

ARTICLE III
Enumeration of Districts

§ 3.1. Zoning districts.

The Town of Barrington establishes and is hereby divided in the following zoning districts:

ARD	Agricultural/Residential District
LRD	Lake Residential District
HRD	Highway Residential District
PDD	Planned Development District
SFHD	Special Flood Hazard District
DWD	Dundee Wellhead District
	[Added 9-14-1998 by L.L. No. 2-1998]

§ 3.2. Official Zoning Map.

The location and boundaries of the zoning districts established in § 3.1 are shown on the Official Zoning Map of the Town of Barrington,¹ which, together with everything shown thereon and all amendments thereto, are hereby adopted by reference and declared to be appurtenant parts of this law.

§ 3.3. Interpretation of districts boundaries.

In general, the district boundary lines are intended to follow existing lot lines, public highway center lines and the center lines of natural watercourses at mean water levels or are intended to be parallel to public highway center lines at such distances therefrom as are indicated on the Official Zoning Map.

ARTICLE IV
District Regulations

§ 4.1. Use schedule.

The attached district regulations shall be deemed to be part of this section and is referred to herein as the "Use Schedule A."²

§ 4.2. Land use regulations.

Land use regulations shall be as provided in this Article.

¹ Editor's Note: The Zoning Map is on file in the town offices.

² Editor's Note: Said Schedule is included at the end of this law.

§ 4.21. Agricultural/Residential District.

See Schedule A for district use standards.

§ 4.22. Lake Residential District. [Amended 3-11-1996 by L.L. No. 1-1996]

- A. 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") of less than sixty (60) feet of lake frontage for each dwelling unit served. (The Town of Milo Zoning Law also has the following additional sentence in this paragraph: The minimum required area for a dwelling unit in an LR District shall not include the area of any right-of-way or easement deeded, granted, sold permitted, conveyed, given or leased.)
- B. Any multiple-dwelling development or subdivision with LR District lake shore land used as a common recreation area or beach shall have a minimum of sixty (60) feet of lake frontage for each dwelling unit served.
- C. Joint or individual ownership of one (1) or more parcels of land in districts or municipalities adjacent to the LRD sharing ownership in an unoccupied and/or vacant LRD lot shall have a minimum of sixty (60) feet of lake frontage in the LR District for each dwelling unit of the adjacent district or municipality. No dwelling unit or other structure shall be permitted on such LR District lot.
- D. The use of an LRD lot by noncommercial organizations, groups, clubs and other similar entities is not included among the permitted uses as set forth in Schedule A, Zoning Schedule of Use Controls.³

§ 4.23. Highway Residential District.

- A. See Schedule A for district use standards.
- B. Within the Highway Residential District (HRD), no new construction, not including additions to existing structures, shall be granted a permit until a review by the Yates County Soil and Water Conservation District (YCSWCD) personnel has been performed. Such review shall give specific 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, this requirement is waived. Failure to observe the recommendations of the YCSWCD shall not be grounds for denial of permit if all other district requirements are met. In all other districts, a review of the impact of a drainage area shall be undertaken, if so requested by the Zoning Board of Appeals as a requirement for a special permit or variance.

³ Editor's Note: Said Schedule is included at the end of this law.

§ 4.24. Planned Development District.

- A. A planned development district (PDD) shall be treated as an amendment to this Zoning Law. The PDD is designed to accommodate such large scale uses as will be of benefit to the community, but which could not have been anticipated at the time of adoption of this law.
- B. Where the planned development concept is deemed appropriate through the rezoning of land by the Town Board to a planned development district, the set of conventional land use activities and area specifications as set forth elsewhere in this law are hereby replaced by a review and approval process in which an approved development plan becomes the basis for land use controls in said planned development district.
- C. For administrative procedure in approving a PDD, see § 7.11 for further district regulations.

§ 4.25. Special Flood Hazard District. [Amended 5-11-1987 by L.L. No. 2-1987]

The following regulations shall apply in all SFHD districts, in addition to the regulations of the underlying zoning district. The SFHD shall be treated as an overlay district.

§ 4.251. 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 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.

§ 4.252. Purpose. [Added 3-11-1987 by L.L. No. 2-1987]

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 which are involved in the accommodation of flood waters.
- 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 will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. To qualify for and maintain participation in the National Flood Insurance Program.

§ 4.253. Objectives. [Added 5-11-1987 by L.L. No. 2-1987]

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, sewer lines, 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 development of areas of special flood hazard so as to minimize future flood blight areas.
- G. To provide that developers are notified that property is in an area of special flood hazard.
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 4.254. Applicability of flood hazard areas. [Added 5-11-1987 by L.L. No. 2-1987]

This law shall apply to all areas of special flood hazards within the jurisdiction of Town of Barrington.

§ 4.255. Basis for establishing areas of special flood hazard. [Added 5-11-1987 by L.L. No. 2-1987; amended 6-13-1989 by L.L. No. 2-1989]

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, 5133 Bath Road, Dundee, New York.

§ 4.256. Construal of provisions. [Added 5-11-1987 by L.L. No. 2-1987]

- A. This law is adopted in response to revisions 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 law shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare.

Whenever the requirement of this law 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.

§ 4.257. Penalties for offenses. [Added 5-11-1987 by L.L. No. 2-1987]

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 §§ 4.25 through 4.2520 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 §§ 4.25 through 4.2520 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 §§ 4.25 through 4.2520 for which the developer and/or owner has not applied for and received an approved variance under §§ 4.2519 and 4.2520 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 4.258. Warning and disclaimer of liability. [Added 5-11-1987 by L.L. No. 2-1987]

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.

§ 4.259. Designation of local administrator. [Added 5-11-1987 by L.L. No. 2-1987; amended 6-13-1989 by L.L. No. 3-1989]

The 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.

§ 4.2510. Development permit. [Added 5-11-1987 by L.L. No. 2-1987]

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 § 4.255. 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 drainage facilities; and the location of the foregoing.

§ 4.2511. Application stage. [Added 5-11-1987 by L.L. No. 2-1987]

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 floodproofed.
- C. When required, a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 4.2515C(1);
- D. A certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 4.2516B; and
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 4.2512. Construction stage. [Added 5-11-1987 by L.L. No. 2-1987]

Upon placement of the latest floor or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the the local administrator a certificate of the as-built elevation of the lowest floor or floodproofed 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. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect 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 cause to issue a stop-work order for the project unless immediately corrected.

§ 4.2513. Duties and responsibilities of local administrator.

The duties of the local administrator 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 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 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 § 4.2515E, Encroachments.
- B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 4.255, Basis for establishing areas 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 § 4.2515D(4) in order to administer § 4.2516, Specific standards and § 4.2518, Floodways.
- C. Information to be obtained and maintained. The local administrator shall:
- (1) Obtain and record the actual elevation, in relation to mean 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.
 - (2) For all new or substantially improved floodproofed structures;
 - (a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed; and
 - (b) Maintain the floodproofing certifications required in §§ 4.2515 and 4.2516.
 - (3) 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, New York 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 § 4.255 and/or § 4.2513B, 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 elevations are not available.

F. Stop-work orders.

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 4.257 of this law.
- (2) All floodplain development found noncompliant 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. Disregard of a stop-work order shall be subject to the penalties described in § 4.257 of this law.

G. Inspections. The local administrator and/or the 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 said inspector to certify that the development is in compliance with the requirements of this law.

§ 4.2514. Certificate of compliance. [Added 5-11-1987 by L.L. No. 2-1987]

- A. It shall be unlawful to use or occupy or to 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 § 4.2513G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

§ 4.2515. Flood hazard reduction standards. [Added 5-11-1987 by L.L. No. 2-1987]

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 which 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 flood waters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters.
- (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.

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 in § 4.2513A (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 § 4.2513B or § 4.2515D4 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 § 4.2513B, the requirements of § 5.3, Floodways, shall apply.

