

## ZONING

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[HISTORY: Adopted by the Town Board of the Town of Barrington 9-8-1980 as L.L. No. 2-1980. Amendments noted where applicable.]

ARTICLE I  
**General Provisions**

**§ 1.1. Title.**

This law shall be known as the “Town of Barrington, New York, Zoning Law.”

**§ 1.2. Enactment.**

This law shall be a 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.

**§ 1.3. Purposes.**

This law is designed to lessen congestion in the public roads and streets; to minimize risks from fire, flood, panic and other dangers; to promote health and general welfare; to provide for adequate light and air; to prevent overcrowding of the land; to avoid undue concentration of population and to facilitate the orderly planning for future transportation, water supply, sewage disposal, schools, parks and other requirements. This law is made with reasonable consideration of the character of the various districts and their peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

**§ 1.4. Applicability. [Amended 6-10-1985 by L.L. No. 1-1985]**

These regulations shall apply to the construction, installation or alteration of any building, structure or appurtenant system, any change in use and any lot, plat, plot or parcel of land used, occupied or otherwise maintained as herein provided for the Town of Barrington. These regulations shall also apply to permanent docks, piers, wharves, boathouses or similar structures that extend from the point on the easterly side of the high waterline of Keuka Lake to a point on the westerly side of the high waterline of Keuka Lake.

ARTICLE II  
**Terminology**

**§ 2.1. Word usage.**

Unless specifically defined below, words or phrases used in this law shall be interpreted so as to give them the meaning they have in common usage and to give this law its most reasonable application.

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- C. The word “shall” is always mandatory. The word “may” is permissive.

- D. A “building” or “structure” includes any part thereof. A building includes all other structures of every description, except fences and decorative or retaining walls. Structures covering a ground area less than sixteen (16) square feet are exempt from the requirements of this law. Stairways in the Lake Residential District constructed from the top of the bank to the beach area at lake front, which are thirty-six (36) inches or less in width, are also exempt from the requirements of this law. **[Amended 6-13-1989 by L.L. No. 3-1989]**
- E. The word “person” includes a corporation as well as an individual.
- F. The word “lot” includes the word “plot” or “parcel.”

### § 2.2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

✓ **ACCESSORY BUILDING** — A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

✓ **ACCESSORY USE** — A use customarily incidental and subordinate to the principal use of the building.

**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.

**APPEAL** — A request for a review of the Local Administrator’s interpretation of any provision of this law or a request for a variance. **[Added 5-11-1987 by L.L. No. 2-1987]**

**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. **[Added 5-11-1987 by L.L. No. 2-1987]**

**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 or V1-30. It is also commonly referred to as the “base floodplain” or “one-hundred-year floodplain.” **[Amended 5-11-1987 by L.L. No. 2-1987]**

**BASE FLOOD** — The flood having a one-percent chance of being equaled or exceeded in any given year. **[Amended 5-11-1987 by L.L. No. 2-1987]**

**BASEMENT** — That portion of a building having its floor subgrade (below ground level) on all sides. **[Added 5-11-1987 by L.L. No. 2-1987]**

**BREAKAWAY WALL** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. **[Added 5-11-1987 by L.L. No. 2-1987]**

**BUILDING** — Any structure built for support, shelter or enclosure for occupancy or storage. [Added 5-11-1987 by L.L. No. 2-1987]

**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.

**CELLAR** — The same meaning as “basement.” [Added 5-11-1987 by L.L. No. 2-1987]

**COASTAL HIGH HAZARD AREA** — The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V. [Added 5-11-1987 by L.L. No. 2-1987]

**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 located within the area of special flood hazard. [Amended 5-11-1987 by L.L. No. 2-1987]

**DWELLING** — A building/structure providing complete housekeeping facilities designed or used as the living quarters for one (1) or more families. The term shall include mobile homes. [Amended 3-11-1-1996 by L.L. No. 1-1996]

**DWELLING UNIT** — A building/structure or portion thereof providing complete housekeeping facilities designed for one (1) family. [Amended 3-11-1996 by L.L. No. 1-1996]

**ELEVATED BUILDING** — A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers) or shear walls. [Added 5-11-1987 by L.L. No. 2-1987]

**ENFORCEMENT OFFICER** — The duly-designated official responsible for enforcing this law as prescribed herein and as directed by the Town Board.

**ESSENTIAL SERVICES** — The erection, construction, alteration or maintenance by public utilities or the town or 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. [Added 3-11-1996 by L.L. No. 1-1996]

**EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the 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.

**EXPANSION OF AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION** — The preparation of additional sites by the construction of facilities for

servicing the lots on which the mobile homes are to be affixed (including the installation of utilities and either final site grading or pouring of concrete or the construction of streets).

**FAMILY** — One (1) or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding- or lodging house, club, fraternity or hotel. **[Added 3-11-1996 by L.L. No. 1-1996]**

**FENCE** — A natural or artificial barrier of shrubs, trees, wood, masonry, stone, metal wire or any other material manufactured for the construction of a fence, but specifically excluding any parts from a manufactured bus, auto parts and/or scrap material. **[Added 3-11-1996 by L.L. No. 1-1996]**

**FLOOD or FLOODING** **[Amended 5-11-1987 by L.L. No. 2-1987]** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

**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. **[Added 5-11-1987 by L.L. No. 2-1987]**

**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 is provided. **[Amended 5-11-1987 by L.L. No. 2-1987]**

**FLOOD INSURANCE RATE MAP (FIRM)** — An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. **[Amended 5-11-1987 by L.L. No. 2-1987]**

**FLOOD INSURANCE STUDY** — The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood. **[Added 5-11-1987 by L.L. No. 2-1987]**

**FLOODPLAIN or FLOOD-PRONE AREAS** — A land area adjoining a river, stream, watercourse, ocean, bay or lake which is likely to be flooded.

**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. **[Added 5-11-1987 by L.L. No. 2-1987]**

**FLOODWAY** — The same meaning as "regulatory floodway." **[Amended 5-11-1987 by L.L. No. 2-1987]**

**FLOOR** — The top surface of an enclosed area in a building (including basement), i.e., the top of slab in concrete slab construction or the top of wood flooring in wood frame construction. [Added 5-11-1987 by L.L. No. 2-1987]

**FLOOR AREA** — The aggregate sum of the gross horizontal areas of the several floors of the building, measured from the exterior walls.

**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 a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities. [Added 5-11-1987 by L.L. No. 2-1987]

**HABITABLE FLOOR** — Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure. [Added 5-11-1987 by L.L. No. 2-1987]

**HOME OCCUPATIONS** — An accessory use of a service or commercial character conducted within a dwelling unit or accessory building by the residents thereof, which is clearly secondary to the use of the dwelling unit for living purposes and which is not detrimental to the residential character of the lot on which said "home occupation" is located or of the surrounding neighborhood. One (1) additional person, not a resident thereof, may be employed in such "home occupation." "Home occupations" include but are not limited to dressmaking, tailoring, beauty parlors, barbershops, teaching carpentry, radio repair and real estate. A "home occupation" shall not be such as to produce offensive noise, traffic, smoke, dust, odor, heat, glare or electronic disturbance beyond the property it occupies.

\* **LOT** — A parcel of land separately recorded in the Yates County Clerk's office or separately depicted on the Town Real Property Assessment Maps. Whenever two (2) or more principal buildings are located on a single lot, the area devoted to each principal building, together with its accessory buildings and uses, yards and open space, shall be considered as a separate "lot" for the purposes of this law. This is to be interpreted to mean that a lot large enough to meet the area, frontage and setback requirements of each dwelling unit may contain more than one (1) dwelling unit.

**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 so as to render the structure in violation of the applicable nonelevation design requirements of this law. [Added 5-11-1987 by L.L. No. 2-1987]

**MANUFACTURED HOME** — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty

(180) consecutive days or longer and intended to be improved property. [Added 5-11-1987 by L.L. No. 2-1987]

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 shown on a community's Flood Insurance Rate Map are referenced. [Added 5-11-1987 by L.L. No. 2-1987]

MOBILE HOME — The same meaning as “manufactured home.” [Amended 5-11-1987 by L.L. No. 2-1987]

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as a reference for establishing elevations within the floodplain. [Added 5-11-1987 by L.L. No. 2-1987]

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this law. [Added 5-11-1987 by L.L. No. 2-1987]

NEW MOBILE HOME PARK or MOBILE HOME SUBDIVISION — A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (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 on or after the effective date of this law.

NONCONFORMING USE — Any use of a building, other structure or 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 law or as a result of subsequent amendments thereto.

PARKING, OFF-STREET — An area of at least two hundred (200) square feet with minimum dimensions of ten (10) feet and twenty (20) feet.

PRINCIPALLY ABOVE GROUND — That at least fifty-one percent (51%) of the actual cash value of the structure, excluding land value, is above ground. [Added 5-11-1987 by L.L. No. 2-1987]

ONE-HUNDRED-YEAR FLOOD — The same meaning as “base flood.” [Added 5-11-1987 by L.L. No. 2-1987]

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 4.2313B. [Added 5-11-1987 by L.L. No. 2-1987]

RIGHT-OF-WAY (ROW) — The total public strip of land within which there is public control and common right of passage and within which all pavements and utility lines are located. All setbacks will be measured from the “right-of-way” or twenty-five (25) feet from the center line, plus setback specified. Exceptions to this will be along old Lake Road where the “ROW” shall be measured sixteen and one-half (16 ½) feet from the highway center line and along New York State Route 54, which “ROW” shall be determined according to State Survey.

**SAND DUNES** — Naturally occurring accumulations of sand in ridges or mounds landward of the beach. [Added 5-11-1987 by L.L. No. 2-1987]

**SETBACK** — The shortest horizontal distance in feet from the street line or side/rear property line to the greatest extremities of principal building on a lot. For example, eaves and overhangs shall be considered the greatest extremities.

**START OF CONSTRUCTION** — The initiation, excluding planning and design, of any phase of a project or physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a 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, sheds), storage trailers and building materials. [Added 5-11-1987 by L.L. No. 2-1987]

**STRUCTURE** — A walled and roofed building, a manufactured home or a gas or liquid storage tank, that is principally above ground. [Added 5-11-1987 by L.L. No. 2-1987]

**SUBSTANTIAL CONSTRUCTION** — All footings have been installed or a foundation laid or poles erected. In the case of a mobile home, an approved well or septic system will be evidence of "substantial construction." [Added 9-14-1981 by L.L. No. 2-1981; amended 10-11-1982 by L.L. No. 1-1982]

**SUBSTANTIAL IMPROVEMENT** [Amended 5-11-1987 by L.L. No. 2-1987]:

- A. Any repair, reconstruction or improvement of a structure, the cost of which equals or 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 purposes of this definition, "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
  - (1) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - (2) Any alteration of a structure or contributing structure listed on the National Register of Historic Places or State Inventory of Historic Places.

**VARIANCE** — A grant of relief from the requirements of this law which permits construction or use in a manner that would otherwise be prohibited by this law. [Amended 5-11-1987 by L.L. No. 2-1987]

**YARD, FRONT** — An open space between the front line of the principal building and the front line of the lot and extending the full width of the lot.

**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.