to Keuka Lake. The NYS Dept. of Health along with the 8 townships in the watershed have developed the septic waste management systems within 200 feet along Keuka Lake shore and management of the regulations are the responsibility of the Watershed Inspector(s) (Yates County Soil & Water) for the Town of Barrington.

## §810. Planning Board

### §810-1. Relevant Planning Board Definitions

Definition: a local appointed government board charged with recommending to the Town Board the boundaries of the various zoning districts and appropriate regulations to be enforced therein and any proposed amendments thereto and shall collect data and keep itself informed as to the best practices generally in effect in the matter city planning and zoning to the end that it may be qualified to act on measures affecting the present and future movement of traffic, the segregation of residential and business districts and the convenience and safety of persons and property in any way dependent on city planning and zoning.

### §810-2. Appointment and organization

- A. The Town Board shall appoint a Planning Board in accordance with the provisions set forth in Section 267 of New York State Town Law]. The Town Board shall, each year, appoint the Chairman. The Town Board shall appoint a total of five (5) members to serve on staggered terms and in accordance with the provisions contained in the above referenced section of New York State Town Law. The Planning Board, each year, shall choose its Vice Chairman who shall preside in the absence of the Chairman. The Town Board shall appoint a Secretary to record the proceeding of all meetings and shall file said meeting records with the Town Clerk. In addition, the Board shall prescribe rules for the conduct of its affairs. The Zoning

Board of Appeals, each year, shall choose its Vice Chairman who shall preside in the absence of the Chairman.

- B. The Town of Barrington Planning Board is empowered, as authorized under Section 271 of Town Law of New York, to perform:
  - 1) Review and approval of permits, including Special Use, Sign and other permits as established by the Town Board;
  - 2) Act on subdivision or site plans;
  - 3) Adopt, amend or approve activities or actions for which the Town Board has not delegated authority to another committee.
- C. Alternate Planning Board members.
  - 1) The use of and appointment by the Town Board of an alternate member(s) of the Zoning Board of Appeals is hereby authorized pursuant to the provisions of Article 16 of the New York State Town Law.
- D. Terms.
  - 1) After the initial appointments for terms as specified in §609-A, all terms shall be for five (5) years, with the term of one (1) Board member expiring each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment by the Town Board for the unexpired term.
- E. Rules of procedure.
  - 1) The Planning Board shall have the power to make, adopt and promulgate such written rules of procedure, bylaws and forms, as it may deem necessary for the proper execution of its duties and to secure the intent of this law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provisions of this law or any other laws of the Town of Barrington.
- F. Conflict of Interests and Ethics
  - 1) Planning Board members and alternate members shall hold no position in the Town of Barrington nor be permitted to act on any matter in which he/she has either directly or indirectly any personal or financial interest.
  - 2) Code of Ethics: The Town of Barrington Planning Board members will abide by the Town of Barrington Code of Ethics, violation of which will be grounds for dismissal from the Planning Board. (Refer to Local Law 2 of 2008 – A Local Law to Establish a Board of Ethics for the Town of Barrington)
- G. Procedures Regarding Alternate Members
  - 1) The alternate member may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. No more than five (5) votes shall be cast for any matter. In the event that the alternate member shall be necessary to create a Board of five (5) members for any application, the absent regular member shall not thereafter vote in any manner with respect to that application.
- H. Staff.

- 1) The Planning Board may employ such clerical or other staff assistants as may be necessary and prescribe their duties, provided that it shall not at any time incur expense beyond the amount of the appropriation made and then available for that purpose.

I. Meetings.

- 1) All meetings of the Planning Board shall be held at the call of the Chairman.
  - a) All meetings shall be open to the public.
  - b) The Planning Board shall keep minutes of its proceedings, showing the vote of each member on every question, and shall keep records of all official actions.
  - c) Every order, requirement, decision or determination of the Zoning Board of Appeals shall be within sixty-two days of the hearing and shall be filed in the office of the Town Clerk within 5 days of finalization as per New York state law and shall be a public record within sixty-seven (67) days of the hearing.

J. Authority.

- 1) Planning Board is governed by and shall act in strict accordance with procedures specified by the Town Law, this Zoning Law and its own duly adopted rules, bylaws and forms and shall perform the following functions:
  - (a) Decide any questions properly brought before it involving the interpretation of any provision of this law.
  - (b) All Special Use permits are subject to review at any time based on:
    - i. Complaints
    - ii. Agreed upon time frames that were part of the permit's approval
    - iii. New identified violations
    - iv. Failure to provide accurate, relevant information on original, approved application
- 2) The Chairman of the Planning Board, and in his/her absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses at meetings and hearing.

## §811. Zoning Board of Appeals

### §811-1. Relevant ZBA Definitions

Appeal = A request for a review, by the Zoning Board of Appeals, of the Code Enforcement Officer's interpretation of any provision of this law, ~~or~~ a request for a variance, or an appeal of a decision made by the Planning Board.

Site Development Plan = Also called Site Plan - A detailed plan for the proposed development or land use of a particular piece or plot of land showing all of its major features that is prepared for site plan review pursuant to provisions of this Zoning Law.

Sketch Plan = A plan that is less detailed than a preliminary subdivision plan or a preliminary site plan drawing; usually adequate for simple special use permits and often hand drawn.

Zoning Board of Appeals means the Zoning Board of Appeals of the Town of Barrington as established by the Town Board, pursuant to the provisions of §267 of the Town Law. A Zoning Board of Appeals hears appeals, evaluates requests for interpretations and approves or denies

dimensional and use variances. A variance is permission from the ZBA to allow a deviation from the code or ordinance as it pertains to zoning matters.

## §811-2. ZBA Appointment and Organization

- A. The Town Board shall appoint a Zoning Board of Appeals (ZBA) in accordance with the provisions set forth in Section 267 of New York State Town Law. The Town Board shall, each year, appoint the Chairman. The Town Board shall appoint a total of five (5) members to serve on staggered terms and in accordance with the provisions contained in the above referenced section of New York State Town Law. The Zoning Board of Appeals, each year, shall choose its Vice Chairman who shall preside in the absence of the Chairman. The Town Board shall appoint a Secretary to record the proceeding of all meetings and shall file said meeting records with the Town Clerk. In addition, the Board shall prescribe rules for the conduct of its affairs. The Zoning Board of Appeals, each year, shall choose its Vice Chairman who shall preside in the absence of the Chairman.
- B. In addition, the Board shall prescribe rules for the conduct of its affairs.
- C. Alternate members.
  - 1) The use of and appointment by the Town Board of an alternate member(s) of the Zoning Board of Appeals is hereby authorized pursuant to the provisions of Article 16 of the New York State Town Law.
- D. Terms.
  - 1) After the initial appointments for terms as specified in §613.A, all terms shall be for five (5) years, with the term of one (1) Board member expiring each year. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment by the Town Board for the unexpired term.
- E. Rules of procedure.
  - 1) The Zoning Board of Appeals shall have the power to make, adopt and promulgate such written rules of procedure, bylaws and forms, as it may deem necessary for the proper execution of its duties and to secure the intent of this law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provisions of this law or any laws of the Town of Barrington.
- F. Conflict of Interest and Ethics
  - 1) Zoning Board of Appeals' members and alternate members shall hold no position in the Town of Barrington nor be permitted to act on any matter in which he/she has either directly or indirectly any personal or financial interest.
  - 2) Code of Ethics: The Zoning Board of Appeals members will abide by the Town of Barrington Code of Ethics, violation of which will be grounds for dismissal from the Planning Board.
- G. Procedures Regarding Alternate Members
  - 1) The alternate member may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. No more than five (5) votes shall be cast for any matter. In the event that the alternate member shall be necessary to create a Board of five (5) members for any application, the absent regular member shall not thereafter vote in any manner with respect to that application.

H. Staff.

- 1) The Zoning Board of Appeals shall appoint a Secretary to record the proceeding of all 2meetings and shall file said meeting records with the Town Clerk.
- 2) The Zoning Board of Appeals may also employ such clerical or other staff assistants as may be necessary and prescribe their duties, provided that it shall not at any time incur expense beyond the amount of the appropriation made and then available for that purpose.

I. Meetings.

- 1) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman.
- 2) All meetings shall be open to the public.
- 3) A public hearing will be held within sixty-two (62) days of the date that the COE receives an appeal on a permit or an application for a use or area variance.
- 4) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on every question, and shall keep records of all official actions.
- 5) Every order, requirement, decision or determination of the Zoning Board of Appeals shall be within sixty-two days of the hearing and shall be filed in the office of the Town Clerk within 5 days of finalization as per New York state law and shall be a public record within sixty-seven (67) days of the hearing.

### §811-3. Authority

- A. The Chairman of the Zoning Board of Appeals, or in his/her absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses at meetings and hearing.
- B. The Zoning Board of Appeals is governed by and shall act in strict accordance with procedures specified by the Town Law, this Zoning Law and its own duly adopted rules, bylaws and forms and shall perform the following functions:
  - 1) Decide any questions properly brought before it involving the interpretation of any provision of this law.
  - 2) Hear and decide appeals from any decision, determination, act, or failure to act of the Code Enforcement Officer and all matters properly referred to it by the Code Enforcement Officer.
  - 3) Grant variances to provisions of this chapter in accordance with § 610-A.
  - 4) All Variances, except Area Variances, are subject to review at any time based on:
    - (a) Complaints.
    - (b) Agreed upon time frames that were part of the permit's approval.
    - (c) New identified violations.
    - (d) Failure to provide accurate, relevant information on original, approved application.

### §812. Variances to Zoning Law

As per New York Consolidated Laws, Town Law - TWN § 267-b.

## §812-1. Relevant Definitions

Use = Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Variance = A relaxation of the terms of this Zoning Law from either the use and/or dimensional requirements of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship. When granted a variance permits construction or use of a lot in a manner that would otherwise be prohibited by this Chapter. Such a grant is made by the Town of Barrington Zoning Board of Appeals and shall run with the land in perpetuity.

Use Variance - Permits the owner to use the land in a manner not otherwise permitted by the zoning ordinance. It is not a change in the zoning law.

Area Variance - Permits the owner to use the land in a manner that does not meet the dimensional requirements of the specific zoning law.

## §812.2 Use Variances - Criteria Considerations

- A. The Zoning Board of Appeals, on an appeal from the decision or determination of the Town's CEO, shall have the power to grant use variances, as defined herein.
- B. No such use variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
  - 1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - 2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - 3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - 4) That the alleged hardship has not been self-created.
- C. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

## §812-3. Area Variance - Criteria Considerations

- A. The Zoning Board of Appeals, on an appeal from the decision or determination of the Town's CEO, shall have the power to grant area variances in lots, as defined herein.
- B. Where there are practical difficulties or special conditions which make regulations governing lot size, yard size, building height and all other regulations not specifically related to use of land or building unreasonable or impossible to comply with, the Zoning Board of Appeals shall have the

power to vary or modify these regulations as long as the spirit of the regulation to be altered is observed. In granting an area variance the Zoning Board of Appeals shall find all of the following:

- 1) There is no practical way for the applicant to accomplish his intended objective due to physical conditions enumerated in the application by serving the area regulations specified in this law.
- 2) The area variance requested will not be unduly detrimental to adjoining properties.
- 3) All Area Variances must address the following factors to the satisfaction of the Zoning Board of Appeals members to be approved.
  - (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the variance.
  - (b) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
  - (c) Whether the requested variance is substantial.
  - (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district.
  - (e) Whether the alleged difficulty was self-created.
- C. The Zoning Board of Appeals will consider and document these five factors when balancing two key elements: (1) the benefit to the applicant from the variance and (2) the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance were granted
  - 1) Financial gain. A use or area variance shall not be granted solely for the reasons of additional financial gain on the part of the owner or occupant of the land or building involved.
  - 2) Conditions. In granting any variance, the Zoning Board of Appeals may prescribe any conditions that it deems to be necessary or desirable.
  - 3) Compliance required. The granting of a variance to any provisions of this law shall not prevent the necessity of complying in every other respect with the other provisions of this law.
  - 4) Fees. A fee can be assessed to gain a permit and that fee is established by the Barrington Town Board, shall accompany each application to the Zoning Board of Appeals for a variance.
  - 5) Variances that have been previously granted by the ZBA cannot be retroactively rescinded unless information from the original application has been determined to be incorrect.

#### §812-4. Use/Area Variance Data Required Checklist

The before the Zoning Board of Appeals 's first meeting, the following data requirements are to be provided by the applicant, as shown below. The data list can be altered by the COE, if in his/her opinion, they are not necessary for the application or other data

requirements are necessary. Failure to bring all COE directed data items to Zoning Board of Appeals could result in the application's approval being delayed.

1. **Written responses** to the following questions

- a. Will an undesirable change be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance? Will your project result in any adverse effect on the character or quality of the neighborhood? If not, please justify your conclusions.
- b. Can the benefit sought by the applicant be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? Can your project be modified in a way to avoid the need for relief? If not, please explain why.
- c. Is the requested area variance substantial? Are you asking for a large deviation from the applicable zoning codes?
- d. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
- e. Is the alleged hardship or difficulty self-created? What conditions on this property are unique to the property in question, and are not present in a substantial portion of the district or neighborhood? Explain why you “need” relief from the code versus “want” relief from the code.

2. **Property Survey** or copy of tax map

- a. The permanent parcel number and a legal description for the property.

3. **Site Plan**—Each variance application shall be accompanied by a site and landscape plan which shall not exceed 24” x 36” and shall be drawn to a scale no greater than 1” = 100’. The site and landscape plans may be combined into one plan. Applicant can use the necessary original data, including maps and architectural elevations from the Special Use application if applicable. **(4 full size copies** for distribution to relevant parties)

4. Please attach all **certified covenants, easements**, or legal conditions which restrict the use of the subject parcel or restrict the structure or what may be placed on the subject parcel. This requirement applies to any covenants, easements, or conditions which are contained in the deed of the subject parcel, including those contained in the subdivision plat or owner’s certificate.

5. **Architectural elevation or perspective drawings**, as required, showing the present structures and any property improvements/changes being decision appealed. Must be drawn to scale.

- a. The location, dimension, material, and configuration of all buildings, structures, and other improvements may be excused by the CEO.
- b. All drawings must include the following:
  - I. A date, north arrow, scale, and name of the development if it is applicable.
  - II. The project size in square feet and the dimensions thereof that the variance(s) are required.
  - III. The location of all property lines.

- IV. The land uses surrounding the lots for which the variance approval is being sought.
  - V. The location and extent of required setbacks and yards.
  - b) An architectural elevation drawing of all buildings and structures to depict height in the variance(s) requested.
  - c) The number and type of dwelling or commercial units proposed if relevant.
6. **Photographs** of existing structures and project site (Color). Must be labeled with address of project site. (4 copies each).

#### §812-4. Zoning Variance Public Hearings

The Zoning Boards of Appeals must hold a public hearing before rendering its decision. The notice requirements for a hearing will be considered below.

- A. Zoning Boards of Appeals must fix "a reasonable time" for the public hearing. This means that after an appeal is taken to the board, or an application is submitted for any other approval it has power to grant, the board of appeals must fix a date in the reasonable future for the required hearing.
  - 1) At the discretion of the ZBA Chairperson, the initial review of the requested variance and the public hearing of the variance change may be held at the same time if the zoning change is considered to be routine and/or non-controversial.
- B. Notice of the hearing is also required by the statutes, and this requires particular caution. Notice of the public hearing must be timely, clear and directed to the proper persons.
- C. The Zoning Boards of Appeals is also required to allow at least five days' notice of the public hearing to be provided to the parties, to the county, metropolitan or regional planning agencies.
  - 1) When holding a hearing on the granting of a use variance on property that is within five hundred feet of an adjacent municipality, the Zoning Boards of Appeals must give notice to the clerk of the adjacent municipality at least ten days prior to the hearing. The notice may be given by mail or by electronic transmission. Representatives from the adjacent municipality may appear at the public hearing and may voice their opinion.
- D. Publication of notice is also required, in a newspaper of general circulation at least five days before the hearing.

#### §813. Special Use Permits

##### §813-1. Relevant Special Use Permit Definitions

Alteration = As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or the moving from one location or position to another. Alteration will require that the footprint of the building will not be enlarged.

Special Use = A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a zoning district as a

special permit use only if specific provision for such special use is made in this Article 6 or Appendix A. A special use when granted runs with the land and is transferable.

### §813-2. Legal Empowerment

Pursuant to the provisions of Sections 274-a and 274-b, of the New York State Town Law, the Town Board does hereby empower the Town Planning Board to approve Special Use Permits and Site Development Plans, as may be amended from time to time.

### §813-3. Standards/Requirements to all Special Use Permits

Recognizing that certain uses may be customary, desirable, or necessary in various districts, but by their nature often present problems or difficulties, these uses are subject to additional regulation and review in an effort to mitigate these problems or difficulties, minimize the impact of these uses upon the district, and preserve the character of neighborhoods. For some of these uses, the regulations in this Article will be additional to the provision of a special use permit.

Any approved Special Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.

- A. This regulation is applicable to the uses specially permitted, which are listed in Article 4 and/or Appendix A of this Zoning Law.
- B. A Special Use permit should be in harmony with the neighborhood and other nearby existing uses.
- C. A majority vote of the members of the Planning Board shall be necessary to decide in favor of the applicant for any special use permit.
- D. The Planning Board shall render its decision within 62 days after the hearing. The time within which the authorized board must render its decision may be extended by mutual consent between the applicant and the Town Board.
- E. The decision of the Planning Board shall be filed in the office of the Town Clerk within 5 business days after such decision is rendered, and a copy thereof shall be presented to the applicant at the decision meeting or mailed to him/her.
- F. The Planning Board shall have the authority to impose reasonable conditions and restrictions as are directly related to or incidental to the proposed special use permit.
- G. The Planning Board may, when reasonable, waive any requirements for the approval, approval with modifications, or disapproval of special use permits submitted for approval. Any such waiver, which shall be subject to appropriate conditions set forth in the local law adopted pursuant to this section, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety, or general welfare of the Town.
- H. The location and size of the use, the nature and intensity, of the operations involved, the size of the site in relation to the proposed use and the location of the site with respect to existing or future public highways giving access to it shall be such that it will be in harmony with the existing uses and with the orderly development of the district, and the location, nature and

height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

- I. Operations, in connection with any special use, shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations or lights than would be the operations of any permitted use for that zoning district.
- J. The proposed use will not overburden existing fire protection services or exceed the capacity of Town roads (as determined by the Town Supervisor and Town Highway Superintendent).
- K. The proposed use shall not have an unmitigated significant adverse environmental impact as defined by SEQRA. Such determination shall be made by the designated lead agency as prescribed by SEQRA.
- L. Special Use Permit applications must be accompanied by some form of a modified Site Development Plan Review as approved by the CEO and detailed in §815 "Site Development Plan Review".
- M. The prior revocation of a required governmental license appropriate to a business's operation may be considered as grounds for a permit's disapproval.
- N. The change in governmental licenses that are required for the continuing operation of a business, either a modification or revocation, after a Special Use Permits has been approved will cause a Special Use Permit to be immediately revoked or suspended until the Zoning Board of Appeals and can review it and decide its status.

#### §813-4. Special Use Permit Review and Its Approval

The required Special Use Permit Review can often occur simultaneously with the Planning Board's Special Use Permit application review. The data required for both is the Special Use Permit Check List data shown in §813-5. For projects that are either very large and/or very complex, the Site Development Plan Review and its associated its data checklist (Appendix F-2) must be used and the results from the Planning Board's review completed before the Special Use Permit Review can be completed.

#### §813-5. Special Use Permit Pre-Meeting Data Checklist

The prior to the Planning Board's first meeting, the modified Site Development Plan / Special Use Permit Data Check List's requirements are to be provided by the applicant, as shown below. The data list can be altered by the COE, if in his/her opinion, they are not necessary for the application. Failure to bring all COE directed data items to Planning Board meetings could result in the application's review being canceled and the eventual approval/rejection being delayed.

##### **Special Use Permit Data Checklist**

1. **Deed**, or other proof of parcel ownership, that contains the owner's name and a complete legal description of the subject property. If someone other than the property owner is representing the property owner, they must have a notarized note from the property owner giving them authority to represent the property owner.
2. **Property Survey** or copy of tax map

- (a) The permanent parcel number and a legal description for the property must be shown on the map.
- 3. **Site Plan**—Each application for a Special Use permit shall be accompanied by a Site Plan and a Landscape Plan which can be either a well-drawn (by hand drawn with ruler) or up to professionally produced drawing, which shall not exceed 24" x 36" and shall be drawn to a scale of no greater than 1inch = 100 feet. A date, north arrow, scale, and name of the development site must be included.
  - (a) The project size in square feet and the dimensions thereof.
  - (b) The location of all property lines, utilities, and related easements, including electric lines, storm drainage, sanitary sewers, and water services.
  - (c) The land uses surrounding the lots for which site plan approval is being sought.
  - (d) The location, access, dimensions of proposed off-street parking facilities, and the number and configuration of spaces to be provided.
  - (e) The location, dimensions, and materials of sidewalks, driveways, and other impervious surfaces.
  - (f) The proposed use of the final project's open space.
  - (g) The location and relative intensity/type of illumination of any illuminated areas as required by the Barrington Zoning this Zoning Law (see §505).
  - (h) A Landscape Plan, if required, in accordance with the requirements of the Town of Barrington Zoning Law. Include all screening material and/or landscaping types.
  - (i) The location and extent of required setbacks plus the delineation (naming) of yards.
  - (j) The number and type of dwelling or commercial units proposed.
  - (m) The site plans and landscape plans may be combined into one plan.

**(4 Full Size Copies required if application is approved plus one mylar copy for Yates County).**

- 4. Please attach a listing of all **certified covenants, easements**, use contract or legal conditions which restrict the use of the subject parcel or restrict the structure or what may be placed on the subject parcel. This requirement applies to any covenants, easements, or conditions which are contained in the deed of the subject parcel, including those contained in the subdivision plat or owner's certificate.
- 5. **"Architectural perspective" drawings**, both (1) ground plan and (2) elevation plans plus any other view the COE feel is pertinent and requires, showing all sides of the planned structure(s) and/or improvements, including signs proposed for the property. These drawings must include:
  - i. The location, dimension, material, and configuration of all proposed buildings, structures, and other improvements.
  - ii. If all proposed buildings are identical, then only one building needs the architectural views.
  - iii. All drawings must be drawn to scale, with scale noted on the drawing.
  - iv. Note that signs will require a separate Sign permit application.
- 6. **Development Schedule** for the proposed development.

7. **Photographs** of existing structures and project site (Color). Must be labeled with address of project site. (1 copy each - optional but desirable)
8. **Noise Documentation** and noise measurements, if they exist, of other similar businesses if noise levels are expected to be above the "normal" ambient levels at: (1) specific periods of time, (2) at all times during general operation, or (3) expected at most times whether at times of operation or non-operation
9. **State Environmental Quality Review (SEQR) Assessment Form** – Part 1 filled out completely and signed by Applicant or owner. The SEQR short form will be adequate unless the long form is required by the COE.
10. **Agricultural Data Statement** - If the property that is subject to this application is located in a New York State/Yates County certified agricultural district. Such data statements are available at Barrington Town Hall.

### §813-6. Special Permit Public Hearings

The Planning Board shall conduct a public hearing within sixty-two (62) days from the day an application is received on any matter referring to the granting of a Special Use permit and/or Site Development Plan Review. A public notice of said hearing shall be printed in a newspaper of general circulation in the town at least five (5) days prior to the date thereof. The Planning Board shall decide on the application within sixty-two (62) days after the hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board on the application after holding of the public hearing shall be filed in the office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant and relevant parties.

### §813-7. Referral to Yates County Planning Board

If an application requires the approval by the Yates County Planning Board, it must submit the application at least thirty (30) days before the date of the scheduled public hearing of the Yates County Planning Board held in connection with any application for a special use permit submitted. The Yates County Planning Board shall return to the Barrington Planning Board a copy of said application with its advisory opinion on said application.

### §813-8. Special Use Permit Findings

- A. The Planning Board shall not issue a special use permit unless it makes a recorded finding that the proposed use will satisfy the standards set forth herein. In order to reach positive findings in support of the special use permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must relate to the impact of the project.
- B. If the Planning Board does not make a positive finding in support of the special use permit, it shall deny the special use permit. In issuance of such a denial, the record of the Planning Board must address the standards outlined below and include the facts and reasons upon which the denial was based:

- 1) Compatibility of the proposed use with the principles of the district, the purposes set forth in this Zoning Law, and the goals of the Town of Barrington Comprehensive Plan.
- 2) The lot area is of sufficient size and appropriateness for the proposed use.
- 3) The proposed use will not prevent the orderly and reasonable use of adjacent properties.
- 4) The site's location within the community is suitable for the proposed use.
- 5) The access facilities are adequate for the estimated traffic from public streets or highways to ensure the public safety and to avoid traffic congestion.
- 6) There are an adequate number of off-street parking spaces provided for the anticipated use and the layout of the spaces and driveways is conducive to safe operation for motorists without compromising the safety of pedestrians and bicyclists.
- 7) There is adequate buffering, landscaping, screening, and vehicular circulation provided.
- 8) The proposed use will comply with all other regulations applicable to such use listed Town laws including this zoning Law.

### §813-9. Investigations After Approval

The Town Zoning Enforcement Officer shall make periodic investigations of developments authorized by Special Use Permit to determine continued compliance with all requirements imposed by the Zoning Board of Appeals and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Use Permit shall constitute grounds to terminate said approval following a public hearing.

### §813-10. Expiration of Application

- A. A special use permit shall be deemed to authorize only the particular special use specified therein.
- B. Where the use that was authorized by a special use permit has not commenced within one year of the date of such permit's issuance, such permit shall become null and void and all rights there under shall terminate. The Planning Board is authorized to grant, in writing, one extension of time, for a period of not more than one year. The extension shall be requested in writing by the owner and a justifiable cause is demonstrated.
- C. A special use permit will expire if the special use shall cease for any reason for more than 12 consecutive months.

### §813-11. Renewal

- A. If changes to the Special Use Permit are required, due to changing conditions, complaints, or any other factor, the applicant must amend the Special Use Permit (as per §812.4.) or apply for a new special use permit.
- B. Failure to renew a previously approved Special Use Permit within 90 days of its expiration, may result in the revocation of the Special Use Permit and require a new application be filed. The renewal requirement does not negate any other provisions of this section.

## §813-12. Amendments

Any changes to the type or intensity of the use, or expansion beyond the initial application require an amendment to the special use permit. An amendment to an approved special use permit shall be submitted to the Code Enforcement Officer (CEO) accompanied by such supporting information as is requested by the CEO or the Planning Board. The Planning Board shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions as deemed necessary.

## §813-13. Revocation

The designated approval authority is authorized to revoke a special use permit issued under the provisions of this article when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which such certificate was based, including, but not limited to, any one of the following:

- 1) The special use permit is used for a lot of record or use other than that for which it was issued.
- 2) Conditions and/or limitations set forth in the special use permit have been violated or not satisfied.
- 3) There have been any false statements, misrepresentations, or omissions as to the material fact in the application for a special use permit or any attached documents.
- 4) The owner failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this chapter within the time provided therein.
- 5) Additional federal, state, or local licenses or permits required for the special use to operate are revoked or rescinded.
- 6) The special use permit was issued in error or in violation of this chapter.

## §813-14. Abandonment

Any use authorized by a special use permit, and such use, ceases to continuously operate for a one-year period shall be considered abandoned, and such permit shall become null and void. The start date of abandonment will be predicated on the date of a memo sent by the CEO to the Planning Board that the structure's Special Use Permit has ceased. The end date when abandonment becomes official will be 365 days after the initial date of the CEO's initial "abandonment" memo and assumes that the Special Use Permit has not been re-initiated during the one-year period. The Planning Board is authorized to grant, in writing, one extension of time, for a period of not more than one year. The extension shall be requested in writing by the owner and the justifiable cause(s) demonstrated

## §813-15. Transferability

- A. A special use permit authorizes only the activity expressly described in the application and approved permit materials. A special use permit belongs to the property, not the owner, that the special use permit applies to. The Special Use Permit shall not expire upon change in property ownership or due to property transfer unless certain specific conditions are met.
- B. Upon the sale or transfer of the affected property the CEO shall be notified by the owner, in writing, prior to property transfer and the Planning Board reviews the use or activity and special

permit documents and is satisfied that the use has and is being conducted in a manner that is consistent with the special permit and any conditions which may have been stipulated at the time of its issuance and approves, in writing, the transfer of the special use permit. Lack of reply from the Planning Board within 30 days of notification by the property owner shall constitute approval of the continuation of the special use permit.

- C. A new special use permit shall be required for any expansion, alteration or variation of a use already authorized by a special use permit. A request for such a permit shall be subject to the application and review procedures described in this article.

## §814. Site Development Plan Review

### §814-1. Relevant Site Development Plan Definitions

Site Development Plan = Also called Site Plan - A detailed plan for the proposed development or land use of a particular piece or plot of land showing all of its major features that is prepared for site plan review pursuant to provisions of this Chapter.

Final Site Development Plan = The purpose of preliminary site plan is to initiate the recommendations of the Comprehensive Plan as it relates to an application. Specifically, preliminary site plan review is intended to determine compliance with the objectives of this Chapter where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating conditions which could adversely affect the public health, safety or general welfare.

Preliminary Site Development Plan = The purpose of preliminary site plan is to initiate the recommendations of the Comprehensive Plan as it relates to an application. Specifically, preliminary site plan review is intended to determine compliance with the objectives of this Chapter where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating conditions which could adversely affect the public health, safety or general welfare.

### §814-2. Purpose of Site Development Plan Review

- A. Pursuant to the provisions of Sections 274-a and 274-b, of the New York State Town Law, the Town Board does hereby empower the Town Planning Board to approve Site Development Plans. NYS law regarding this delegation may be amended from time to time.
- B. A modified, as per CEO inclusion suggestions, a Site Development Plan review and approval is required for all large and/or complex Special Use permits:
  - 1) All Special Use permits including:
    - a) Automobile/Truck Fueling Stations (with or without convenience stores or car washes).
    - b) Excavation and Soil Mining,
    - c) Hotel, Motels and Inns,
    - d) Multi-family projects including Manufacture Housing Parks or Apartments
    - e) Solar Farms - Solar Energy Systems,
    - f) Wind Turbines - Wind Energy Systems,

- g) Telecommunications Towers,
  - h) Large Industrial Projects,
  - i) Large Retail Projects,
- 2) All Subdivision permits.
- C. The Site Development Plan Review should be held separately for either a Special Use permit or Subdivision permit review and should be subject to a standalone public hearing because of the complexity of the specific reviews and/or invitees and public attendees (see Appendix F-1).
- D. Site Development Plan Reviews are required for the improvement of lands intended for:
- 1) Nonresidential or commercial development (special permit required).
  - 2) Multi-family housing development (special permit required).
  - 3) Subdivisions (subdivision permit required).
- E. Site Development Plans Reviews for Special Use permits or Subdivision permits recommendation shall have two additional and detailed data-based functions for review.
- 1) They will illustrate the intended design, arrangement and uses of the land to be improved.
  - 2) They will be also required to describe the proposal's physical, social and economic effects on the community, especially for Special Use permits (commercial) and Subdivision permits.
  - 3) The plans may be in either or both narrative and graphic form, as appropriate.

### §814-3. Site Development Plan Data Requirements and Standards

- A. The Site Development Plans for Special Use for the above "Permitted" uses (§814-2.B.1) or Subdivision permits, and their eventual approval decision shall be based on the following both general and specific considerations:
- 1) The location, arrangement, size, design and general site compatibility of buildings and structures.
  - 2) The adequacy and arrangement of vehicular access and circulation. All driveways to a public or private street shall be located so to afford maximum safety to said roadway, to provide for safe and convenient ingress and egress, to minimize conflict with the flow of traffic, and shall be designed to permit emergency vehicles and service vehicles such as delivery trucks, solid waste collection vehicles and the like to have reasonable access to and space for their intended functions.
  - 3) The adequacy and arrangement of off-street parking, loading and outdoor storage.
  - 4) The adequacy and arrangement of storm water and drainage facilities. Provisions shall be made for the drainage of surface runoff waters in and from the premises so that flooding and erosion will be prevented.
  - 5) The adequacy, type and arrangement of trees, shrubs and other landscaping and natural screening constituting a buffer between the applicant's and adjoining parcels, including the maximum feasible retention of existing vegetation.
  - 6) The adequacy of water supply and sewage disposal facilities.
  - 7) The protection of adjacent and neighboring properties from noise, glare, vibration, unsightliness, and nuisances.

- 8) The overall impact of the proposed development on the character of the area and surrounding uses.
- 9) Refer to Appendix F-1 for specific requirements for Site Development Plans Review maps and construction detail sheets.
- B) Criteria for the Final Site Development Plan can be adjusted/added to by the CEO and/or the Planning Board to ensure that the project meets Zoning Laws and meets Planning Board and CEO wishes.

**Regional and local environs**

Relationship to comprehensive plan  
 Compatibility with surroundings  
 Accessibility:  
 - pedestrian  
 - automobile  
 - trucking  
 - public transportation  
 Economic impact  
 Fiscal impact  
 Environmental impact:  
 - air, water, noise  
 Facilities and services availability  
 Visual compatibility  
 Historic and archaeologic considerations

**Natural features**

Geology  
 Topography  
 Soil characteristics  
 Vegetation  
 Micro-climate  
 Wildlife  
 Open space  
 Surface drainage  
 Erosion  
 Ground waters  
 Wetlands  
 Flood hazard areas

**Circulation**

Vehicular:  
 - ingress and egress  
 - road layout  
 - parking areas  
 - loading areas  
 - traffic control  
 Pedestrian:  
 - walkways  
 - safety

**Design and aesthetics**

Site Usage:  
 - density  
 - geometrics  
 Structures:  
 - relationship to site plans  
 - elevations  
 - functional adequacy  
 Architectural features  
 Signs  
 Landscaping  
 Recreation areas  
 Incidentals:  
 - fencing  
 - buffer strips

**Miscellaneous**

Construction specifications  
 Utilities  
 Maintenance  
 Staging of development

- C) Note that a detailed listing of "Site Development Plan Reviews for the Subdivision Law approval is also required (see Appendix F-1 & F-2).

**§814-4. Site Development Plan Review Data Requirement Checklist For Complex Special Use Permits or Subdivision Review**

The following data is required prior to the review of the Planning Board on the Site Development Plan. The data requirements can be altered/added to by CEO, if in his opinion, they are necessary for the application. Failure to bring all items to Planning Board or Zoning Board of Appeals could result in the application approval being delayed. This data required listing is also duplication of

Appendix H but data categories from Appendix K-1 may be added to by the CEO and the Planning Board or Zoning Board or Appeals.

## §815. Negative Decision Appeals Procedure to Zoning Board of Appeals

The decisions made by the Code Enforcement Officer and/or the Planning Board that an applicant disagrees with may be appealed to the Zoning Board of Appeals. All appeals of written determinations by the Town Code Enforcement Officer and/or Planning Board shall be accompanied by a completed appeals application made to the Zoning Board of Appeals and shall be in writing on forms prescribed by said Board. The applicant appealing said determination shall clearly set forth their reasons seeking relief from the CEO's interpretation, the use for which the special use permit is needed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

### §815-1. Appeal Procedure - Public Hearing

- A. The Zoning Board of Appeals shall, after at least a five (5)-day public notice, hold a public hearing on every appeal of an interpretation, or application for an area variance, or for a use variance referred to said Board or upon which it is required to act on, in accordance with this Chapter and the Town Law. The Zoning Board of Appeals shall have provided public notice, to be published on each and every action, in a newspaper of general circulation in the Town of Barrington that has been designated by the Town Board as the Town's Official Newspaper, at least five (5) days prior to such hearing. A public hearing will be held within sixty (60) days of the date that the Zoning Board of Appeals receives a completed appeal or a complete application for a variance or a special use permit.
  - 1) Making such a determination starts the SEQR clock.
- B. A public hearing will be held within sixty (60) days of the date that the respective Board determines that it has received a "complete application".
- C. Within sixty-two (62) days of the close of a public hearing by the Zoning Board of Appeals, a decision shall be made. Within five (5) business days of such decision being made, the applicant is to be provided written notice of said decision and the decision is to be filed in the Town Clerk. A Copy of said decision is also to be filed in the Property File.
- D. A copy of the notice shall be mailed to the parties to the proceeding. If the property lies within five hundred (500) feet of a state park or parkway, notice must also go to the Regional State Park Commission or agency having jurisdiction.
- E. Before taking final action on certain appeals for a variance or special permit, the Zoning Board of Appeals shall refer such matters to the Yates County Planning Board for report and recommendation in accordance with the provisions of §239-1 and §239-m of NYS General Municipal Law.
- F. Findings and conclusions. Within sixty (60) days after the final public hearing, the Zoning Board of Appeals shall either grant or deny the variance or special permit and shall make written findings of fact and conclusions concerning the subject matter of such hearing, including the reasons for the granting or denial of the relief sought.

- G. Reporting and filing of decisions, permits, and variances. Every official and final decision of the Zoning Board of Appeals shall be a written resolution, each of which shall contain a full record of its findings in the particular case and each of which shall be filed in the office of the Town Clerk, together with all pertinent documents. The Zoning Board of Appeals shall notify the Town Board and the Planning Board, in writing, of each special use permit and variance issued or granted under provisions of this chapter.
- H. Rehearing and reversal. Upon motion initiated by any member and adopted by unanimous vote of members present, but not less than a majority of all members, the Zoning Board of Appeals may vote to give notice and hold one (1) rehearing to review any order, decision or determination previously made. After such rehearing, the Board, upon the concurring vote of all members present and provided that it shall then appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, decision or determination reviewed will not be subject to prejudice thereby, may reverse, modify or annul its original order, decision or determination.

### §816. Zoning Amendments by the Town Board

- A. Amendments by the Town Board. The Town Board may from time to time on its own motion, or on petition by taxpayers, or on recommendation of the Planning Board, after public notice and hearing as proscribed by the Town Law, amend, supplement, modify, or repeal in whole or in part this Chapter or the boundary of any district established by this Chapter as shown on the adopted Official Zoning Map. The Town Board may decide on its' own to not consider a request to amend the content of this Chapter or the Official Zoning Map without holding a public hearing. Such action is classified a Type II Action under the State Environmental Quality Review Act (SEQRA).
  - 1) Any such proposed change in text or zoning district boundary shall first be referred to the Planning Board, which shall submit a written report to the Town Board prior to the public hearing thereon by the Town Board. The Planning Board shall favorably recommend adoption of an amendment or change in this law or in a district boundary only if such change does not conflict with the general purposes, goals and intent of this law and the adopted Town of Barrington Comprehensive Plan.
  - 2) The Planning Board shall submit to the Town Board its advisory report within thirty (30) days after receiving notice from the Town Clerk of the proposed change. The failure to make such a report within thirty (30) days shall be deemed to be a favorable recommendation.
  - 3) Recommendation of zoning amendments by the Planning Board are considered discretionary actions and therefore, all require a SEQR Type II environmental review prior to their adoption.
- B. Public Hearing
  - 1) The Town Board may decide not to consider an amendment to the Zoning Code or the Official Zoning Map without conducting a public hearing

## §816-1. Public Hearing for Zoning Amendments.

- A. No such change in text or zoning district boundary of this Chapter shall become effective until after a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard and the Town Board adopts a resolution authorizing the amendment. All amendments to the Chapter shall be by adoption of a local law. The Local Law amendment become effective upon its' filing in the Office of the Secretary of State.
1. Newspaper notices of hearing. At least at least ten (10) days prior to the date of such public hearing a notice of the time and place shall appear in the official newspapers of the town. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves.
  2. Written notice of change or amendment. At least ten (10) days prior to the date of said public hearing, written notice of such proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any adjoining town or village shall be given. The town or village shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment. Written notice shall also be sent to any applicable agency as required in §264 of Town Law and Section 239-nn of the New York State General Municipal Law.
  3. Referral to the County Planning Board. Before acting on certain proposed amendments to this Chapter, the Town Board shall refer such matters to the Yates County Planning Board for report and recommendation in accordance with the provisions of §239-1 and of the New York State General Municipal Law.
  4. Publication and posting. Every amendment to this Chapter (including any map incorporated therein) shall be adopted in accordance with the provisions of this Chapter and New York State Town Law. A public record on any amendment shall be entered in the minutes of the Town Board and upon adoption of a Local Law a copy thereof shall be entered into the Town Clerk's Local Law Record. Public notice of the availability of a copy of any proposed local law shall be placed on file with the Town Clerk. A copy of any proposed Local Law shall be published once in the Town's Official Newspaper as the Board of the town may designate. In addition, notice of the availability of a copy of such local law or amendment, whether with a copy of any map incorporated therein or not, the availability of said copy with the Town Clerk shall be posted on the signboard maintained by the Town Clerk pursuant to Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk. Such law shall take effect ten (10) days after such publication and posting in the Town Hall, but such law or amendment shall take effect from the date of service as against a person served personally with a copy hereof certified by the Town Clerk under the corporate seal of the town and showing the date of its passage and entry in the minutes.
  - 5) Change of Zoning in subdivision approval.
    - (a) In approving subdivision plots which require modifications in the zoning regulations, the Town Board may make such zoning changes only after these have been disclosed at the public hearing required by the Subdivision Regulations for the town.

(b) Changes made pursuant to this section are at the discretion of the Planning Board and must be made in accordance with the provision of §278 of Article 16 Town Law.

- 6) Fees. Every petition for a change or amendment to this law shall be accompanied by a fee as per the latest fee schedule approved. By the Town Board.

## §816-2. Notifications to Adjacent Municipalities

- A. If changes to the local Zoning Chapter are enacted by the Barrington Town Board, if the changes include:
- 1) Zoning Law changes,
  - 2) Zoning Map amendments,
  - 3) Special Use permits issued unless exempted by the Yates County Planning Board,
  - 4) New subdivisions
- B. The change proposal would need to go to the relevant parties within 500 feet of the areas where changes have impact including:
1. Neighboring village or town governments
  2. Yates County Agricultural District for relevant farms
  3. Relevant NYS agencies, including
    - (a) NYS State Dept
    - (b) DEC and/or DOH
  4. Any existing (or proposed) impacted local, county, state and federal parks.
  5. Yates County or NYS DOT if changes are within 500 feet of Yates County or NYS roads right-of-way
  6. Any existing (or proposed) boundary of any county or state-owned land on which a public building or institution is situated.
  7. Any existing (or proposed) right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.

## ARTICLE IX: MISCELLANEOUS PROVISIONS

### §901. Compliance required

All buildings that are directly related to provisions of the Zoning Law shall hereafter be used, occupied, constructed, located, relocated or enlarged and all applicable land shall be used or occupied only in compliance with the provisions of this Zoning Law.

### §902. Construal of provisions

Whenever any other lawful statute, ordinance, regulation, easement, private agreement, covenant, deed restriction or other legal relationship, public or private, imposes controls which are inconsistent with any provision of this Zoning Law, then those provisions which are the more restrictive or impose higher standards shall take precedence.

### §903. Prior Permits for Non-conforming Property

- A. If by reason of an amended or supplementary provision of this Chapter, a non-conforming use or structure is created for which a building permit, certificate of occupancy, variance or special permit was issued prior to the effective date of such amended or supplementary provision, then the aforementioned permit, certificate, variance, or special permit shall become null and void unless one (1) of the following conditions is met:
- 1) All footings have been installed; or
  - 2) Substantial construction (as defined in §202 - Definitions) or construction progress in accordance with required conditions has been made and is continuing as of the effective date of such amended or supplementary provisions.

### §904. Additional Remedies

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure or land is used in violation of this Zoning Law or of any regulation adopted pursuant thereto, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken in addition to other remedies provided by law to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such property.

### §905. Severability

If any part or provision of this Zoning Law is adjudged invalid or unconstitutional by any court of competent jurisdiction, such judgment shall be confined in its effect to the part, provision or application directly involved and shall not affect or impair the validity of the remainder of this Zoning Law.

## §906. When Effective

This law, together with the appurtenant the official Zoning Map, shall take effect five (5) days after having been filed with the Secretary of State.

## §907. Repealer

- A. Upon the effective date of this Chapter, the following laws are hereby repealed:
1. Barrington Local Law 2-1980 - Establishing Zoning Law
  2. Barrington Local Law 2-1981 – Amend LL-2-1980 Zoning
  3. Barrington Local Law 2-1987 - Enact Flood Damage Prevention
  4. Barrington Local Law 2-1989 – Amend LL-2-1987
  5. Barrington Local Law 3-1989 - Amend Zoning
  6. Barrington Local Law 2-1992 - Regulation of Junk Storage in Junkyards
  7. Barrington Local Law 1-1996 - In Regard to Amendments and Additions to Local Law 2-1980
  8. Barrington Local Law 2-1998 –In Regard to Additions to Local Law 2-1980
  9. Barrington Local Law 1-2003 – Providing for an Amendment to the Town of Barrington Zoning Law regarding Intensive Livestock Operation Farms
  10. Barrington Local Law 1-2010 – Sign Law
  11. Barrington Local Law X-20XX – Alternate Planning Board and Zoning Board of Appeals Members

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## APPENDIX A - Table Of Property Lot Permitted Uses

USE	RURAL AGRICULTURE DISTRICT	RURAL RESIDENTIAL DISTRICT	HAMLET RESIDENTIAL DISTRICT	LAKE RESIDENTIAL DISTRICT	RURAL COMMERCIAL OVERLAY DISTRICT	DUNDEE WELLHEAD PROTECTION OVERLAY DISTRICT
<b>Housing Uses</b>						
Assisted living centers	SU (3)	–	SU (3)	–	SP	–
Conservation / cluster subdivisions	SD	SD (2b)	SD	–	SD	–
Manufactured housing (single family home)	P	P	P	P	P	P
Manufactured dwelling parks & apartments	SU (3)	SU (2b)	–	–	SU	–
Single-family dwellings	P	P	P	P	P	P
Two family dwellings (Duplexes)	–	–	–	–	SU	–
Outdoor wood burning boilers (furnaces)	P	P	SU	–	SU	P
<b>Agricultural Uses</b>						
Agricultural activities	P	P	P	–	P	P
Farm based wineries, breweries & distilleries	SU	SU	–	SU (2a)	SU	SU
Dog (animal) boarding kennel	P *	P *	–	–	SU	SU
Dog breeding kennel	P *	P *	–	–	P *	SU
Keeping / boarding of large livestock	P	P	P	–	P	SU
Veterinary clinic / office	P	P	SU	–	P	SU
<b>Public Uses</b>						
Cemeteries	P *	–	–	–	–	–
Churches (\$\$)	SU	SU	SU	–	SU	SU
Educational institutions (\$\$)	SU	SU	SU	–	SU	SU
Historic interpretive sites	SU	SU	SU	SU	SU	SU
Libraries (\$\$)	SU	SU	SU	–	SU	SU
Municipal building and uses	SU	SU	SU	–	SU	SU
Organizations, groups, clubs & other similar entities	SU	SU	SU	–	SU	–

<b>USE</b>	<b>RURAL AGRICULTURE DISTRICT</b>	<b>RURAL RESIDENTIAL DISTRICT</b>	<b>HAMLET RESIDENTIAL DISTRICT</b>	<b>LAKE RESIDENTIAL DISTRICT</b>	<b>RURAL COMMERCIAL OVERLAY DISTRICT</b>	<b>DUNDEE WELLHEAD PROTECTION OVERLAY DISTRICT</b>
<b>Commercial Uses</b>						
Adult entertainment	-	-	-	-	SU (4)	-
Arts/crafts studios	P *	P *	P *	SU (2a)	P *	-
Automated banking facility (ATM)	-	-	SU	SU (2a)	SU	-
Automobile/truck fueling stations (with/without Auto repair services, convenience stores or car washes)	P * (3)	P * (2b)	P * (3)	-	SU	-
Banks	-	-	-	-	SU	-
Bar / Tavern / Pub	SU (3)	SU (2b)	SU (3)	SU (2a)	SU	-
Bed and breakfasts	P *	P *	P *	SU	P *	SU
Billiard parlors	-	-	-	SU (2a)	SU	-
Bowling alleys	-	-	-	-	SU	-
Business and professional offices						
Business support services	-	-	-	-	SU	-
Campgrounds	P *	P *	SU	-	-	P *
Commercial recreation facilities	SU	SU	-	SP	-	SU
Commercial junkyards	-	-		-		
Conference centers	SU	SU	SU	-	-	-
Contractors' storage and equipment yards	SU	SU	SU	-	-	-
Daycare facilities	SU	SU	SU	SU	-	SU
Drug stores	-	-	-	-	SU	-
Fraternal or social organizations	SU	SU	SU	-	SU	SU
Funeral homes	-	-	-	-	SU	-
Golf courses	SU	-	-	-	-	SU
Hardware stores	-	-	-	-	SU	-

USE	RURAL AGRICULTURE DISTRICT	RURAL RESIDENTIAL DISTRICT	HAMLET RESIDENTIAL DISTRICT	LAKE RESIDENTIAL DISTRICT	RURAL COMMERCIAL OVERLAY DISTRICT	DUNDEE WELLHEAD PROTECTION OVERLAY DISTRICT
<b>Commercial Uses (cont.)</b>						
Health clubs	SU	SU	SU	-	SU	SU
Healthcare facilities, medical/dental clinical offices	SU	SU	SU	SU (2a)	SU	-
Hiking / cross country skiing trails	SU	SU	-	-	-	SU
Home businesses / occupations	P *	P *	SU	SU	P *	SU
Hospitals / nursing homes	-	-	-	-	SU	-
Hotels / Inns / Motels	-	SU (2b)	-	-	SU	-
Landscape & garden shops / commercial greenhouses	SU	SU	SU	-	SU	-
Movie theaters	-	-	-	-	SU	-
Museums	SU	SU	SU	-	-	SU
Packaging and delivery services	-	-	-	-	SU	-
Personal services establishments	-	-	-	-	SU	-
Rental storage facility	SU	SU	SU	-	SU	SU
Repair garages /body shops (auto, truck, farm)	SU	-	-	-	SU	-
Restaurants	SU (3)	SU (2b)	SU (3)	SU (2a)	SU	-
Retail store uses	SU	SU	SU	-	SU	-
Sale of automobile parts and supplies	-	-	-	-	SU	-
Solar Panels -private use (roof & ground)	P (Roof) P * (Ground)	P (Roof) P * (Ground)	P (Roof) P * (Ground)	P (5)	P	P (5)
Wind powered water/air pumps	P	P	P	-	SU	P
Wind powered turbines - single, private use	P *	P *	-	-	SU	-
Wireless comm. facilities / cell towers	P *	P *	P *	-	P *	-

<b>USE</b>	<b>RURAL AGRICULTURE DISTRICT</b>	<b>RURAL RESIDENTIAL DISTRICT</b>	<b>HAMLET RESIDENTIAL DISTRICT</b>	<b>LAKE RESIDENTIAL DISTRICT</b>	<b>RURAL COMMERCIAL OVERLAY DISTRICT</b>	<b>DUNDEE WELLHEAD PROTECTION OVERLAY DISTRICT</b>
<b>Industrial Uses</b>						
Drilling (except for residential water supply)	<b>SU</b>	<b>SU</b>	-	-	-	-
Excavating and Soil Mining	<b>SU</b>	<b>SU (2b)</b>	-	-	-	-
Light industrial / manufacturing facilities	<b>SU ( 3)</b>	-	-	-	<b>SU</b>	-
Sawmills, small	<b>P *</b>	-	-	-	-	-
Solar Energy Systems - Large-scale	<b>SU</b>	-	-	-	-	-
Truck terminals	-	-	-	-	<b>SU</b>	-
Warehouse / wholesale operations	-	-	-	-	<b>SU</b>	-
Wind Energy Systems - wind farms	<b>SU</b>	-	-	-	-	-

**FOOTNOTES & KEYS for APPENDIX A**

<b>P</b>	Use is permitted by "as-of-right" legal condition; zoning regulations apply for dimensional/operational standards; need only building permits.
<b>P *</b>	Use is permitted but Planning Board and CEO will require a "Special Use Review"; the issuance of a building permit will require approval of the Site Plan Review. This assumes that any relevant regulations in this Zoning Law (2021) are met
<b>SU</b>	Use is a conditionally permitted district use & Special Use permit (SU) and a Site Plan review is required.  All underlying District Uses are allowed, by right, in the Rural Agricultural district are also allowed in the Rural Commercial and the Dundee Wellhead Protection Overlay Districts with certain environmental limitations in the Dundee Wellhead Protection Overlay District.
<b>SD</b>	Subdivision Permit required.
<b>Special Use or Subdivision Permit Keys</b>	
<b>(2a)</b>	Lots with businesses/commercial uses must have entrances/exits only onto St Rt. 54 and parking only next to St Rt. 54. No access allowed from roads west of St Rt. 54, including East Lake Road.
<b>(2b)</b>	Lots with businesses/commercial uses must have entrances/exits only onto St Rt. 54 and parking only next to Rt. 54. No access allowed from roads intersecting St Rt. 54 that are east of St. Rt. 54
<b>(3)</b>	Lots along Bath Road (Co. Rd. 17) with residential dwellings or business/commercial uses must have entrances/exits only onto Bath Road and parking only next Bath Road.
<b>(4)</b>	Must be at least 500 ft from any school, church or school bus stop.
<b>(5)</b>	Ground mounted solar energy systems are not permitted, only roof installed systems.
<b>-</b>	Use Not Permitted under any conditions.
<b>\$\$</b>	Privately owned property can be sold or leased to a local church or private/parochial school or private library but requires a Town approved Special Use permit with a "lot abandonment" clause.

APPENDIX B – Table Of Lot Construction Specifications (Keys to Table on Page 214)

District type and name	Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back to Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
<b>Lake Residential (LR) – with lake frontage</b>	Optimize use of Keuka Lake shoreline; protect the quality of lake; preserve character	60' on road and 60' on lake frontage	150 ft	22,000 ft <sup>2</sup> (approx. 1/2 acre)	25% (5,500 ft <sup>2</sup> on min. lot)	25 ft. <sup>5,6,8</sup>	8 ft.	8 ft. <sup>8</sup>	Height 35 ft <sup>7,12</sup> & 500 ft <sup>2</sup>
<b>Lake Residential (LR) - no lake frontage</b>	Protect the quality of lake; preserve character	150 ft	175 ft	35,000 ft <sup>2</sup> (approx. 3/4/acres)	25% (8,750 ft <sup>2</sup> on min. lot)	25 ft <sup>5,6</sup>	12 ft	20 ft	Height 35 ft <sup>7,12</sup> & 500 ft <sup>2</sup>
<b>Hamlet Residential (HR)</b>	Provides for medium-density residential development	150 ft.	175 ft	1 acre	25% (10,890 ft <sup>2</sup> on min. lot)	50 ft <sup>4</sup>	25 ft	50 ft	Height 35 ft <sup>7,12</sup> & 500 ft <sup>2</sup>
<b>Rural Residential (RR)</b>	Provides for low density residential development	150 ft.	175 ft	3 acres <sup>13</sup>	10% (13,068 ft <sup>2</sup> for min. lot)	50 ft <sup>4</sup>	50 ft	50 ft	Height 35 ft <sup>7,12</sup> & 500 ft <sup>2</sup>

APPENDIX B (cont.) (Keys to Table on Page 214)

District type and name	Intent (Highlights)	Minimum frontage on road <sup>1</sup>	Minimum Lot Depth	Minimum Lot Area (ft <sup>2</sup> )	Max. Lot Coverage <sup>2</sup>	Set-Back to Front of Lot	Set-Back to Side of Lot	Set-Back to Back of Lot	Maximum Height of Principal Dwelling & Minimum Dwelling Size
<b>Rural Agriculture (RA)</b>	Promote continuing agricultural activity and small-scale secondary farm businesses	150 ft. (	175 ft	3 acres	10% ( 21,780 ft <sup>2</sup> for minimum lot)	50 ft <sup>4</sup>	50 ft	50 ft	Max. Height 35 ft <sup>7, 12</sup> & Min. Size 500 ft <sup>2</sup>
<b>Rural Commercial Overlay</b>	Support a range of economic development and business opportunities in the Town of Barrington	150 ft.	175 ft	1 acre	50% (single family homes = 25%)	50 ft from highway right-of-way	25 ft	25 ft	35 ft but no more than 2 stories maximum <sup>7, 12</sup> & Min. Size 500 ft <sup>2</sup>
<b>Dundee Wellhead Protection Overlay</b>	Protect the municipal water supply for the Village of Dundee	150 ft.	175 ft.	5 acres	10% ( 21,780 sq. ft <sup>2</sup> for minimum lot)	50 ft. <sup>4</sup> & Minimum 1000 ft from nearest well head	50 ft. <sup>4</sup> & Minimum 1000 ft from nearest well head	50 ft. & Minimum 1000 ft from nearest well head	Max. Height 35 ft. <sup>3, 7, 12</sup> & Min. Size 500 ft <sup>2</sup>

## **APPENDIX B - FOOTNOTES & KEY EXPLANATIONS**

- 1 - Road built to Town of Barrington standards; Local Law 171 – Highway Law**
- 2 - Coverage is any impervious surface per its definition. (this includes driveways, pools, outbuildings, non-permeable decking, patio)**
- 3 - For non-agricultural buildings/residence**
- 4- From road right of way**
- 5 - Frontage from center of East Lake Road or St. Rte. 54 right of way**
- 6 - Footage from the high-water mark of the lake or the bank of a stream**
- 7 – Median of the height of the 4 corners or the median height of the 4 most extreme corners.**
- 8 – For the LR district, the lakeside of the house is considered the “front” of the house for dwellings on the west side of East Lake Road**
- 9 – There shall be only one (1) dwelling unit per lot plus accessory buildings (no limit on number of accessory buildings other than meeting setbacks).**
- 10 – Lots of record as of the effective date of this law shall be exempt from the new lot size requirements but will have to abide by the 1980 version of The Barrington Zoning Law.**
- 11 – Front setbacks apply to all structures. Side and back setbacks apply to permanent structures only (see definitions).**
- 12 – Height restrictions do not apply to agricultural buildings or structures, church spires, belfries, chimneys, skylights, water tanks, bulkheads, and other necessary appurtenances often carried above roof level.**
- 13 – Due to the issues surrounding septic-leach field systems and private water systems (wells) in the RR district, Yates County Soil & Water Dept feels that the construction of dwellings on lots of with more than 15% slope, soils with high clay content and less than 2 acres can be problematic.**
- 14 –The maximum allowable height of buildings or structures in any district does not apply to spires, belfries, cupolas, ventilators, chimneys, or other appurtenances that usually extend above the roof level and are not intended or used for human occupancy. Notwithstanding the foregoing, the maximum allowable height of buildings or structures shall apply to roof-mounted solar installations.**
- 15 - Single Family dwelling lots, with or without accessory buildings are limited at a maximum of 25%**

## **Relevant Definitions**

Lot = A parcel of land considered as a unit, devoted to a certain use and occupied or capable of being occupied by a building or group of buildings that are united by common interest or use and the customary accessories and open spaces belonging to same.

Lot Area = The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

Lot Coverage = is the ratio of the total footprint area of all structures and impermeable surfaces on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches plus other impermeable surface including paved driveways and sidewalks shall be summed in order to calculate lot coverage

Lot, Width = The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement; provided, however, that width between side lot lines at their foremost points (where they intersect with the front lot line) shall not be less than eighty (80%) percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty-percent requirement shall not apply.

Lot Lines = The property lines bounding the lot.

A. Lot Line, Front = The line separating the lot from a street right-of-way.

B. Lot Line, Rear = The lot line opposite and most distant from the front lot line, except for corner lots and through lots, where it shall be as described in the “yard, rear” contained in this section.

C. Lot Line, Side = Any lot line other than a front or rear lot line.

Lot Width = The distance between the side lot lines measured along the front building line of the lot as determined by the prescribed front yard requirement; provided, however, that width between side lot lines at their foremost points (where they intersect with the front lot line) shall not be less than eighty (80%) percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty-percent requirement shall not apply.

Maximum Lot Coverage = The maximum percentage of a lot’s area that can be covered with non-permeable surfaces, buildings or structures.

Non-permeable = Something that water cannot readily pass through, such as wood, stone, concrete, brick pavers or other such materials.

Setback = the shortest horizontal distance (in feet) from the road right of way or side/rear/front property line to the greatest extremities of the building including, for example, eaves and overhangs.

Street Line = The right-of-way line of a street and/or the front lot line.

Through Lot = A lot located between the street lines of two or more streets which are adjacent to said lot.

Appendix C-1. Proposed Barrington Zoning Districts

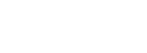
*(Map not shown in this edition)*

Appendix C-1 (a). Barrington Zoning District Maps Legend

**Zoning District Map Legend**

-  Rural Residential
-  Agricultural Residential
-  Hamlet Residential
-  Lake Residential

**Overlay Districts**

-  Rural Commercial Overlay
-  Dundee Wellhead Protection Overlays
-  Municipal Wellhead Protection Area
-  "Very Vulnerable" Recharge Area
-  Special Flood Hazard Overlay

## Appendix C-2 – Proposed Barrington Zoning Districts with Steep Slopes Overlain

Slopes greater 15 % are noted in red

*(Map not shown in this edition)*

The Rural Residential (RR) District (highlighted in yellow) was formed to roughly correspond to areas where the general land slopes can exceed 15%.

As per the Barrington Steep Slopes Law (Local Law 5-2011) additional regulations may have to be met.

## Appendix D-1 – Dundee Wellhead Protection Overlay District

*(Map not shown in this edition)*

Appendix D-2 - Dundee Wellhead Protection Overlay – Overlay Detail

*(Map not shown in this edition)*



## Appendix E - Example of Driveway Drainage Pipe Installation Application

*(Example not shown in this edition)*

Appendix F - Example of Town Highway Right-of-Way Application

Right of Way Permit Application  
Town of Barrington

Date of Application Submitted \_\_\_\_\_

Permit Holder Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

Contractor Name \_\_\_\_\_

Address \_\_\_\_\_

Business Phone Number \_\_\_\_\_

Cell Phone \_\_\_\_\_

This permit request must be completed and submitted to the the Highway Superintendent for any work being done within the Town of Barrington right of way. This includes projects such as steps, posts, rocks, fences, walls, landscaping including the placement of trees, flowers etc. and also applies when a building permit is granted for the construction of buildings where equipment and/or materials will be in the right of way. *Please realize that the approval of this application does not grant the right of the property owner to construct a building and/or structure.*

The town right of way is typically measured as follows:

1. The Lower Lake Road – 17 feet from the center of the road.
2. Other town roads – 25 feet from the center of the road.
3. County and State roads – 33 feet from the center of the road.

There may be exceptions to these measurements. Applicants should always confirm with the town Highway Superintendent the exact measurements for their particular situation.

Please attach to this form:

1. A detailed drawing of the work to be done which includes the specific materials to be used, the time frame in which the work will be done and the complete scope of the

Appendix F- (cont.)

*(Example not shown in this edition)*

## Appendix G - Example of Mobile Home / Manufactured Housing Permit

*(Example not shown in this edition)*

**Appendix G - (cont.)**

*(Example not shown in this edition)*

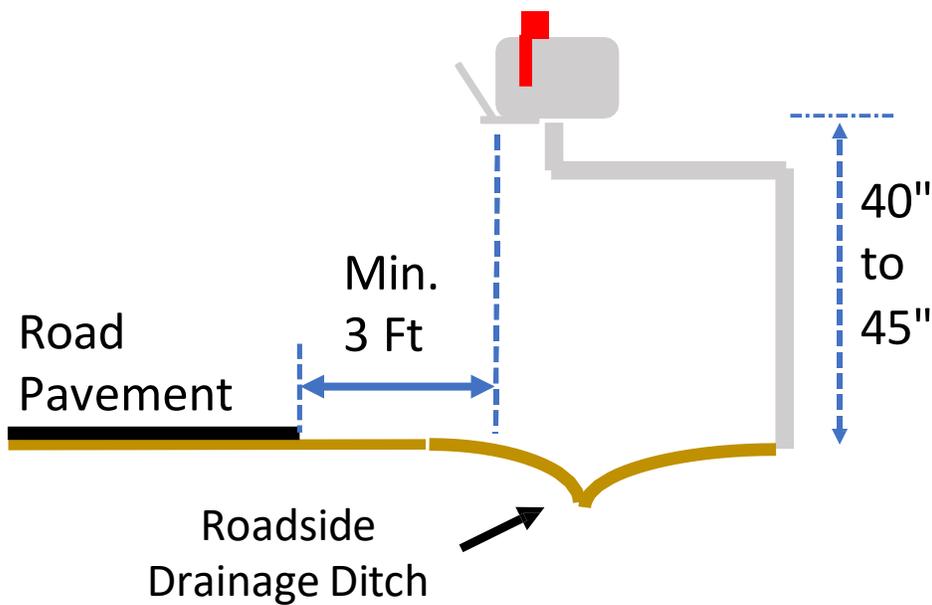
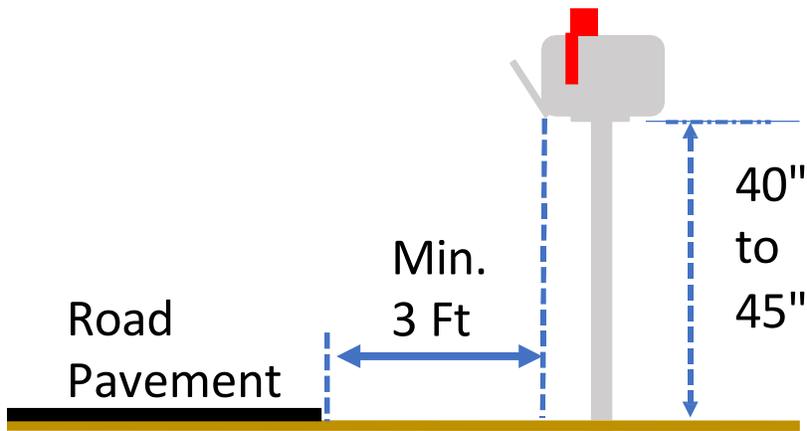
## Appendix H– Special Use Permit Checklist

	1. <b>Deed</b> , or other proof of parcel ownership, that contains the owner’s name and a complete legal description of the subject property.
	2. If someone other than the property owner is representing the property owner, they must have a notarized note from the property owner giving them authority to represent the property owner
	3. <b>Property Survey</b> or copy of tax map. The permanent parcel number and a legal description for the property must be shown on the map.
	4. <b>Architectural elevation or perspective drawings</b> , as required, showing the structures and improvements, including signs proposed for the property. Must be drawn to scale. The location, dimension, material, and configuration of all buildings, structures, and other improvements. (Note that signs will require a separate Sign permit application)
	(a) A date, north arrow, scale, and name of the development.
	(b) The project size in square feet and the dimensions thereof.
	(c) The location of all property lines, utilities, and related easements, including electric lines, storm drainage, sanitary sewers, and water services.
	(d) The land uses surrounding the lots for which site plan approval is being sought.
	(e) The location and extent of usable open space.
	(f) The location, access, dimensions of proposed off-street parking facilities, and the number and configuration of spaces to be provided.
	(g) The location, dimensions, and materials of sidewalks, driveways, and other impervious surfaces.
	(h) The location and intensity of illumination of any illuminated areas as required by Barrington Zoning Law.
	(i) 165The proposed use of open space.
	(j) A Landscape Plan, including all proposed landscaping and vegetative screening, in accordance with the requirements of the Town of Barrington Zoning Law.
	5. Provide a listing of all <b>certified covenants, easements, or legal conditions</b> , if they exist, which restrict the use of any part of the subject parcel or restrict any of the dimensions or use of the structure(s) or what may be placed on the subject parcel. This requirement applies to any covenants, easements, or conditions which are contained in the deed of the subject parcel, including those contained in the subdivision plat or property owner’s certificate.

Appendix H– (cont.)

Site Development Plan Review Checklist (cont.)	
	<p>6. <b>"Architectural perspective" drawings</b>, both (1) ground plan and (2) elevation plan plus any other view the COE feel is pertinent and requires, showing all sides of the planned structure(s) and/or improvements, including signs proposed for the property. These drawings must include:</p> <ul style="list-style-type: none"> <li>a) All drawings must be drawn to scale, with scale noted on the drawing.</li> <li>b) The location, dimension, material, and configuration of all buildings, structures, and other improvements.</li> <li>c) If all proposed buildings are identical, then only one building needs the architectural views.</li> <li>d) Note that signs will also require a separate Sign permit application</li> </ul>
	7. <b>Construction or Development Schedule</b> - for the proposed development.
	8. <b>Photographs</b> of existing structures and project site (Color). Must be labeled with address of project site. (1 copy each - optional but desirable)
	9. <b>Noise Documentation</b> and noise measurements, if they exist, of other similar businesses if noise levels are expected to be above the "normal" ambient levels at: (1) specific periods of time, (2) at all times of general operation, or (3) expected at most times whether at times of operation or non-operation.
	10. <b>State Environmental Quality Review (SEQR) Assessment Form</b> – Part 1 filled out completely and signed by Applicant or owner. The SEQR short form will be adequate unless the long form is required by the COE.
	11. <b>Agricultural Data Statement</b> - If the property that is subject to this application is located in a New York State/Yates County certified agricultural district this data statement is required. Such data statements are available at Barrington Town Hall.
	12. (Another required item)
	13. (Another required item)
	14. (Another required item)

Appendix I – Mailboxes Placement Along Town/County Roads  
(Same requirements for Barrington or Yates County roads)



- (1). The front door of rural delivery mailboxes needs to be a minimum of three (3) feet off the road's pavement or paved shoulder along Town roads.
- (2). If there is a roadside drainage ditch less than three to four (3-4) ft. from road's paved shoulder, mailboxes must be placed across the ditch on a cantilever mailbox post.
- (3) If it is necessary to place a mailbox less than three (3) ft. from the Barrington Town road's pavement, the mailbox owner must have the written approval of the Barrington Highway Superintendent
- (4) Mailbox approaches for 4 rural delivery cars/trucks must have a packed, all-weather driving surface to and from the mailbox.

## Appendix J - Solar Electric System Mounting Requirements

### Keys to Tables:

-- Not Permitted

N/A Not Applicable

(Note: Solar system mounting conditions reflect adjacent property uses, not zoning districts)

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

**Ground Mounted - Lot Size Requirements**

Development Type in Zoning Districts Permitted to Contain:	Tier 2 & 3 Solar Energy Systems
Adjacent To Residential Low Density Uses	≥ 2 acres
Adjacent To Residential High Density Uses	--
Adjacent To Commercial / Business Uses	--
Adjacent To Light Industrial Uses	N/A
Adjacent To Heavy Industrial Uses	--
Adjacent To Agricultural / Residential Uses	≥ 5 acres

The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback.

**Parcel Line Setback Requirements**

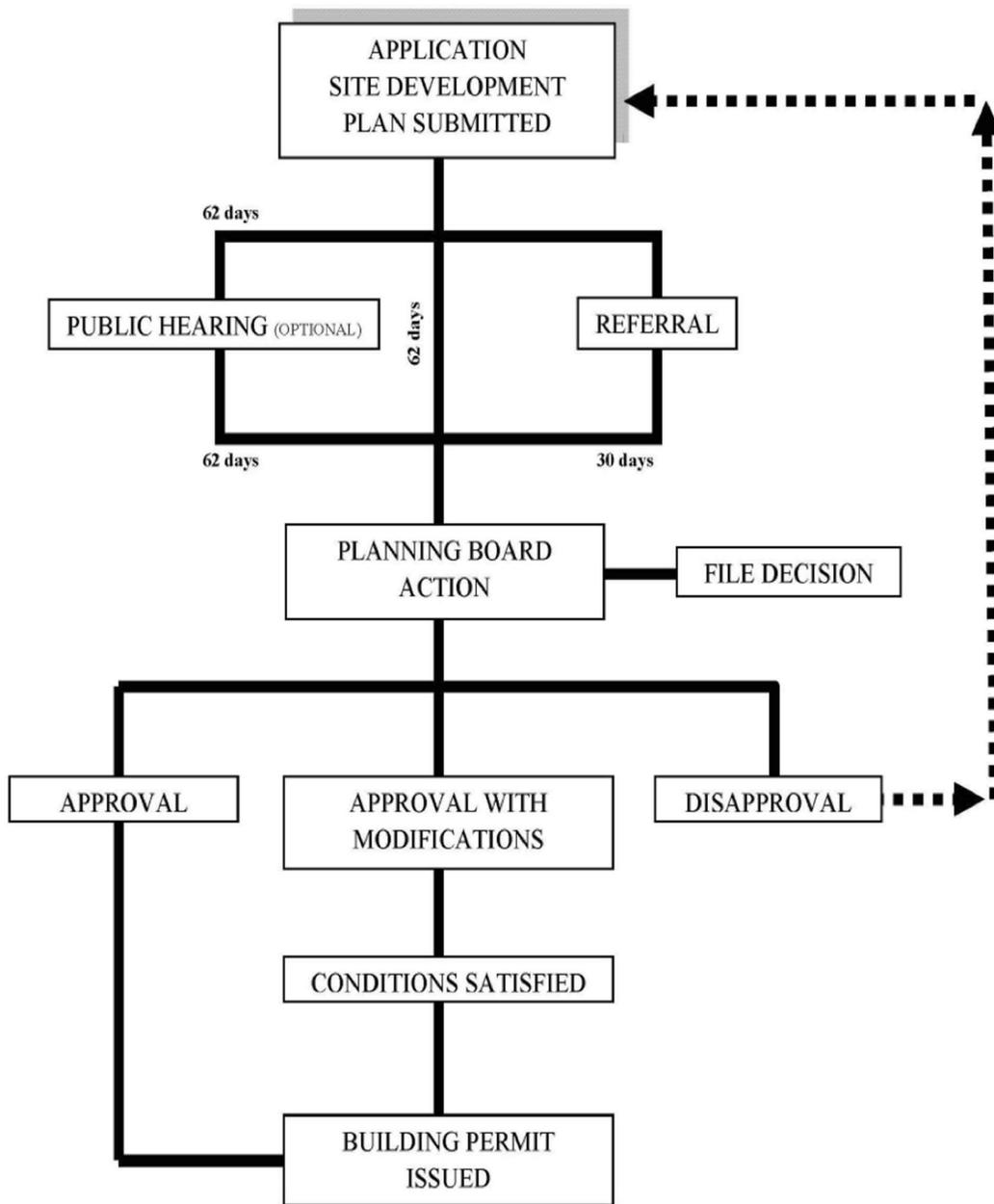
Development Type in Zoning Districts Permitted to Contain:	Tier 2 & 3 Ground-Mounted	
	Side	Rear
Adjacent To Residential Low Density Uses	100'	100'
Adjacent To Residential High Density Uses	--	--
Adjacent To Commercial / Business Uses	--	--
Adjacent To Light Industrial Uses	--	--
Adjacent To Heavy Industrial Uses	--	--
Adjacent To Agricultural / Residential Uses	15'	25'

The following table displays height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

Development Type in Zoning Districts Permitted to Contain:	Tier 1 Roof-Mounted	Tier 2 Ground Mounted	Tier 3 Ground Mounted
Adjacent To Residential Low Density Uses	8" above roof	10'	15'
Adjacent To Residential High Density Uses	8" above roof	10'	--

<b>Development Type in Zoning Districts Permitted to Contain:</b>	<b>Tier 1 Roof-Mounted</b>	<b>Tier 2 Ground Mounted</b>	<b>Tier 3 Ground Mounted</b>
Adjacent To Commercial / Business Uses	8" above roof	15'	20'
Adjacent To Heavy Industrial Uses	8" above roof	15'	20'
Adjacent To Agricultural / Residential Uses	8" above roof	15'	20'

Appendix K-1 - Site Development Plan Review - Process



## Appendix K-2 - Site Development Plan Review - Typical Development Considerations

All relevant Site Development Plan considerations will require some form of documentation for the list of typical development considerations; either a relevant map, sketch or write up.

For ease of documentation, the completion of a SEQR long form will handle many of the issues in a concise and acceptable manner.

### **Regional and local environs**

Relationship to comprehensive plan  
Compatibility with surroundings  
Accessibility:

- pedestrian
- automobile
- trucking
- public transportation

Economic impact  
Fiscal impact  
Environmental impact:

- air, water, noise

Facilities and services availability  
Visual compatibility  
Historic and archaeologic considerations

### **Natural features**

Geology  
Topography  
Soil characteristics  
Vegetation  
Micro-climate  
Wildlife  
Open space  
Surface drainage  
Erosion  
Ground waters  
Wetlands  
Flood hazard areas

### **Circulation**

Vehicular:

- ingress and egress
- road layout
- parking areas
- loading areas
- traffic control

Pedestrian:

- walkways
- safety

### **Design and aesthetics**

Site Usage:

- density
- geometrics

Structures:

- relationship to site plans
- elevations
- functional adequacy

Architectural features  
Signs  
Landscaping  
Recreation areas  
Incidentals:

- fencing
- buffer strips

### **Miscellaneous**

Construction specifications  
Utilities  
Maintenance  
Staging of development