

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

FILED
STATE RECORDS

APR 29 2024

of Sennett

Local Law No. 2 of the year 2024

DEPARTMENT OF STATE

A Local Law to Amend the Zoning Law of the Town of Sennett Relative to the Adoption of New Regulations Related to the Hospitality-Tourism District in the Town

Be it enacted by the **Town Board** of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Sennett as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. PURPOSE AND INTENT.

The purpose of this Local Law is to better align the purpose of and uses within the Hospitality Overlay District with the community's goals and future land use vision for this specific area of the Town of Sennett, including renaming it to the Hospitality-Tourism District. Specifically, the proposed purpose statement calls for "encouraging tourism and providing an area for hospitality and tourism-related development, such as but not limited to, agritourism, lodging, recreation, restaurants and other uses related to and complementing the hospitality and tourism industries. Future development will be visually compatible with surrounding uses, will complement existing and future agricultural and recreational activities, and will be planned and conducted in an environmentally sensitive manner. Development standards and a limited list of appropriate permitted uses have been established for the Hospitality-Tourism District to ensure that uses and development within the district fits harmoniously and compatibly with the existing agricultural and rural neighborhood character of the area, and inappropriate intrusion is minimized. This District is generally situated on Route 20 from Mandy Rue Lane (to the west) to County Line Road (to the east).

SECTION 3. AMENDING ARTICLE II ("DEFINITIONS") SECTION 200 ("GENERAL") OF THE ZONING LAW OF THE TOWN OF SENNETT TO AMEND CERTAIN EXISTING DEFINITIONS

Article II ("Definitions") Section 200 ("General") of the Zoning Law of the Town of Sennett is hereby amended by to modify the definitions of certain existing terms so that they read as follows:

"Bed and Breakfast. Lodging facilities located in an owner-occupied private residence resulting from the conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to guests only; and to not more than 10 transient lodgers at one time, except for minors in the company

(If additional space is needed, attach pages the same size as this sheet, and number each.)

of adult guests, and containing not more than five bedrooms for such lodgers. The period of accommodation shall be of a clearly temporary nature. Such use shall not be construed as a Boarding House.

Boarding House/Rooming House. An owner-occupied dwelling in which not more than five (5) sleeping rooms are provided for definite periods of time including for weeks, months or years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. Such use shall not be construed as a Bed and Breakfast.

Café/Internet Café/Coffee Bar. Any coffee house, deli, or bar (other than a Restaurant) where beverages or foods may be prepared and sold, whether consumption of such beverages or foods occurs on or off premises; such uses may be permitted in conjunction with Bookstores.

Carnival/Circus/Festival/Show/Exhibition. In general, any temporary, traveling or itinerant commercial amusement open to the public, whether or not a fee is charged to spectators or participants.

- A. **Carnival.** An itinerant enterprise consisting principally of temporary amusement devices or acrobatic or magic shows, games, stunts, or zoo animals operated to provide entertainment or amusement to the public.
- B. **Circus.** An exhibition of wild and trained animals, acrobatic feats, together with side shows and vending concessions.
- C. **Exhibition.** A large-scale public showing, as of art objects, agricultural products or other products set up for display and viewing.
- D. **Fair.** An enterprise principally devoted to the exhibition of the products of agriculture or industry and at which amusement devices, temporary structures viewing stands or tents are provided for use by the public.
- E. **Festival.** A celebration, entertainment, or series of performances, often held periodically, *e.g.*, annually.

Dwelling. A building designed or used exclusively for one (1) or more dwelling units. The terms “dwelling,” “single family dwelling,” “two family dwelling” or “multi-family dwelling” shall not be deemed to include a motel, hotel, or mobile home.

- A. **Dwelling Unit.** Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) family.
- B. **Dwelling, Single Family.** A dwelling having (i) only one (1) dwelling unit from ground to roof, (ii) independent outside access, and (iii) open space on all sides.
- C. **Dwelling, Two-Family.** A building designed for or occupied exclusively by two (2) families living independently of each other.

D. **Dwelling, Multi-Family.** A building used or designed as a residence for three (3) or more families living independently of each other. A Townhouse shall not be deemed to be a "Multi-Family Dwelling".

E. **Dwelling, Townhouse.** A dwelling unit that makes provisions for living and sleeping facilities for one (1) family and which is one of a series of two (2) or more units having a common wall between each adjacent unit. Each adjacent unit shall have a private outside entrance, separate utilities and be located on a separate lot from the dwelling(s) to which it is attached. No more than a single dwelling unit shall be contained in any single ground to roof unit.

F. **Dwelling, In-Law Apartment.** A separate living space within a single family dwelling unit consisting of separate sleeping, cooking and bathroom facilities and which is intended to be occupied by the father, mother, aunt, uncle, grandparent, grandchild, son or daughter by blood, marriage or legal adoption of the owner of the single-family dwelling. In-law apartments may be occupied only by members of the family unit occupying the single-family dwelling or by in-laws of a member of said family unit.

G. **Dwelling, Emergency.** A temporary residence that is: (a) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or (b) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed.

Farm Stand for Sale of Produce. An outdoor retail enterprise designed for the sale of farm produce to the public sold from the farm premises. A Farm Stand may be a structure or vehicle, whose principal use is the seasonal display and sale of agricultural and value added products.

A. **Agricultural Product.** Any agricultural or aqua-cultural product of the soil or water, including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, and fruit juice.

B. **Value Added.** The increase in the fair market value of an agricultural product resulting from the processing of such product.

Home Occupation. The conducting of an occupation or profession entirely within the confines of a dwelling which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Hotel. An establishment providing, for a fee, sleeping accommodations by transient guests and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Hotels shall mean such facilities as described above with six or more guest rooms where the access to said rooms is primarily from interior lobbies, courts, or halls. Permitted accessory uses include but are not limited to meeting rooms, restaurants, bars,

recreational facilities, a small retail business establishment or personal service uses. All accessory uses shall be open to both guests and the general public.

Library/Museum. Any facility that displays, preserves, and exhibits objects such as books, transcripts, photos, or artwork of community and cultural interest in one or more areas of the arts and sciences for the use or viewing by the general public.

Mixed Use Commercial and Residential. A single building containing residential uses in addition to nonresidential uses which are otherwise permitted in the district. Mixed uses will only be permitted by special use permit in the C/LI, I, COD and & H-T districts.

A. **Mixed-Use Development.** The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, professional office, retail business establishment, public, or entertainment, in a compact urban form.

Motel. A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

Recreation. The refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of wildlife. Recreation activities may take place indoors or outdoors.

A. **Recreation and Entertainment Facility - Indoor.** An entirely enclosed building or facility which offers commercial indoor sports activities including but not limited to tennis, batting cages, bowling, skating, racquetball, arcade games, volleyball, basketball, indoor soccer, martial arts, miniature golf, paint ball, laser tag or similar activities. This use may include associated accessory eating and drinking areas, retail sales areas and staff offices.

B. **Recreation and Entertainment Facility - Outdoor.** Any recreation facility where any portion of the featured activity takes place outside. This includes but is not limited to campgrounds, golf driving ranges, batting cages, riding arenas and corrals, racquet sports, miniature golf, paint ball, archery range, or similar activities. This use may include associated accessory eating and drinking areas, retail sales areas and staff offices. This definition does not include motorized vehicle sports such as go-cart tracks, dirt bike trails and all-terrain vehicle trails or racing facilities.

C. **Recreation/Golf Course - Mini Golf.** Any facility or premises used for playing miniature golf, or other golf related facility or premises consisting primarily of putting areas. This use may include associated accessory eating and drinking areas and retail sales areas. This term shall not include golf course/regulation as defined elsewhere in this Section.

D. **Recreational Vehicle Park.** A recreational vehicle park (RV Park) is a place where people with recreational vehicles can stay overnight, or longer, in allotted spaces known as "sites".

E. **Recreational Vehicle (RV)**. A vehicle built on a single chassis, containing 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towed by another vehicle; and able to have movement on roadways without an oversized load permit (less than 8 ½ feet wide). A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

F. **Recreational Campground**. A lot in single ownership that has been developed or is intended to be developed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Religious Use. A building used as a church, place of worship, or religious assembly, with or without related accessory buildings or uses such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, or cemetery, where persons regularly assemble for religious purposes and related social events, which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Restaurant. A commercial establishment where food and beverages, whether alcoholic or not, are prepared, served, and consumed primarily within the principal building and where food sales constitute at least 51% of the gross sales receipts for food and beverages.

A. **Restaurant, Sit Down**. A business engaged in the preparation and sale of food and beverages selected from a full menu by patrons seated at a table or counter and consumed on the premises.

B. **Restaurant, Drive-Thru**. A business where food and/or beverages are sold in a form ready for consumption, where a portion of the consumption takes place, or is designed to take place outside the confines of the restaurant, and where customer ordering and pickup of food is available to take place from an automobile.

Vehicle Service Station. Any premises or facility where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles), are retailed directly to the public on premises, including sale of minor accessories and service for automobiles. A vehicle service station may include a convenience store. The definition does not include the display of motor vehicles for sale and shall not include fuel and service stations predominately designed to service and accommodate buses or vehicles with three or more axles.

Veterinary Clinic/Animal Hospital. Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.”

SECTION 4. AMENDING ARTICLE II (“DEFINITIONS”) SECTION 200 (“GENERAL”) OF THE ZONING LAW OF THE TOWN OF SENNETT TO ADD CERTAIN NEW TERMS AND DEFINITIONS

Article II (“Definitions”), Section 200 of the Zoning Law of the Town of Sennett is hereby amended to add the following new terms and definitions:

“Agricultural Land. The land and on-farm buildings, equipment, manure processing, and handling facilities and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise, including a commercial horse boarding operation, as defined in Subdivision 13 of New York Agriculture and Markets Law §301, and timber processing, as defined in Subdivision 14 of New York Agriculture and Markets Law §301. Such operations may consist of one or more parcels of owned or rented land which may be contiguous or noncontiguous to each other. The use of land for agricultural production purposes, including tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and accessory uses for packing, storing, processing and retail sales of products, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural production activities. Agricultural land can also be referred to as farmland.

Agricultural Practices. Those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. Examples of such practices include, but are not limited to: operation of farm equipment, construction and use of farm structures, proper licensed use of agricultural chemicals, and proper nutrient management activities (*e.g.* spreading of manure or compost, application of nutrients like nitrogen on the soil, and other accepted crop production methods) as defined by the New York State Department of Agriculture & Markets. This definition also includes the construction and maintenance of “Farmstead” structures as elsewhere in this Law.

Agriculture. The use of farmland and resources for the production of food, fiber, fuel, and for agritourism activities in accordance with the accepted agricultural practices of land, nutrient, and farm management as defined by the New York State Department of Agriculture & Markets including but not limited to: the raising, harvesting, and selling of crops; feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals, or honeybees; dairying and the sale of dairy products; any other aquacultural, floricultural, horticultural, silvicultural, or viticultural use; animal husbandry, agricultural support industries, or by any combination thereof; and the use of land for the primary purpose of stabling or training equines including, but not limited to, providing riding lessons, training clinics, and schooling shows; and as further defined in “Agricultural Practices” elsewhere in this Law.

Agritourism. A form of commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm or business owner including but not limited to: pumpkin picking patches, corn mazes, U-pick or Community Supported

Agriculture (CSA) operations, petting and feeding zoos, hay rides, cut-your-own Christmas tree farms, demonstration farms, agricultural museums, living history farms, on-farm farmers' markets or road-side stands, winery tours and wine tasting, and garden tours

Buffer. An area of land area covered with grass, vegetation, trees, fencing, embankments, or earth berms, designed to provide a physical and visual barrier utilized to reduce noise, dust, odor, light, litter or any other elements generally thought to be objectionable in nature.

Craft Beverage Industry. Land and buildings used for the production and sale of craft beverages, including offering of tastings with or without an accessory restaurant use. Examples of craft beverage industries include wineries, breweries, cideries, and distilleries; and includes operations that are classified as either a "regular", "farm", "special", or "micro" based operation by the NYS Alcohol and Beverage Control Law.

Event Venue. An establishment which is rented by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, anniversaries, birthdays and other similar celebrations, which may take place in tents, gazebos, barns, open areas, or residential structures (including buildings). Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

Impervious Surface. Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, compacted gravel, and other surfaces.

Inn. Any building or group of buildings in which there are twelve (12) or fewer guest rooms, used for the purpose of offering public transient lodging accommodations on a daily rate to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities. An Inn is not the same as a bed and breakfast in that the building does not need to be a one-family dwelling unit and the owner/operator does not need to live in the building.

Lot Coverage. The percentage of the lot covered by buildings, structures, and all other impervious materials.

Neighborhood Character. The atmosphere or physical environment which is created by the combination of land use and buildings within an area. "Neighborhood character" is established and influenced by land use types and intensity, traffic generation and by the location, size, and design of structures as well as the interrelationship of all these features.

Open Space. An area or areas of a lot, including required setbacks, which are: (1) Open and unobstructed from ground to sky, except by facilities specifically designed, arranged, and intended for use in conjunction with passive or active outdoor recreation or relaxation, (2) Landscaped, maintained, or otherwise treated to create a setting appropriate to recreation or relaxation, and (3) Accessible and

usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

Roomer, Boarder, or Lodger. A non-transient person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or for board and lodging. A person occupying such accommodations for less than a week shall be as a guest of a commercial lodging establishment (bed and breakfast, inn, hotel or motel).

Spa. A commercial establishment that promotes health and wellness through the provision of therapeutic and other professional services aimed at renewing the body, mind and spirit, including but not limited to bathing, exercising, acupuncture and herbal medicine, chiropractic, massage and spa treatments, reflexology, Reiki, and Yoga.”

SECTION 5. AMENDING ARTICLE III (“ESTABLISHMENT AND DESIGNATION OF DISTRICTS”) SECTION 300 (“ESTABLISHMENT OF DISTRICTS”) OF THE ZONING LAW OF THE TOWN OF SENNETT

Subparagraphs “D” and “F” of Section 300, Article III of the Zoning Law of the Town of Sennett are hereby amended to read in their entirety as follows:

“D. **Industrial (I) District.** This district is designed to foster the diversification of the Town’s economic base by encouraging industries and manufacturing firms to locate in the Town, and thereby increase the number of locally based jobs while making a valuable contribution to the Town’s tax base. Areas designated for industrial uses include land currently devoted to industrial uses such as manufacturing, warehouses, research and development. However, Heavy Industry, as that term is defined in §505.17, is prohibited in this and all other districts in the Town.”

“F. **Hospitality-Tourism District (H-T).** This District is created with the general purposes of encouraging tourism and providing an area for hospitality and tourism-related development, such as but not limited to, agritourism, lodging, recreation, restaurants and other uses related to and complementing the hospitality and tourism industries. Future development will be visually compatible with surrounding uses, will complement existing and future agricultural and recreational activities, and will be planned and conducted in an environmentally sensitive manner. Development standards and a limited list of appropriate permitted uses have been established for the Hospitality-Tourism District to ensure that uses and development within the district fits harmoniously and compatibly with the existing agricultural and rural neighborhood character of the area, and inappropriate intrusion is minimized. This District is generally situated on Route 20 from Mandy Rue Lane (to the west) to County Line Road (to the east).”

SECTION 6. AMENDING ARTICLE V (“USE REGULATIONS”) SECTION 501 OF THE ZONING LAW OF THE TOWN OF SENNETT

Section 501, Article V of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“Section 501 Uses by Right, Special Permit, Special Conditions, & Uses Not Permitted.”

A. A use listed in Section 504 is permitted by right in any district denoted by the letter “P” after a zoning permit has been issued in accordance with Article XIV.

B. A use listed in Section 504 may be permitted by Special Use Permit in any district denoted by the letters “SP” provided the Planning Board approves the Special Use Permit subject to the requirements of Section 505 and the other requirements of this Law.

C. A use listed in Section 504 may be permitted by right subject to Special Conditions in any district denoted by the letters “SC”, as defined herein. Review and approval by the Code Enforcement Officer is required before a permit will be issued.

D. A use not otherwise expressly permitted or specially permitted in any district is not allowed and must apply for a use variance and such other approvals as are necessary.”

SECTION 7. AMENDING ARTICLE V (“USE REGULATIONS”) SECTION 504 OF THE ZONING LAW OF THE TOWN OF SENNETT

Section 504, Article V of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“Section 504 Table of Use Regulations						
Town of Sennett - Uses	R	A/R	C/LI	I	COD Overlay	H-T
P = Permitted SP = Special Use Permit (PB) SC = Special Conditions (CEO) Blank = Not Permitted						
Administrative & Management Services			P			
Adult Day Care			P		P	
Adult Use				SP		
Agritourism		P				P
Animal Day Care/Shelter/Kennel		SP	SP		SP	SP
Asphalt & Concrete Mixing Plants				SP		
Assembly/Fabrication/Packaging			P	P	SP	
Attached/Unattached Accessory Buildings and Accessory Uses	SC	SC	SC	SC	SC	SC
Bed & Breakfast	SP	SP	SP		SP	P
Boarding House/Rooming House		SP	SP		SP	SP
Bookstore			P		P	SP
Café/Internet Café/Coffee Bar			P		P	P
Car Wash			P	P	P	
Care Facility/Residence or Shelter		SP	P		P	SP
Carnival/Circus/Festival/Show/Exhibition		SP	SP		SP	SP
Cemetery/Crypt		SP				SP
Child Care Center		SP	P		SP	SP
Child Care, In-Home	P	P	P	P	P	P

Section 504 Table of Use Regulations

Town of Sennett - Uses	R	A/R	C/LI	I	COD Overlay	H-T
P = Permitted SP = Special Use Permit (PB) SC = Special Conditions (CEO) Blank = Not Permitted						
Clinic/Rehab/Therapy-Outpatient		SP	P		P	SP
Community Center/Recreation Center		SP	P	P	SP	
Concrete – Precast			SP	P	SP	
Construction Services		SP	P	P	SP	
Construction Services, Home-Based	SC	SC	SC	SC	SC	SC
Convenience Store w/Gas Pumps or w/out Gas Pumps		SP	SP	SP	SP	
Craft Beverage Industry			SP	SP	SP	SP
Crematorium				SP		
Diner - Eat Inside			P	P	P	P
Dog Grooming Facility	SP	P	P	P	P	P
Dwelling - Single Family	P	P			P	P
Dwelling - Two-Family	P	P			P	P
Dwelling - Multi Family	SP	SP	SP		SP	SP
Dwelling, Townhouse	SP	SP			SP	SP
Dwelling, In-Law Apartment	SC	SC	SC	SC	SC	SC
Dwelling, Emergency	SC	SC	SC	SC	SC	SC
Educational Facility	SP	SP	SP	SP	SP	SP
Emergency Services Facility		SP	SP	SP	SP	SP
Event Venue		SP	SP	SP	SP	SP
Farm Worker Dwelling		SC	SC		SC	SC
Farm Stand for Sale of Produce		SC	SC		SC	SC
Financial Institutions/Banks			P		SP	
Funeral Home/Mortuary			SP		SP	
Golf Course/Regulation	SP	P	SP	SP	SP	P
Government Facility/Town, County, State, Federal	P	P	P	P	P	P
Grain Elevator		P		P	P	P
Greenhouse/Nursery - Commercial		P	P	P	P	P
Hatchery - Fish		SP				
Home Occupation	SC	SC			SC	SC
Inn			P	P	SP	P
Junkyard				SP		
Landscape/Garden Center		P	P		P	P
Laundromat/Dry Cleaning			P	P	SP	
Library/Museum		SP	SP		SP	SP
Light Industrial		SP	SP	SP	SP	
Light Manufacturing		SP	SP	SP	SP	
Lumber Yard		SP	P	P	SP	
Manufacturing			SP	P	SP	
Meatpacking Plant/Slaughterhouse				SP		

“Section 504 Table of Use Regulations

Town of Sennett - Uses	R	A/R	C/LI	I	COD Overlay	H-T
P = Permitted SP = Special Use Permit (PB) SC = Special Conditions (CEO) Blank = Not Permitted						
Mining and Excavations		SP	SP	SP		
Mixed Use Commercial & Residential			SP	SP	SP	SP
Mobile Home/Mobile Home Park	<i>Allowed only by Town Board approval of PDD pursuant to Article IV</i>					
Monument Works			P	P	P	
Motel/Hotel			P	P	SP	P
Office - Professional/Studio		P	P	P	P	P
Office Building		P	P	P	SP	SP
Parking Garage			P	P	SP	
Parking Lot (Primary Use)			P	P	SP	
Personal Service – Barber Shop/Beauty Salon/ Nail Salon/Tanning			P		P	P
Petroleum Bulk Storage				SP		
Printing & Publishing			P	P	SP	
Quarry Operation/Sand & Gravel Operation		SP	SP	SP	SP	
Recreation & Entertainment Facility – Indoor		SP	P	P	SP	SP
Recreation & Entertainment Facility – Outdoor		SP	SP		SP	SP
Recreation/Golf Course - Mini Golf		P	P		P	SP
Recycle Center - Scrap Metal/Shredding				SP		
Recycle Center - Cans & Bottles			P	P	SP	
Religious Use	P	P	P	P	P	P
Residential Accessory Use – Garage/Shed/Private Greenhouse	P	P			P	P
Reservoir/Public Water	SP	SP	SP	SP	SP	SP
Restaurant - Drive-thru		SP	SP	SP	SP	
Restaurant - Sit Down		SP	P	P	P	P
Retail Store			P	P	SP	SP
Rod & Gun Club		SP			SP	
Saw Mill		P	P	P	SP	
Seasonal Sales		P	P		P	P
Shopping Center			SP	SP	SP	
Sod Farm		P			P	
Spa			SP		SP	SP
Stable - Private		SC	SC		SP	SC
Stable - Public		SC	SC		SC	SC
Tattoo Parlor/Piercing			P	P	SP	
Terminal - Motor or Rail		SP	SP	SP	SP	
Theater - Indoor			P	P	SP	
Theater - Outdoor/Performing Arts		SP	SP		SP	SP
Towers & Communication Antennas	SP	SP	SP	SP	SP	
Vehicle Repair		SP	P	P	SP	

“Section 504 Table of Use Regulations

Town of Sennett - Uses	R	A/R	C/LI	I	COD Overlay	H-T
P = Permitted SP = Special Use Permit (PB) SC = Special Conditions (CEO) Blank = Not Permitted						
Vehicle Sales - New			P	P	SP	
Vehicle Sales - Used Only			P	P	SP	
Vehicle Service Station			SP	SP	SP	
Veterinary Clinic/Animal Hospital		SC	SP		SP	SP
Warehousing - Commercial			P	P	SP	
Warehousing/Self-Storage/Mini-Storage		SP	P	P	SP	
Wind Energy Conversion System, On-Site	SP	SP	SP	SP	SP	SP
Winery		SP	SP	SP	SP	SP

Those uses requiring a special use permit from the Planning Board shall also require the granting of site plan approval from the Town Planning Board unless otherwise noted. All new non-residential uses and modifications to existing non-residential uses shall be subject to site plan review by the Town Planning Board unless otherwise specifically exempted.

**SPECIAL CONDITIONS REFERENCED IN SECTION 504,
TABLE OF USE REGULATIONS**

Special conditions have been established to insure that certain activities which may be incongruous or sufficiently different from those generally permitted in a given district are carried out in a manner that minimizes or prevents negative impacts on the overall area or the environment. No zoning permit shall be issued until the code enforcement officer is satisfied that the applicable special condition(s) has (have) been met or a variance to same duly granted.

CRITERIA FOR CERTAIN SPECIFIED USES

Section 504.1 Attached and Unattached Accessory Buildings and Accessory Uses.

A. Accessory buildings not attached to a principal building are permitted in accordance with the following:

1. Such building shall not be located in a front yard in the R district;
2. Such building shall be located no closer to the side or rear lot line than five (5') feet;
3. No such unattached accessory building shall be located less than ten (10') feet from the principal building;
4. No accessory building shall exceed seven hundred fifty (750) sq. ft. in floor area nor have a height greater than that of the principal building when the accessory building is to be located in the R district. No accessory building shall be a building, structure, or other assemblage of materials designed for, or customarily used as a principal building allowed under this Law. No accessory building on a residential lot shall be a container primarily intended for commercial storage or transportation of goods, animals, or people unless otherwise authorized

by this Law.

B. Accessory buildings attached to a principal building shall comply with all provisions of this Law applicable to the principal building.

C. An accessory use shall comply with all provisions of this Law regarding parking and signage and shall be conducted in a manner that is consistent with and secondary to the principal use and the general character of the district in which it is located. This requirement shall specifically apply to the generation, production, or emission of dust, smoke, refuse, odor, gases, fumes, noise, vibration, and light; but may apply to other similar generations, productions, or emissions.

D. In determining consistency of impacts, standard measurements shall be taken of the ambient level of emission, production, or generation within two thousand (2000') feet of the source in question and compared with the standard measurement at the source, the source will be deemed inconsistent with general character if it exceeds the ambient level. Standard measurements of any particular emission, generation, or production shall be determined by the Town Engineer based upon recognized engineering practices.

Section 504.2 Construction Services, Home-Based. In districts allowing Home- Based Construction Services, the use shall demonstrate compatibility with the surrounding neighborhood. No signage for such service shall be allowed and no outdoor storage of equipment shall occur on premises. However, trade vehicles may be maintained on the premises but no outdoor idling of such vehicle shall occur.

Section 504.3 Dwelling, In-Law Apartment. In-law apartment dwellings are permitted in all districts subject to the following:

A. In-law apartment dwellings shall be subordinate in area to the principal unit. The in-law apartment dwelling shall contain a maximum of fifteen hundred (1500) square feet, but in no event shall an in-law apartment dwelling exceed fifty percent (50%) of the existing principal unit.

B. A maximum of one in-law apartment dwelling shall be allowed on any one lot and shall be attached to the principal dwelling.

C. No in-law apartment dwellings shall contain more than two (2) bedrooms.

D. All in-law apartment dwellings shall be designed such that the appearance of the building remains that of a single family dwelling.

E. In-law apartment dwellings shall utilize common water, septic and electric facilities with the primary residence.

F. All in-law apartment dwellings shall comply in all other respects with the provisions of local, state and federal laws, ordinances, rules and regulations, specifically including the New York State Uniform Fire Prevention and Building Code.

Section 504.4 Emergency Dwelling. Emergency dwelling structures are permitted in all districts subject to the following:

In the event that a dwelling is rendered uninhabitable by fire, flood, or similar natural or manmade disaster the Town's Code Enforcement Officer may authorize the placement upon the lot where said dwelling is located an emergency dwelling structure. An emergency dwelling structure shall be a safe and healthful living unit that meets all applicable building, fire, health or other codes except the terms of this Law relating to residential structures. The Code Enforcement Officer may waive such terms of this Law so as to allow the placement and use of such a structure, upon the same lot as the damaged dwelling, as an occupancy during the period that the damaged dwelling is being repaired or replaced. Such emergency dwelling structure shall be removed upon the completion of the repair or replacement work on the principal dwelling. No certificate of occupancy shall be issued until the emergency dwelling structure is removed from the lot. The Town Code Officer shall review for any extension after a one (1) year period from original date of placement.

Section 504.5 Farm Stand for Sale of Produce. Farm stands for sale of produce are permitted in the A/R, C/LI, COD, and H-T districts.¹ A farm stand shall be permitted as a seasonal accessory use, subject to the following regulations:

A. The farm stand will be set back a minimum of twenty (20) feet from any street line.

B. A vehicle may be considered a permitted farm stand. However, a vehicle, or any part thereof, customarily known as a tractor/trailer or any containerized storage unit shall not be permitted.

C. Non-Farm Parcels: The total floor area of the stand shall not exceed one hundred fifty (150) square feet. The farm stand shall be solely for the seasonal display and sale of agricultural and value-added products.

D. Farm Parcels: The total floor area of the stand shall not exceed four hundred (400) square feet. Farms may seek relief from this requirement through an area variance. The applicant may demonstrate a need for an area variance for additional space based upon the needs of existing farm operations. The farm stand shall be solely for the seasonal display and sale of agricultural and value-added products.

Section 504.6 Farm Worker Dwelling. Farm worker dwellings are permitted in the A/R and C/LI districts and permitted in the COD and & H-T districts subject to the following:

A. Subject to the applicable provisions of NYS Agriculture and Markets Law, a dwelling that meets all the terms of this Law and other State, County, and local codes may be placed upon a working farm for the purpose of providing housing for persons working upon said farm provided that an area of land sufficiently large and so situated that, if broken off of the farm, it would constitute a legal lot if dedicated to the dwelling to be used by said farm worker. All normally required permits shall be obtained for the dwelling and, as part of the application for a building permit, the land dedicated to it shall be illustrated.

¹ Subject to the applicable provisions of Article 25-AAA of the New York Agriculture and Markets Law.

B. All dwellings shall be located on the same lot or lots owned, leased or under some other contractual agreement by the farm operation that employ the workers housed in said dwelling(s). The land dedicated on the lot to the Farm Worker Dwellings shall be illustrated in the application.

C. Dwellings shall meet the same setback requirements as the principal structure for the lot. See Article VII, Section 700 of this Local Law for dimensional standards.

D. Structures shall have a minimum of thirty (30) feet of separation from one another.

E. Provisions shall be made for adequate water and sewage disposal facilities, in accordance with local, county, and state laws.

F. The Town may require a notarized statement from the property owner to certify that the occupants in the Farm Worker Housing are employed on the farm.

Section 504.7 Fences and Walls. Fences and walls are permitted and are allowed to be placed on the lot line, but in no case shall they exceed four (4') feet in height in front yards, and shall not exceed six (6') feet in height on side and rear yards.

Section 504.8 Home Occupation.

A. Home occupations are permitted as of right in the R, A/R, COD and H-T districts subject to the following criteria.

B. The home occupation shall be carried on wholly indoors and within the principal building, however, an in-home family day care facility may utilize the accessory yard to the home as part of a home occupation.

C. There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients other than a home occupation announcement sign as permitted.

D. There shall be no exterior storage of any materials associated with the home occupation.

E. Members of the immediate family residing in the dwelling unit may carry on the home occupation plus non-related employees, so long as the total number of hours of such non-related employees does not exceed forty (40) hours in the aggregate.

F. The floor area devoted to a home occupation shall not be more than twenty-five percent (25%) of the ground floor area of the principal residential structure or five hundred (500) square feet, whichever is less.

G. By way of example, a home occupation may consist of: art studio; professional office of a physician, dentist, lawyer, engineer, architect, writer, or accountant; beauty parlor or barber shop; the repair of appliances or other small items; the teaching of not more than four (4) pupils simultaneously, and in-home child care.

H. Among the uses that shall not be interpreted to be home occupations are, as a matter of example only, the following: animal hospitals, commercial stables and kennels, and restaurants.

Section 504.9 Stables, Private and Public.

A. Private and Public Stables shall be subject to the following requirements:

1. No odor- or dust-producing use, including the storage of manure, shall take place within one hundred fifty (150') feet of the nearest lot line.

2. No horses shall be kept in a structure that is closer to the nearest lot line than fifty (50') feet.

3. Fencing of four (4') feet in height shall enclose all pasture areas and shall be no closer than eight (8') feet to a lot line.

4. The criteria set forth in this section shall apply equally to horses and donkeys.

B. Additional conditions for private stables.

1. No retail or commercial activity shall take place, including a riding academy.

2. All horses boarded on the lot must be owned by the family living on the lot.

3. Private stables shall be considered a residential accessory use.

4. The lot must contain a minimum of three (3) acres of usable pasture land for up to two (2) horses plus one and one-half (1.5) acres of usable pasture land for each additional horse up to a maximum of six (6) horses.

C. Additional conditions for public stables.

The lot must contain a minimum of three (3) acres of usable pasture land for up to two (2) horses plus one and one-half (1.5) acres of usable pasture land for each additional horse.

Section 504.10 Swimming Pools and Ponds.

A. Every outdoor, in ground swimming pool shall be completely enclosed by a fence or wall not less than four (4') feet in height, except for a self-latching gate which shall be locked when the pool is not in use.

B. Within the R district, ponds used for swimming and/or decorative purposes shall also be completely enclosed in the manner set forth above for in ground pools.

C. Swimming pools and ponds shall be considered accessory buildings and should have a setback from all neighboring lot lines of a minimum of ten (10') feet.

Section 504.11 Veterinary Clinic/Animal Hospital. When located in the A/R district, any veterinary clinic/animal hospital shall be permitted only upon a parcel

of at least three (3) acres and no activity or structure shall occur or be placed within one hundred (100') feet of the lot line used for residential purposes.”

SECTION 8. AMENDING ARTICLE V (“USE REGULATIONS”) TO ADD A NEW SECTION 505 OF THE ZONING LAW OF THE TOWN OF SENNETT

Article V of the Zoning Law of the Town of Sennett is hereby amended to add a new Section 505 to read in its entirety as follows:

“**Section 505. Special Use Permits.** The purpose of this Section is to set forth supplemental regulations, procedures, and conditions which shall apply to specially permitted land use activities in the Town of Sennett. Special uses are those uses that will have a special impact or unique form which requires a case-by-case review to determine the uses’ compatibility with the surrounding properties and to mitigate adverse impacts to the character of the neighborhood and the environment. In reaching a determination on a Special Use Permit application, the Planning Board shall take into consideration such concerns as the specific location, design, configuration, and impact to others, together with the criteria set forth below.

A. **Applicability.** No Zoning Permit shall be issued by the Code Enforcement Officer for any land use or activity listed in Section 5.04 Table of Use Regulations as requiring a Special Use Permit (SP) until the Planning Board has approved the Special Use Permit application. The Planning Board shall approve applications for Special Use Permits only when satisfied that all applicable requirements, as set forth in this Section, have been complied with, in addition to all other requirements of this Zoning Law. All fees as established by the Town Board in a fee schedule shall be paid at the time the application is submitted.

B. **Procedure for Obtaining a Special Use Permit.** The Planning Board shall hear and decide upon any application for a Special Use Permit as listed in Section 5.04 Table of Use Regulations. Applicants shall have the burden of proof in establishing their right to a Special Use Permit. As part of a Special Use Permit application, Site Plan Review in accordance with the requirements listed in Article VI is required. The following additional materials must also be provided by the applicant:

1. A Special Use Permit Application with all information required therein.
2. A narrative with any supporting evidence regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of this Zoning Law.
3. All completed forms and supplemental information as required by Article 8 of the New York State Environmental Conservation Law, known as the State Environmental Quality Review Act, and regulations at NYCRR Part 617 adopted thereunder (collectively, “SEQRA”).

C. **Public Hearing and Action on Special Use Permits.**

1. Within sixty-two (62) calendar days of the receipt of a complete application for Special Use Permit, the Planning Board shall conduct a public hearing.

2. The Town shall publish a public hearing notice in the Town's official newspaper and post in any other location/media that the Town deems appropriate and necessary at least ten (10) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing.

3. The Town shall send by certified mail a copy of the public notice to all owners of parcels that are immediately adjacent to and extending 500 feet therefrom, or of that directly opposite thereto, extending 500 feet from the street frontage of the parcel(s) of land included in the application for the Special Use Permit at least ten (10) business days prior to the date of such public hearing.

4. The Planning Board shall make a decision on the application within sixty-two (62) calendar days after such hearing and file said decision within five (5) business days after the day such decision was rendered with the Town Clerk and mail such decision to the applicant with a copy to the Code Enforcement Officer. The time within which a decision must be rendered may be extended by mutual consent of the applicant and the Planning Board.

D. Referral to the County Planning Board must be made at least ten (10) business days before the required public hearing by the Planning Board under provisions of Section 239-l, m & n of the New York State General Municipal Law.

Section 505.1 General Requirements and Standards.

A. The Planning Board shall grant a Special Use Permit only if the proposed use meets all of the following general requirements as well as any specific requirements and standards listed for the proposed use. A proposed use:

1. Is consistent with an orderly and appropriate development of the neighborhood and surrounding area and follows the Comprehensive Plan for the Town of Sennett;

2. Is not unreasonably detrimental to the existing structures or uses in the neighborhood by reason of noise or vibration, odor or other form of air pollution, fire or explosive hazard, glare or any other substance, condition, of element, or size of operation;

3. Is, as to general character, height and use of structure, the provisions of surrounding open space and treatment of grounds and as to its effect on street capacity and use, sufficient to safeguard public health, comfort and convenience and to preserve the general character of the neighborhood in which such structure is to be placed or such use is to be conducted;

4. Is, where appropriate, an adequate transition between adjacent uses or districts;

5. Will be carried out in a manner compatible with its environmental setting and with due consideration to the protection of natural resources;

6. Will not cause undue traffic congestion or create a traffic hazard; and

7. Will be in conformance with all applicable requirements of this Zoning Law.

B. In granting a Special Use Permit, the Planning Board may impose conditions regarding layout, circulation, and performance it deems necessary to ensure that any proposed development will secure substantially the objectives of these Regulations; and to safeguard the public health, safety and welfare in granting the permit. These conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimensions.
2. Limiting the height, size, or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the number of required off-street parking spaces.
5. Limiting the number, size, location, and lighting of signs.
6. Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
7. Designating areas for open space.

Section 505.2 Amendments to Special Use Permits. The terms and conditions of any special permit may be amended in the same manner as required for the issuance of a special use permit, following the criteria and procedures in this Article.

Section 505.3 Expiration and Revocation of Special Use Permits.

A. Expiration of Permits.

1. An applicant granted a Special Use Permit shall be given six months in which to begin to put into effect the use permitted by the granted Special Use Permit. The Planning Board may increase this period from six months to a year at its discretion upon request from the permit holder.

2. A Special Use Permit shall expire if the special permit use or uses cease for more than twelve (12) consecutive months.

B. Revocation of Special Use Permit: The Planning Board may revoke a Special Use Permit upon reasonable cause should the permittee violate the conditions of the Special Use Permit and fails to terminate such violation within thirty (30) calendar days of receiving a notice of violation; engages in any activity not authorized by the Special Use Permit; or fails to comply with any other provision of this Zoning Law. Before a permit may be revoked, a public hearing shall be held by the Planning Board. The Town shall publish a public hearing notice in the Town's official newspaper and post in any other location/media that the Town deems appropriate and necessary at least ten (10) business days prior but not more than thirty (30) calendar days prior to the date fixed for public hearing. The permit holder shall be notified of the hearing by certified mail at least ten (10) business days prior to the hearing. At the hearing, the Planning Board shall hear the permit holder and all other persons wishing to be heard on the revocation of the Special Use Permit. If the Planning Board decides to revoke a Special Use Permit, the reasons for such revocation shall be stated in the public hearing minutes. The permit holder shall be immediately notified of the revocation by certified mail.

REQUIREMENTS FOR DEFINED SPECIAL USES.

In addition to the procedures, requirements, and standards listed elsewhere in this Article, the following uses have specific criteria that must be met by the applicant for a Special Use Permit.

Section 505.4 Adult Uses.

A. Purpose/Findings.

1. The Town Board recognizes that buildings and establishments operated as adult uses have serious objectionable characteristics which require special supervision from public safety agencies in order to promote the health, safety and general welfare of the residents of the Town of Sennett.

2. The Town Board finds the objectionable characteristics of adult uses and the adverse effects of such uses increase when such uses are spread throughout the community.

3. The Town Board finds that, based upon common knowledge and experience and studies conducted by other municipalities (including but not limited to Syracuse, New York; Kansas City, Missouri; Bergen, New York; Scotia, New York; Dryden, New York; and Ellicottville, New York), the adult uses sought to be regulated herein have been associated with criminal and other socially undesirable behavior, such as disorderly conduct, prostitution, pornography, drug trafficking and substance abuse, which have the resulting effects of depressing property values in the surrounding neighborhood and increasing the burden upon law enforcement personnel and municipal expenditures.

4. The location of adult uses in regard to areas where youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town.

5. It is not the intent of this Section to suppress any free speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult entertainment and sexually orientated businesses and which is necessary to protect the health, safety, and welfare of the citizens of the Town of Sennett, and surrounding cities and towns.

6. Special regulation of adult uses is necessary to ensure that deleterious secondary effects will not contribute to the blighting or downgrading of surrounding neighborhoods or land uses.

7. The Town Board desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens of the Town; protect such citizens from increased crime; preserve the quality of life of citizens and businesses in the Town; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.

B. Permitted District.

1. Adult uses are permitted only in I districts, and only upon issuance of a special permit (and site plan approval). All adult uses shall comply with the applicable provisions of this Law, including those relating to structures

and uses permitted in an I district.

2. In addition, no person shall construct, establish, operate or maintain, or be issued a certificate of occupancy for any adult use within the Town unless such use meets the following standards:

a. No more than one (1) adult use shall be allowed or permitted in any one (1) lot. No mixed uses involving an adult use shall be allowed.

b. No adult uses shall be allowed or permitted on a lot that is closer than one thousand (1,000') feet to:

(1) A lot which has another adult use.

(2) Any property that is used, in whole or part, for residential purposes.

(3) Any church or other regular place of worship, community center, funeral home, library, school, nursery school, day-care center, hospital, public park, playground, recreational area or field.

(4) Any structure used by the public for public gatherings.

(5) Any motels or hotels.

c. Where there is a conflict between the regulations as provided in this Section and any other law, rule or regulation of the Town including this Law, the most restrictive law, rule or regulation shall apply.

d. All distances set forth herein shall be measured from lot line to lot line. Any relief from the distance buffer referenced under this section shall require the issuance of a use variance.

e. No adult use shall be conducted in any manner that permits the observation of any material depicting or relating to specified anatomical areas or specified sexual activities from any public or private way, parking area or adjacent properties. This provision shall apply to any display, signage, show window or opening.

Section 505.5 Animal Day Care/Shelter/Kennel. An Animal Day Care, Kennel or Shelter is permitted, upon issuance of a special permit, in the A/R, C/LI, COD and H-T districts subject to the following requirements:

A. An animal day care, kennel, or shelter (except for outside runs) shall be completely enclosed and shall be no closer than one hundred (100') feet to any lot line or residential district boundary as measured from the nearest lot lines.

B. Fenced areas used in association with such use may not be permitted within fifty (50') feet of any side or rear lot line and shall be prohibited in a front yard.

C. An acceptable waste storage and removal program must be submitted and approved.

D. Such other materials the reviewing board deems necessary upon which to determine the impact of such specially permitted use must be submitted.

E. Notwithstanding the above, personal ownership of dogs on private premises for private enjoyment and non-commercial purposes shall be allowed when said dogs do not exceed four (4) dogs per 1 acre subject to licensing and vaccination requirements.

Section 505.6 Bed and Breakfast and Boarding House/Rooming House. A Bed and Breakfast or boarding house/rooming house, when permitted, shall be subject to the following additional requirements:

A. The owner shall live full-time on the premises of the Bed and Breakfast and Boarding House.

B. The residential character of the dwelling shall be preserved and no alteration to the exterior of any principal or accessory building shall be made which changes the character or appearance of the residential premises. No accessory buildings shall be used for lodging.

C. One attached or detached sign of not more than four (4) square feet in area shall be permitted, subject to the regulations of this Law.

D. A Bed and Breakfast or Boarding House/Rooming House shall only be permitted in a single-family, detached dwelling.

1. A Bed and Breakfast shall have a maximum of five guest rooms and the maximum length of stay for any guest shall not exceed 14 consecutive calendar days.

2. A Boarding House/Rooming House shall have a maximum of five guest rooms and there is no maximum length of stay for guests.

Section 505.7 Bookstore, Clinic/Rehab/Therapy - Outpatient, Office Building and Retail Store.

A. In addition to the procedures, requirements, and standards listed in this Article, establishments with a floor area of six thousand (6,000) sq. ft. or more shall meet the following standards:

1. Ingress and egress for the site shall be designed so as not to constrict the flow of traffic on the public road.

2. Parking, loading, and service areas shall be located entirely within the confines of the lot and shall be physically separated from public streets by buffer strips against un-channeled motor vehicular ingress.

3. Along any adjoining lot line adjoining the establishment with a residential use, a buffer strip shall be provided which shall not be less than five (5) feet in thickness and shall be planted with at least grass, shrubs and trees (to attain an average height of at least twelve (12) feet) along the entire length of the lot line to serve as a barrier to visibility, air-borne particles, glare and noise.

4. All parking, loading, access and service areas shall be adequately illuminated at night.

Section 505.8 Care Facility/Residence or Shelter. In addition to the requirements set by New York State, the following standards shall be met.

- A. The minimum lot area shall be two (2) acres.
- B. The total land covered by buildings, parking and access facilities shall not exceed thirty percent (30%) of the lot area.
- C. All buildings shall not be less than one hundred (100) feet from any lot line.

Section 505.9 Carnival/Circus/Festival/Show/Exhibition.

A. **Purpose and Intent.** It is the intent of the Town Board to regulate amusement events such as carnivals, circuses, festivals, fairs, shows and exhibitions, so as to preserve the public peace and good order and to assure the health, safety and welfare of the residents of the Town of Sennett and amusement event attendees surrounding the conduct of such amusement activities.

B. **Requirements.** It shall be unlawful to operate and/or maintain an amusement event such as those listed above without first having secured a Special Use Permit from the Planning Board in accordance with the requirements contained herein.

1. **Application Requirements.** An application for a Special Use Permit for an amusement event shall be fully completed and signed by the person, and/or organization seeking the Special Use Permit and submitted with all necessary documents a minimum of thirty (30) days prior to an event on private property and a minimum of sixty (60) days prior to the event for an event on public property. A complete application shall include the following:

- a. Written proof that all necessary permits and/or approvals required by the Cayuga County Department of Health, New York State Department of Labor and any other governmental or regulatory agency having jurisdiction has been obtained.
- b. The applicant shall specify whether the number of attendees is expected to reach one thousand (1,000) or more. In the event the number of attendees is expected to reach five thousand (5,000) or more, same shall also be indicated on the application.
- c. The name, address, and phone number of the applicant and of the amusement company, if one is being utilized. If an amusement company is being utilized, then a full and true copy of the contract and/or agreement entered into between the applicant and the amusement company. No portion of the financial aspects of the agreement filed with the Town shall be released to third parties in accordance with the provisions of Public Officers Law §87(2)(d).

d. A notarized statement signed by the property owner of the premises upon which the proposed event is to be held stating the nature, extent and duration of the amusement event and granting permission for the operation of the amusement event on such premises.

e. An original and four (4) copies of an accurate site plan drawn to scale showing the location, dimensions and specifications of all stationary and/or temporary structures or enclosures, amusement rides, games of probability, tents and pavilions. The site plan shall include the dimensions of all amusement rides when in motion, the area to be occupied by the proposed amusement rides and the net amount of open space available when all amusement rides are in operation. All site plans shall set forth the dimensions of the parcel to be utilized for the event and the number of acres it comprises.

f. A performance bond issued by a bonding company or surety company approved by the Town Attorney, or cash or check, in the sum of five hundred dollars (\$500), so as to guarantee that the applicant will clean the area and substantially restore the same at the conclusion of the amusement event. If the applicant fails to clean and restore the amusement area, or if damage is done to public or private property as a result of said amusement event, the Town may apply the bond, cash or check to the cost of the cleanup or restoration and may recover from the owner of the premises where the amusement event took place and the applicant such additional costs as may be incurred.

g. A certificate of insurance issued by an insurance company licensed to do business within the State of New York with limits and in a form acceptable to the Town Attorney.

h. Lying, making false statements, and/or omissions on an application are grounds for denial, suspension, or revocation of the Special Use Permit.

2. **Terms of Approval.**

a. A Special Use Permit for an amusement event may be issued for a term not to exceed six (6) days and every permit so issued shall specify the exact term and period of time for which it shall be valid.

b. No more than two (2) Special Use Permit may be issued per person or organization for each calendar year, unless authorized by Town Board Resolution.

c. No more than two (2) amusement events shall be permitted, per applicant, at the same location per calendar year, unless authorized by Town Board Resolution.

d. A Special Use Permit issued as provided herein shall not be transferable. Any holder of such permit who allows it to be used by any other person or organization and any person or organization who uses such permit shall each be guilty of a violation of this Section.

e. All permits must be conspicuously displayed during the operation of said amusement event and be available for inspection by any person demanding such inspection.

f. Notwithstanding the issuance of a permit in accordance with the provisions of this Section, no amusement event shall commence operation or open to the public unless the applicant has first obtained, if applicable, an operational permit from the Code Enforcement Officer and the Fire Chief of the Town of Sennett pursuant to the relevant sections of the NYS Uniform Fire Prevention and Building Code related to tents, canopies, and temporary membrane structures.

g. All tents, rides, buildings, structures, pavilions and electrical wiring equipment shall be in place and operational for purposes of inspection by Town officials no later than 12:00 noon of the last business day immediately prior to the scheduled opening of said amusement event. Any changes to the site plan made between the time of application and the date of inspection by Town officials, for which the Planning Board has not been notified or provided with an amended site plan incorporating the changes, a penalty of two hundred fifty dollars (\$250.00) shall be immediately due and payable by the amusement company, or, if an amusement company has not been retained, the applicant. No inspection shall be complete, and a permit shall not be issued until such penalty is paid and an approved amended site plan is filed with the Town Clerk.

h. No person is permitted to effectuate a change in the location, number and size of any tent, amusement ride, building, structure, pavilion or electrical wiring equipment after an inspection by Town officials has taken place without the prior written consent of the Planning Board. All such requests for changes shall be submitted in an amended application with a new site plan incorporating the proposed changes.

3. **Location of Amusement Rides Restricted.**

a. No more than seventeen (17) amusement rides shall be operated, maintained and/or erected per amusement event.

b. Each amusement ride shall be located at least ten (10) feet from the entranceway to the premises where the amusement event is being held and shall be placed so that it does not obstruct or interfere with free and unfettered passage by patrons or users of the premises.

c. Each amusement ride shall have an unobstructed distance of four (4) feet along the perimeter of three (3) linear borders of the ride, where patrons may use, watch or wait to use the ride. In order to prevent overcrowding and to assure safe passage by the general public, the unobstructed distance required by this section shall not be encroached upon by any structure; or be superimposed, in whole or in part, upon the distance required of any other amusement ride.

d. All amusement events utilizing amusement rides permitted under this chapter must comply with New York State Department of Labor regulations. Notwithstanding the foregoing, in the discretion of the Planning Board a Special Use Permit may be refused or the number of rides reduced if an applicant, based upon a review of the site plan and upon the recommendation of the inspecting Town official, lacks sufficient open space when the amusement rides are in motion to effectuate the legislative intent of this Section.

4. **Restrictions and Hours of Operation.**

a. No sound equipment or public-address system shall be operated or used after 11:00 p.m. of the days for which the permit is issued and on Sunday after 9:00 p.m.

b. No amusement ride and/or related equipment shall be operated on Sunday through Thursday after 11:00 p.m., and on Friday and Saturday after 12:00 midnight.

c. Amusement events shall cease to operate and be closed to the public no later than 11:00 p.m. on Sunday through Thursday, and on Friday and Saturday by 12:00 midnight.

d. In the event Sunday falls on the eve of a national holiday, the prohibitions in Subsections a, b, and c above shall apply as of 12:00 midnight Sunday.

5. **Assembly, Dismantling and/or Removal of Equipment.**

Amusement rides, equipment and structures used for the amusement event shall not be assembled, dismantled and/or removed after 11:00 p.m. All amusement rides, equipment, tents, pavilions and other structures erected or used for the amusement event shall be dismantled and removed from the premises where the event took place within three (3) days of the conclusion of the event. For events on Town property the premises must be cleared of all equipment and cleaned within forty-eight (48) hours of the expiration of the event unless an extension is approved by the Town Attorney.

Section 505.10 Child Care Center. In addition to the requirements set by New York State, child care centers shall meet the following standards:

A. Any facility accommodating more than 10 children or adults shall have a minimum lot area of 1 acre.

B. Outdoor play areas shall be enclosed with a fence and setback at least twenty-five (25) feet from all lot lines adjacent to residential properties and from all streets.

Section 505.11 Community Center/Recreation Center. Community centers and recreation centers are permitted in the CL/I and I districts, and allowed subject to approval of a special use permit in the COD and A/R districts, subject to the dimensional criteria set forth in this Law; except when such a facility is part of a residential PDD in which case the regulations of Article IV (PDD) shall govern.

Section 505.12 Convenience Store w/Gas Pumps or w/out Gas Pumps and Vehicle Service Station. Gasoline service stations (vehicle service stations) are permitted in accordance with all applicable regulations of this Law and the following:

A. All activities except those required to be performed at the fuel pumps shall occur within a completely enclosed building.

B. Fuel pumps may be located in a front yard, but, no nearer the street line than sixty (60) feet.

Section 505.13 Dwelling, Multi Family and Dwelling, Townhouse.

A. For any multiple family dwelling, the lot size shall be at least five thousand five hundred (5,500) sq. ft. per dwelling unit. In no event shall any multiple family dwelling exceed eight (8) dwelling units.

B. The minimum front yard setback for multiple family dwellings shall be sixty-five (65') feet.

C. The minimum side yard setback for multiple family dwellings shall be seventy-five (75') feet.

D. The minimum rear yard setback for multiple family dwellings shall be seventy-five (75') feet.

E. If a multiple family dwelling is proposed as part of a PDD, the dwelling shall be subject to the regulations of Article IV which shall take precedent over this section.

Section 505.14 Educational Facility and Library/Museum.

- A. Minimum lot size shall be three (3) acres.
- B. Maximum height shall be fifty (50') feet.
- C. All buildings shall be not less than one hundred (100') feet from any lot line or street line.

Section 505.15 Event Venue. In addition to the requirements in the New York State Uniform Fire Prevention and Building Code, event venues shall meet the following:

A. The Planning Board shall determine the maximum capacity for allowed attendees at the event venue, based on the following information:

- 1. Site features.
- 2. Proximity to adjoining residences.
- 3. Neighborhood characteristics.
- 4. The potential for noise or other disruptions to the neighborhood and safety of all persons.

B. All proposed temporary structures and facilities must be indicated on the site plans.

C. To the greatest extent practical, existing open space and unique natural areas, such as farmland, streams, ponds, marshes, and steep slopes should be preserved. Significant or historic buildings should be preserved and incorporated into the site plan wherever possible.

D. Food services, overnight lodging, recreational, and other facilities shall be solely for the use by event attendees and staff and shall not be open to the general public. Food service and beverage providers shall hold and shall produce upon demand all required permits and licenses as well as proof of insurance for workers compensation as required by law and comprehensive general liability in the amount of at least \$1 million per claim/\$2 million in the aggregate where the Town and its officers and employees are listed as additional insureds.

E. **Setbacks.** All buildings and structures must meet the setback requirements for principal structures for the zoning district which the use is located.

F. All parking must be located on site. No parking for patrons, visitors, or employees will be permitted on the side or shoulder of any public street.

G. **Landscaping and buffering.**

1. Suitable landscaping shall be installed and maintained in accordance with Section 600, C, 5 of this Zoning Law and shall be subject to approval by the Planning Board.

2. In addition to the requirements of Section 600, C, 5 of this Zoning Law, evergreen trees shall be planted along a forty (40) foot wide buffer between adjacent properties.

H. **Studies and plans required.**

1. **Noise.** This shall include a description and map of the project's noise-producing features and the noise-sensitive environment, including the range of noise levels and the tonal and frequency characteristics expected. The report shall include noise levels at property lines, off-site residences, and any other sensitive noise-receptors, i.e. hospitals, libraries, schools, and places of worship, with identification of potential problem areas.

a. Fireworks, firecrackers, or other artificially generated loud noises are not permitted unless included in the noise description and approved as a part of the Special Use Permit.

b. Amplified sound shall be only permitted indoors.

2. **Lighting Plan.**

a. All lighting shall be located such as to prevent the direct rays from shining upon adjacent or adjoining properties.

b. All flickering, pulsating, or flashing lights and exposed neon lights are specifically prohibited.

c. No light, which may tend to confuse the motoring public, shall be permitted.

3. Specifications of the water supply, sewage, and refuse disposal facilities, and proof of approval of said facilities from the Cayuga County Health Department.

I. No fewer than five business days prior to an event the owner or operator of the event venue shall pay the appropriate Town Official all applicable inspection fees for the event as determined by the official fee schedule for the Town of Throop as established by the Town Board by resolution. For any event with 50 or more attendees, the owner or operator shall notify the Sennett Fire Chief. Such notice shall include the street address of the or event venue, the name, telephone number and email address of the owner or operator; the name, telephone number and email address of the person responsible for overseeing the event; the date of the event; the start and stop times of the event; and the estimated number of persons attending the event.

Section 505.16 Junkyard. Subject to State Law, junkyards are permitted only in the I district, and only upon issuance of a special permit and further subject to all regulations governing industrial uses and upon a parcel fully enclosed by a sturdy fence completely blocking the junkyard operation from view from any neighboring parcel, street, roadway or highway. A junkyard includes any of the following:

A. **Junkyard General.**

1. Any land or structure, or combination of land and structure, used for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any material or materials which are used, salvaged, scrapped or reclaimed, but are capable of being reused in some form; including, but not limited to, metals;

waste paper; rags; fibers; rubber; bottles; machinery which is not self-propelled; tools; appliances; tires; motor vehicle parts which, taken together, equal in bulk fewer than two (2) such vehicles.

2. Any land upon which are located two (2) or more household appliances, such as refrigerators, stoves, etc., which are not stored within a fully enclosed building, shall be deemed to constitute a junkyard.

3. Items which derive their value through recognition as antiques shall not be considered, used, salvaged or scrapped, provided such items are kept within a fully enclosed building.

B. Automotive Junkyard.

1. A junkyard whose principal purpose is to recycle or process junked motor vehicles and/or self-propelled farm machinery. This shall include any place of storage or deposit, for any purpose, of used parts or waste materials from motor vehicles, marine craft, recreation and off-road vehicles and/or self-propelled farm machinery which, taken together, equal in bulk two (2) or more such vehicles or machines.

2. Any land upon which are located two (2) or more inoperative vehicles, or vehicles which have been unregistered for a period of twelve (12) months, and which are not stored within a fully enclosed building, shall be deemed to constitute an automotive junkyard.

3. Antique or classic automobiles shall not be considered inoperative motor vehicles, provided that such automobiles are kept within a fully enclosed building.

C. **Buffers for All Junkyards.** No portion of any junkyard operation may be operated within one hundred (100') feet of any other parcels.

Section 505.17 Mining and Excavations.

A. **Purpose.** It is hereby declared to be the policy of the Town of Sennett to site, regulate and control the use of land utilized for mining purposes, to the extent allowed under Title 27 of the New York State Environmental Conservation Law and to promote the following legitimate public and Town purposes:

1. Protect the health, safety and general welfare of the residents of the Town of Sennett

2. Establish predictability in the siting and regulation of mining activities.

3. Avoid potential damage to adjacent properties from a mining facility by imposing mining standard and setback requirements.

4. Ensure harmony and compatibility with surrounding land use patterns.

B. **Applicability and Thresholds.** This Section shall apply to mining and excavation in excess of one hundred cubic yards (100 yd to the 3rd) in a consecutive twelve (12) month period from any parcel located within the Town of

Sennett. Pursuant to the requirements of New York State Law (New York State Mined Land Reclamation Law), as subject to its amendment, a permit is required by the New York State Department of Environmental Conservation for mining activities for operations with extraction volumes equal to or greater than one thousand (1,000) tons or seven hundred fifty cubic yards (750 yd to the 3rd) of materials within twelve (12) consecutive calendar months. The regulations contained in this Section shall be interpreted to supplement New York State Department of Environmental Conservation mining regulations where permissible and to regulate mining and excavation uses not otherwise regulated by the New York State Department of Environmental Conservation. This Section shall not be interpreted to permit or allow Heavy Industry as that term is defined herein.

C. **Application and Review.** Subject to the applicability and thresholds set forth in Subparagraph B above, all applications for the use of land in the Town of Sennett for the purpose of quarry operations, sand and gravel operations, mining, or excavation operations will comply with the standards set forth in Article VI (Site Plan Review Standards) of the Zoning Law of the Town of Sennett.

D. **Definitions.** As used in this Section, the following terms shall have the meanings thereafter designated:

1. **Excavation.** The permanent removal of sand, gravel, stone, ore, earth (including topsoil), or other minerals from the ground. "Excavation" shall also include the movement of earth to change grades or contours where an area of more than one-half (1/2) acre of ground surface is disturbed and where the depth of the cut or embankment exceeds two (2') feet at any point.

2. **Heavy Industry.** Any use or activity which generates significant volumes of smoke, odors, noise, or other polluting wastes and is not compatible with other uses in the district. Examples of "heavy industry" which are intended to be included in this definition are: chemical manufacturing; natural gas exploration, extraction, or processing (as further defined herein); natural gas compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; biofuel facilities; and steel manufacturing. For the purposes of this provision of this Law, and solely for the ease of drafting and reading, all those uses and activities shall be referred to collectively as "gas, oil and coal extraction."

It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples.

Generic examples of uses not intended to be included in the definition of "heavy industry" are: milk processing plants; dairy farms; office and communications uses; garment factories; woodworking and cabinet shops; automobile repair shops; wineries and breweries; warehouses; equipment repair and maintenance facilities; helipads; parking lots and parking garages; light manufacturing or light industrial facilities (as defined elsewhere in this law); agriculture; quarry operations; sand and gravel operations and petroleum bulk

storage. It is expressly stated that the foregoing examples are not intended to be exhaustive shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

3. **Mining**. The use of any land or other premises for the extraction of ores or stone from the earth, whether by subterranean or surface digging or other process.

4. **Natural Gas Exploration, Extraction, or Processing**. The exploration for natural gas, the extraction of natural gas from the ground regardless of the extraction method used, and/or the processing of natural gas. This definition shall specifically include, but not be limited to, the extraction method commonly known as hydraulic fracturing or hydrofracking. This definition shall also be construed to encompass and include any activity or use of land which facilitates or supports natural gas exploration, extraction, or processing. Examples of activities or uses of land expressly intended to be included in this definition are set forth below:

- a. Drilling and/or installation of a new gas well, regardless of well type;
- b. Development of a well operations site and associated structures and infrastructure;
- c. Mixing, storage, treatment, and/or disposal of chemicals, wastewater, propellant or other materials used for, or in connection in any way with, the exploration for or extraction of natural gas;
- d. Parking, standing and/or storage of any type of vehicle, equipment, and/or materials used for, or in connection in any way with, the exploration for or extraction of natural gas;
- e. Installation and/or use of pipes, conduits or other material transport or gathering equipment or systems used for, or in connection in any way with, the exploration for or extraction of natural gas;

It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

5. **Quarry Operation**. The use of any land or other premises for the extraction of, cutting of, crushing, screening, washing or processing of stone or stone-like material.

6. **Sand or Gravel Operation**. The use of any land or other premises for the excavation or removal of sand or gravel therefrom or for the crushing, screening, or washing or processing of sand or gravel in any manner thereon.

E. **Conditions of Operation.** In addition to the application for the use of land in the Town of Sennett for the purpose of mining, excavation, quarry operations and sand and gravel operations complying with Article VI of this Zoning Law of the Town of Sennett, the following conditions will be met:

1. Evidence must be submitted that the land proposed to be used in the manner of any of the extraction methods defined above contains sufficient material being extracted to justify the application to use this land for an extractive industry.

2. Evidence must be submitted that the site is served by an adequate highway transportation network suitable to the carrying of unique traffic to be generated by the proposed operation.

3. At no time shall any quarry operations and sand and gravel operations permitted herein be conducted any nearer to any lot line or any street line than one hundred (100') feet or within five hundred (500') feet of any occupied structure.

4. Access roads at all points, including but not limited to the main entrance and exit, shall be at least two hundred (200') feet from any existing residence or public building.

5. A barrier consisting of wire fencing known as "chain link" at the height of eight (8) feet shall be erected and maintained with no opening except necessary gates for ingress and egress around the extractive operation to prevent public access to the area of any operation permitted in this Section of the Zoning Law of the Town of Sennett. All gates shall be closed and locked at all times except during working hours of such operations or when employees shall be within.

6. Hours of operation will be 7:00 A.M. to 4:00 P.M., Monday through Friday. There will be no operating on Saturdays or Sundays or on any Public Holiday (as that term is defined by New York State General Construction Law §24).

7. A dust-preventive layer shall be spread on traveled roadways at all operations where required to protect the public and the countryside against windblown sand and dust.

8. All materials used as fill shall be free from garbage, refuse, or other unwholesome matter unless specifically approved by the Town Planning Board.

F. **Inactivity and Grandfathering.** Any area that has been used for an extractive purpose in the Town of Sennett but has not sold its product commercially for a period of one (1) year prior to the date of passage of this law will be considered inactive and will be required to apply for the right to operate under the terms of this Zoning Law of the Town of Sennett. Any extractive industry operating legally on the date of the passage of this Zoning Law of the Town of Sennett will be "grandfathered" in under the rules of the previous Sennett Zoning Ordinance.

G. **Heavy Industry Prohibited.** Heavy Industry uses shall be prohibited in the Town of Sennett beginning on the effective date of this Zoning Law of the Town of Sennett. Any leases of property for the purpose of allowing gas, oil or coal extraction, or any gas, oil or coal extraction operations which are being presently conducted on land in the Town as of the effective date of this Zoning Law of the Town of Sennett, shall be subject to the following:

1. **Existing Leases.** Where a lease which allows gas, oil or coal extraction has been executed and where no substantive gas, oil or coal extraction activity has substantively commenced as of the effective date of this Zoning Law of the Town of Sennett, then this Zoning Law of the Town of Sennett shall apply in full effect and shall operate to prohibit all such activities. The existence of a lease under the circumstances described in this paragraph shall convey no vested right upon either party to the lease.

2. **Existing Gas, Oil and Coal Extraction Operations.**

a. Where a lease which allows gas, oil, or coal extraction has been executed, and where substantive gas, oil or coal mining extraction activity is occurring as of the effective date of this Zoning Law of the Town of Sennett, and those activities are being conducted pursuant to valid permits issued by the New York State Department of Environmental Conservation or other regulating agencies, the activity shall be considered a non-conforming use and shall be allowed to continue.

b. Upon the depletion of any gas or oil well or coal mine which is allowed to remain in operation pursuant to this provision, or upon any other termination of the gas, oil or coal extraction activity for a period of more than one (1) year, the non-conforming use status of that activity shall terminate and the activity may not be renewed.

c. Further, no gas, oil or coal extraction activity allowed to remain in operation pursuant to this provision shall be permitted to expand after the effective date of this Zoning Law of the Town of Sennett.

Section 505.18 Recreation and Entertainment Facility - Outdoor. Outdoor recreation and entertainment facilities are permitted in the A/R, C/LI, COD and H-T districts upon a site of at least ten (10) acres and subject to site plan review regulations enumerated in Article VI, and upon issuance of a special use permit.

Section 505.19 Theater - Outdoor/Performing Arts.

A. The site shall be located no closer than 300 feet from any residential lot line or residential district boundary and shall contain at least five acres of land.

B. The design of the facility shall minimize light and noise disturbance and comply at all times with noise levels of 50 dBA at the property line.

C. Parking and stacking areas shall be provided as required by this Zoning Law without obstruction to traffic on public streets.

Section 505.20 Wind Energy Conversion System, On-Site. All wind energy conversion systems shall meet the requirements of Article XI of this Zoning Law.”

SECTION 9. AMENDING ARTICLE V (“USE REGULATIONS”) OF THE ZONING LAW OF THE TOWN OF SENNETT TO ADD A NEW SECTION 506 “HOSPITALITY-TOURISM DISTRICT DESIGN STANDARDS”

Article V of the Zoning Law of the Town of Sennett is hereby amended to add a new Section 506 to read in its entirety as follows:

“Section 506 Hospitality-Tourism District Design Standards. In addition to all other applicable requirements of this zoning law, all development, except single family and two family dwellings, located in the Hospitality-Tourism District shall meet the following requirements:

A. **Dimensional Requirements.** All development in the H-T District shall meet the standards prescribed in Section 700 Table of Dimensional Requirements in this zoning law for lot size, lot width, setbacks and building height unless otherwise provided for a specific use in either Section 504 or Section 505 of this zoning law. In all cases, the strictest requirement shall be used.

B. **Lot Coverage.** The maximum lot coverage of impervious surfaces for all lots shall be 60% of the total lot area. At least 40% of the lot area shall be provided as open space in order to maintain the rural neighborhood character of the district. The open space may include undevelopable areas such as wetlands, buffers, waterbodies, etc. as well as natural, planted, and landscaped areas. Outdoor recreation areas, public or private, may be included in the required open space areas so long as any impervious surfaces that are part of such recreational area has been accounted for in the maximum 60% lot coverage requirement.

C. **Location of Parking.** Off-street parking areas shall be located to the rear or the side of the building or buildings on the lot. In cases where parking is provided on the side of the building it shall not be located closer to the road than the front façade of the building and in no cases shall be located in the front setback area. The number of required parking spaces and other dimensional standards for parking shall be in accordance with Article VIII of this local law.

D. **Location of Accessory Buildings and Uses.** Accessory buildings and uses, including but not limited to, dumpsters or other refuse storage units, storage sheds, mechanical equipment, commercial vehicle storage/parking, and loading docks or access areas shall be located at the rear of the property or building. All other applicable requirements in Section 504.1 shall be complied with for accessory buildings and uses in the H-T District.

E. **Buffer to Residential Uses.** All non-residential development shall provide an adequate buffer when located adjacent to any residentially developed parcel(s) that are located in either the A/R District or H-T District.

1. A buffer strip no less than 10 feet in width shall be provided by the owner of the non-residential parcel in the H-T District along the side and rear property lines when abutting an existing residential use.

2. This buffer strip shall be sufficient to prevent access to the adjacent property and to form an immediate screen.

3. The maintenance of this area shall be a continuing obligation of the owner of said area.

4. Required buffers may consist of a combination of new vegetative plantings, existing woodlands, vegetated berms, fences, or natural topographic features as approved by the Planning Board, provided that they meet the purpose and intent of these regulations.

5. In all instances, the required buffer shall be installed on the property of the PROPOSED USE, not on the existing use.”

SECTION 9. AMENDING ARTICLE VI (“SITE PLAN REVIEW STANDARDS”), SECTION 602 OF THE ZONING LAW OF THE TOWN OF SENNETT

Article VI, Section 602 of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“Section 602 Existing Structures. Existing structures which conform to the use and dimensional regulations of this ordinance may be routinely maintained, renovated, reconstructed or restored, from time to time, in conformity with the use and dimensional regulations of the ordinance then in effect, upon the issuance of a Zoning Permit by the Code Enforcement Officer, without necessity for prior site plan review and approval of the Planning Board or special use permit from the Planning Board.”

SECTION 10. AMENDING ARTICLE VII (“DIMENSIONAL REQUIREMENTS”), SECTION 700 OF THE ZONING LAW OF THE TOWN OF SENNETT

Article VI, Section 700 of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“Section 700 District Regulations. The regulations for each district pertaining to minimum lot size, minimum lot width, maximum building coverage, minimum front yard setback, minimum side yard setback, minimum rear yard setback, and maximum height shall be as specified in this Section, subject to the further provisions of this Law.

TABLE OF DIMENSIONAL REQUIREMENTS*

District	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback (feet) ²	Minimum Side Yards Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)
A/R	2 acres	200	65	25	50	35
R	<ul style="list-style-type: none"> • ½ acre (21,780 sq. ft.) with public water and sewer • 1 acre without public water and sewer 	100	35	15	35	35
CL/I	1 acre	125	50	20	30	35
I	4 acres	200	85	40	40	60
H-T	2 acres	250	65	50	50	35
COD	(shall comply with A/R dimensional requirements for agricultural and residential uses, and C/LI dimensional requirements for commercial uses)					

* See Section 504.1 for accessory building setback requirements.”

SECTION 11. AMENDING ARTICLE IX (“SIGNS”), SECTION 905(A)(11) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article IX, Section 905(A)(11) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“11. Signs announcing a Home Occupation, provided that the area of any such sign shall not exceed four (4) square feet and shall be attached to the structure. No such signs shall be illuminated in the R, A/R and H-T Zones.”

SECTION 12. AMENDING ARTICLE IX (“SIGNS”), SECTION 906(A) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article IX, Section 906(A) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“**Section 906 Signs Permitted to Identify a Business.** No sign or other advertising device shall be permitted except as follows:

A. On-Premises Signs in C/LI I, COD, and A/R & H-T Districts.

1. Signs attached to a building and to be viewed from without, provided that the total area of all such signs placed on any one building shall not exceed one (1 ft²) square foot for each one (1) lineal foot of the building’s front wall but in no case shall such sign exceed a total of forty-five (45) square feet.

2. One (1) free standing sign for each street frontage of a lot provided that the total area of such sign shall not exceed one (1) square foot for each lineal foot of lot frontage but in no case shall such sign exceed a total of twenty-five (25) square feet per side.

3. Special temporary promotional devices, signs, or displays such as banners and pennants.”

² Front yard setbacks shall be measured from the street line of the existing street, highway or road.

SECTION 13. AMENDING ARTICLE X (“COMMERCIAL TOWERS, TELEVISION AND RADIO TOWERS, COMMERCIAL MOBILE SERVICES AND SATELLITE DISH ANTENNAE”), SECTION 1001(C) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article X, Section 1001(C) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“C. Approvals Required for Commercial Mobile Service Facilities.

1. Antennas and accessory equipment related thereto, other than towers, are permitted in all use districts in the Town provided they are placed on existing structures thirty (30') feet or more in height, other than one-family and two-family dwellings, subject to the following:

a. If located in a C/LI or I district and twenty (20') feet in antenna height or less, the site plan must be approved by the Town of Sennett Planning Board.

b. If located in a C/LI or I district and in excess of twenty (20') feet in antenna height, a special use permit must be issued by the Planning Board, as established by Section 505 of this Law.

c. If located in an R, A/R, C/LI, I, or COD district, a special use permit must be issued by the Town of Sennett Planning Board.

2. Towers and accessory equipment related thereto are permitted only in the R, A/R, C/LI, I, and COD districts upon issuance of a special use permit and subject to the following:

a. If the tower is one hundred fifty (150') feet in height or less a site plan approval must be issued by the Town of Sennett Planning Board upon the general guidelines, requirements and aesthetic design and standards contained herein.

b. If the tower is over one hundred fifty (150') feet in height, but not greater than two hundred (200') feet in height, a special use permit must be issued by the Planning Board.

c. For towers proposed to be located within R, A/R, COD, or A/R districts, a site plan approval must be obtained complying with the submission requirements for site plan approval as set forth in this Law and the general guidelines, requirements and design standards set forth herein.

3. Commercial mobile service antennas or towers, other than those specifically allowed under this Section 1001(C) are not permitted in the Town of Sennett.”

SECTION 14. AMENDING ARTICLE X (“COMMERCIAL TOWERS, TELEVISION AND RADIO TOWERS, COMMERCIAL MOBILE SERVICES AND SATELLITE DISH ANTENNAE”), SECTION 1001(F) OF THE ZONING LAW OF THE TOWN OF SENNETT

The first paragraph of Section 1001(F), Article X of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“F. **Factors and Considerations in Granting Special Use Permits for Commercial Mobile Service Facilities.** The following factors and considerations shall be considered by the Planning Board in reviewing applications for special use permits related to commercial mobile service facilities in addition to the standards and findings required in Article V of this Law:”

SECTION 15. AMENDING ARTICLE X (“COMMERCIAL TOWERS, TELEVISION AND RADIO TOWERS, COMMERCIAL MOBILE SERVICES AND SATELLITE DISH ANTENNAE”), SECTION 1001(F)(2)(i)(2) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article X, Section 1001(F)(2)(i)(2) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“(2) The Planning 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.”

SECTION 16. AMENDING ARTICLE X (“COMMERCIAL TOWERS, TELEVISION AND RADIO TOWERS, COMMERCIAL MOBILE SERVICES AND SATELLITE DISH ANTENNAE”), SECTION 1001(K) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article X, Section 1001(K) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“K. **Waivers.** In approving a site plan or special use permit, the Planning Board may waive any of the provisions of these regulations when it finds that doing so will have no detrimental impact on surrounding properties or on the public health, safety and welfare and that such waiver is in keeping with the purposes herein set forth.”

SECTION 17. AMENDING ARTICLE X (“COMMERCIAL TOWERS, TELEVISION AND RADIO TOWERS, COMMERCIAL MOBILE SERVICES AND SATELLITE DISH ANTENNAE”), SECTION 1002(D) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article X, Section 1002(D) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“D. **Special Use Permit.** In the event that an owner can demonstrate that the regulations set forth herein pertaining to the location and screening of satellite dish antennas materially prevents or impairs reception of satellite services, that

owner may apply to the Planning Board for a special use permit in accordance with this Law. In such an event, the applicant must demonstrate the following:

1. The satellite dish antenna cannot be located in any other location on the owner's lot in compliance with this section so that reception of signal is possible.
2. The location applied for in the special permit request is the minimum deviation from this section needed in order to obtain reception of a signal.
3. The applicant cannot receive a suitable signal with an exempt satellite dish antenna in a more visible or unscreened location.
4. Alternative measures taken to minimize the visual impact to neighbors and the public of the proposed satellite dish antenna. In addition to other relevant factors, the Planning Board shall consider the color, height, geographic restrictions, size of the lot and density of the neighborhood in each instance."

SECTION 18. AMENDING ARTICLE XI ("REGULATIONS REGARDING POWER GENERATING WINDMILLS AS ON-SITE USE WIND ENERGY CONVERSION SYSTEMS"), SECTION 1100(B) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XI, Section 1100(B) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

"B. **Permits Required.** No person, firm or corporation, or other entity being the owner or occupant of any land or premises within the Town of Sennett shall use or permit the use of land or premises for the construction of a tower for on-site use wind energy deriving purposes without obtaining a special use permit and a site plan approval issued by the Planning Board as hereinafter provided."

SECTION 19. AMENDING ARTICLE XI ("REGULATIONS REGARDING POWER GENERATING WINDMILLS AS ON-SITE USE WIND ENERGY CONVERSION SYSTEMS"), SECTION 1100(C)(1) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XI, Section 1100(C)(1) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

"1. In addition to the criteria established pursuant to Article V, the following criteria are hereby established for purposes of granting a special use permit for an on-site use wind energy conversion system under this Article XI:"

SECTION 20. AMENDING ARTICLE XI ("REGULATIONS REGARDING POWER GENERATING WINDMILLS AS ON-SITE USE WIND ENERGY CONVERSION SYSTEMS"), SECTION 1100(C)(1)(d) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XI, Section 1100(C)(1)(d) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

"d. **Noise Limitations.** The level of noise produced during wind turbine operation shall not exceed fifty (50) decibels beyond the present ambient sound levels at preconstruction levels,

as measured at the boundaries of the closest parcels that are owned by non-site owners and that abut either the site parcels or any other parcels adjacent to the site held in common by the owner of the site parcel, as those boundaries exist at the time of the special use permit application. The applicant will be required to submit technical data to the satisfaction of the Planning Board as to this requirement. This obligation shall be a continuing obligation with exceptions only for short-term events such as utility outages and severe windstorms.”

SECTION 21. AMENDING ARTICLE XI (“REGULATIONS REGARDING POWER GENERATING WINDMILLS AS ON-SITE USE WIND ENERGY CONVERSION SYSTEMS”), SECTION 1100(C)(1)(o) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XI, Section 1100(C)(1)(o) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“o. **Decommissioning.** The applicant shall submit to the Planning Board a letter of intent committing the owner, and his or her successors-in-interest, to notify the Code Enforcement Officer within thirty (30) days of the discontinuance of the use of the on-site use wind energy conversion system. This letter of intent shall be filed with the Code Enforcement Officer] prior to the issuance of a building permit. The owner shall remove the obsolete or unused wind turbines and accessory structures within one (1) year of such notification. Failure to notify and/or remove the obsolete or unused tower in accordance with these regulations shall be a violation of this section and the cost of removing the on-site use wind energy deriving tower and accessory structures shall be placed as a lien on the property owner’s tax bill. In addition, a reclamation bond shall be filed with the Town Clerk to cover the costs of reclamation of the tower. Should the wind energy conversion system be nonoperational for any continuous six (6) month period, the approvals granted shall be deemed void and the wind energy conversion system shall be decommissioned subject to a new approval under this section. Such bond shall be in place prior to the issuance of a building permit.”

SECTION 22. AMENDING ARTICLE XI (“REGULATIONS REGARDING POWER GENERATING WINDMILLS AS ON-SITE USE WIND ENERGY CONVERSION SYSTEMS”), SECTION 1100(C)(2) and (3) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XI, Section 1100(C)(2) and (3) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“2. **Public Hearing.** No action shall be taken by the Planning Board to issue a special use permit or to issue site plan approval, nor the ZBA to grant a use or area variance in relation to an application for an on-site use wind energy conversion system until after public notice and public hearing. Proper notice of a hearing before a board shall be given by legal notice published in the official newspaper of the Town of Sennett at least five (5) days before the date set for such

public hearing(s) and written notice mailed to the applicant or his agent at the address given in the application to be considered. The applicant shall be responsible for notifying, by certified mail, all property owners of record within five hundred (500') feet of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing by mail at least ten (10) days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven (7) days prior to such hearing, the applicant shall file with the applicable board his/her affidavit of verifying the mailing of such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

3. **Waiver.** The Planning Board may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of area or use variance from the ZBA.”

SECTION 23. AMENDING ARTICLE XII (“PORTABLE STORAGE STRUCTURES”), SECTION 1200(C) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XII, Section 1200(C) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“C. A Portable Storage Structure must not remain at a property in any residential zoning district (R, A/R, H-T) in excess of ninety (90) consecutive days, and must not be placed at any one property in a residential zoning district in excess of ninety (90) days in any calendar year. Portable Storage Structures shall be allowed as an accessory structure in all other zoning districts.”

SECTION 24. AMENDING ARTICLE XIV (“ADMINISTRATION”), SECTION 1400(K) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XIV, Section 1400(K) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“K. Receive applications for special permits, examine for initial completeness and forward these applications upon completion to the Planning Board for action thereon.”

SECTION 25. AMENDING ARTICLE XV (“ZONING BOARD OF APPEALS AND TOWN BOARD”), SECTION 1506 OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XV, Section 1506 of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“**Section 1506 Authority.** The ZBA shall have the following jurisdiction and authority:

- A. Hear and decide appeals from, and review orders, decisions or determinations made by the Code Enforcement Officer.
- B. Approve or deny requests for variances from the requirements of this Law.

C. Reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

D. Hear requests for variances as part of an ongoing site plan review or special use permit review of the Planning Board of the Town of Sennett necessary for the Planning Board to complete review and generate a decision. **Note:** these are the only requests that can be addressed by the ZBA without prior denial of a request by the Code Enforcement Officer.”

SECTION 26. AMENDING ARTICLE XV (“ZONING BOARD OF APPEALS AND TOWN BOARD”), SECTION 1508(M) OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XV, Section 1508(M) of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“M **County Referral.** The ZBA shall refer variance applications to the Cayuga County Planning Board when required under New York State General Municipal Law unless exempt from this requirement by intermunicipal agreement between the Cayuga County Planning Board and the Town of Sennett.”

SECTION 27. AMENDING ARTICLE XV (“ZONING BOARD OF APPEALS AND TOWN BOARD”), TO REPEAL SECTION 1509(C) OF THE ZONING LAW OF THE TOWN OF SENNETT

Section 1509(C)(“Request for Special Use Permit”) of Article XV of the Zoning Law of the Town of Sennett is hereby repealed in its entirety.

SECTION 28. AMENDING ARTICLE XV (“ZONING BOARD OF APPEALS AND TOWN BOARD”), SECTION 1514 OF THE ZONING LAW OF THE TOWN OF SENNETT

Article XV, Section 1514 of the Zoning Law of the Town of Sennett is hereby amended to read in its entirety as follows:

“**Section 1514 Review by Cayuga County Planning Board.** The ZBA shall refer variance applications to the Cayuga County Planning Board when required by N.Y.S. General Municipal Law.”

SECTION 29. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the Town of Sennett or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

SECTION 30. VALIDITY AND SEVERABILITY.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or

unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 31. EFFECTIVE DATE.

This Local Law shall take effect immediately upon adoption and thereafter shall be filed with the New York State Department of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as **Local Law No. 2 of 2024** of the **Town of Sennett** was duly passed by the **Town Board** on **April 18, 2024**, in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Sennett** was duly passed by the **Town Board** on _____, **20__**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted on _____, **20__**, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Sennett** was duly passed by the **Town Board** on _____, **20__**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, **20__**.~~

~~Such local law was submitted to the people by reason of a (mandatory/permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general/special/annual) election held on _____, **20__**, in accordance with the applicable provisions of law.~~

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **Town of Sennett** was duly passed by the **Town Board** on _____, **20__**, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, **20__**. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, **20__**, in accordance with the applicable provisions of law.~~

5. (City local law concerning Charter revision proposed by petition.)

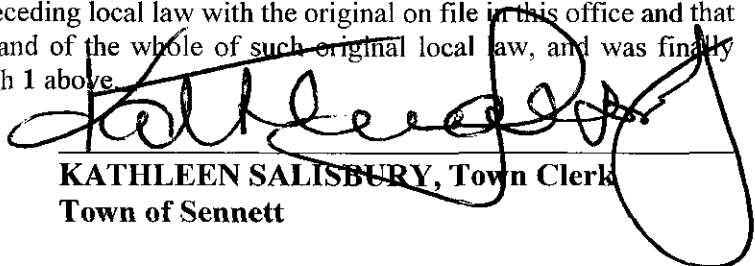
~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **City of _____** having been submitted to referendum pursuant to the provisions of section (36/37) of the **Municipal Home Rule Law**, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, **20__**, became operative.~~

6. (County local law concerning adoption of Charter.)

~~I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the **County of _____**, State of New York, having been submitted to the electors at the General Election of November __, **20__**, pursuant to subdivisions 5 and 7 of section 33 of the **Municipal Home Rule Law**, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


KATHLEEN SALISBURY, Town Clerk
Town of Sennett

Date: April 18, 2024

