

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

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 of Starkey

Village

FILED
STATE RECORDS

JAN 31 2022

DEPARTMENT OF STATE

Local Law No. 1 of the year 2022

A Local Law Repealing the Town of Starkey Zoning Ordinance and Replacing Them with the Adoption of New Zoning Regulations

Be it enacted by the **Town Board**

County

City

Town of Starkey

Village

as follows:

Section 1. The Town of Starkey Zoning Ordinance is hereby repealed in its entirety and new Zoning Regulations are hereby adopted in their place to read as follows:

See attached Town of Starkey Zoning Regulations Local Law

Section 2: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section 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 3: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

TOWN OF STARKEY ZONING REGULATIONS LOCAL LAW

Date			Changes	
January 8, 1970	Adopted			
February 4, 1993	Revised			
March 10, 2011	Revised			
July 9, 2015	Amended	Resolution 28-2015	Local Law 1-2015	
January 13, 2022	Revised	Local Law 1-2022		

Table of Contents

<u>ARTICLE 1 SHORT TITLE AND PURPOSES</u>	6
1.10 SHORT TITLE	6
1.20 PURPOSES	6
1.30 OTHER RELATED LOCAL LAWS	7
<u>ARTICLE 2 USAGE AND DEFINITIONS</u>	7
2.10 USAGE	7
2.20 DEFINITIONS	8
<u>ARTICLE 3 ESTABLISHMENT AND DESIGNATION OF DISTRICTS</u>	22
3.10 ESTABLISHMENT OF DISTRICTS	22
3.20 ZONING MAP	23
3.30 INTERPRETATION OF DISTRICT BOUNDARIES	23
3.31 DESIGNATION OF DISTRICT BOUNDARIES	23
3.32 DETERMINATION OF LOCATIONS OF BOUNDARIES	23
<u>ARTICLE 4 DISTRICT REGULATIONS; ANY USE NOT SPECIFICALLY PERMITTED IS PROHIBITED</u>	23
4.10 SCHEDULES OF REGULATIONS; ANY USE NOT SPECIFICALLY PERMITTED IS PROHIBITED	23
4.20 APPLICATION OF REGULATIONS	24
4.30 EXPLICITLY PROHIBITED USES; PROHIBITION AGAINST NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES.	25
<u>ARTICLE 5 SUPPLEMENTARY LOT REGULATIONS; ACCESSORY STRUCTURES; FLOODWAY ZONES; PRE-EXISTING, LEGAL NON-CONFORMING NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES</u>	26
5.10 LOT REGULATIONS	27
5.11 EXISTING LOTS OF RECORD	27
5.12 LOT WIDTH	27
5.13 CORNER LOTS	28
5.14 REQUIRED AREA OR SPACE CANNOT BE REDUCED	28
5.20 HEIGHT REGULATIONS	28
5.21 PERMITTED EXCEPTIONS TO HEIGHT REGULATIONS	28
5.30 YARD REGULATIONS	28
5.31 SIDE YARD OF CORNER LOT	28
5.40 MAXIMUM COVERAGE	28

5.50	ACCESSORY STRUCTURE(S)	29
5.51	MINIMUM YARD REGULATIONS	29
5.60	GENERAL LANDSCAPING REGULATIONS	29
5.61	UNENCLOSED USES	29
5.62	APPROVAL BY THE PLANNING BOARD	30
5.63	MAINTENANCE	30
5.64	SLOPE REGULATIONS SEE PARAGRAPH 4.20(D).	30
5.70	FLOOD PLAIN REGULATIONS (MAP, SEE SECOND TO LAST PAGE.)	30
5.71	DELINEATION OF THE FLOODWAY ZONE – FW-1	30
5.72	DELINEATION OF THE FLOODWAY FRINGE	33
5.80	PRE-EXISTING, LEGAL NON-CONFORMING NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES.	34

ARTICLE 6	SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES	35
------------------	---	-----------

6.10	MULTIPLE DWELLINGS	35
6.20	AMUSEMENT USES	37
6.21	AMUSEMENT CENTER	37
6.30	COMMUNITY FACILITIES	37
6.31	ESSENTIAL SERVICES, ENCLOSED OR PERMANENT STRUCTURES	37
6.32	ESSENTIAL SERVICES, OPEN	38
6.40	PLANNED UNIT DEVELOPMENTS	38
6.41	PURPOSES	38
6.42	APPROVAL	38
6.43	REGULATION GOVERNING PLANNED UNIT DEVELOPMENTS	38
6.44	STANDARDS FOR REVIEW OF SITE PLANS	39
6.50	REGULATIONS CONCERNING MANUFACTURED HOMES.	40
6.51	REQUIREMENTS FOR MANUFACTURED HOME PARKS	40
6.52	CAMPGROUND REQUIREMENTS	44
6.52	SEASONAL USE	45
6.53	ADDITIONS TO MANUFACTURED HOMES IN MANUFACTURED HOME PARKS	45
6.54	REGULATIONS OF MANUFACTURED HOMES NOT IN MANUFACTURED HOME PARKS	46
6.60	AUTOMOTIVE SERVICES	46
6.61	OFF-STREET PARKING	46
6.62	OFF-STREET LOADING	47
6.63	GASOLINE SERVICE STATIONS	47
6.70	SPECIAL USES	47
6.80	MISCELLANEOUS USES	48
6.81	EXTRACTION OF STONE, SAND, GRAVEL, AND TOPSOIL	49
6.82	HOME OCCUPATIONS	49
6.83	SIGNS	50
6.84	ENERGY GENERATING INSTALLATIONS	51
6.85	OUTDOOR STORAGE AREAS, INCLUDING JUNK YARDS AND AUTOMOBILE WRECKING	55
6.86	WILDLIFE FACILITY AND PETTING ZOOS	55
6.87	KENNELS	56
6.88	ADULT USES	57

6.89	TEMPORARY USES	58
6.90	SHORT TERM RENTALS	60
6.10.1	HOTELS, MOTELS AND RESORTS	63

ARTICLE 7 ADMINISTRATION	64
---------------------------------	-----------

7.10	GENERAL PROCEDURE	64
7.11	GENERAL	64
7.12	BUILDING PERMIT TYPES	64
7.20	ZONING ENFORCEMENT OFFICER (ZEO)	65
7.21	BUILDING PERMITS	65
7.30	CERTIFICATE OF OCCUPANCY	67
7.31	MAINTENANCE, RENEWAL, CHANGE OR EXTENSION OF NONCONFORMING USE	67
7.32	APPLICATION FOR CERTIFICATE OF OCCUPANCY	67
7.33	RECORD	67
7.34	APPLICATION MANDATORY	68
7.40	PLANNING BOARD PERMIT PROCEDURE	68
7.41	REVIEW APPLICATIONS FOR APPEALS	70
7.42	SPECIAL USES	70
7.50	INTENTIONALLY OMITTED	70
7.60	APPEALS	70
7.61	APPEAL FROM ZONING ENFORCEMENT OFFICER'S ACTION	70
7.70	PUBLIC HEARINGS AND NOTICE	72
7.71	WHEN APPEALING ACTION OF THE ZONING ENFORCEMENT OFFICER	72
7.72	WHEN APPEALING FOR VARIANCE	72
7.73	ADJOURNMENT OF HEARING	72
7.74	REQUIRED INTERVAL FOR HEARINGS ON APPLICATIONS AND APPEALS AFTER DENIAL	72
7.80	FEES	73

ARTICLE 8 ZONING BOARD OF APPEALS	73
--	-----------

8.10	ORGANIZATION AND PROCEDURES	73
8.11	ESTABLISHMENT	73
8.12	APPOINTMENT	73
8.13	APPOINTMENT TO FILL VACANCIES	73
8.14	ALTERNATE MEMBERS	73
8.15	GENERAL GRANT OF POWER	73
8.16	VOTES NECESSARY FOR A DECISION	73
8.20	POWERS AND DUTIES	73
8.21	VARIANCES	74
8.22	INTERPRETATION	76
8.23	REFERRAL TO PLANNING BOARD	76
8.24	REFERRAL TO OTHER PLANNING AGENCIES	76
8.30	PROCEDURE	76

ARTICLE 9 AMENDMENTS TO THIS LAW	77
9.10. AMENDMENTS TO THIS ZONING LAW	77
ARTICLE 10 INTERPRETATION	77
10.10 INTERPRETATION, CONFLICT WITH OTHER LAWS	77
10.20 VALIDITY	78
10.30 EFFECTIVE DATE	78
10.40 VIOLATIONS AND PENALTIES	78
APPENDIX I	80
APPENDIX A ATTACHED TO AND FORMING A PART OF TOWN OF STARKEY (NY) LOCAL LAW NO. 1 OF THE YEAR 2015,	81
SECTION 1. AUTHORITY AND INTENT.	81
SECTION 2. FINDINGS OF FACT	82
SECTION 3. PURPOSES.	84
SCHEDULES	85
DISTRICT: A-1 = AGRICULTURAL	85
DISTRICT: R-1 = LOW DENSITY RESIDENTIAL	87
DISTRICT: R-2 = MEDIUM DENSITY RESIDENTIAL	89
DISTRICT: R-3 = RECREATIONAL RESIDENTIAL	91
DISTRICT: C-1 = COMMERCIAL	93
DISTRICT: M-1 = INDUSTRIAL	95
DISTRICT: L-C 1= LAND CONSERVATION DISTRICT	97
DISTRICT: L-C 2 = LAND CONSERVATION DISTRICT	100
ZONING MAP	102

ARTICLE 1

SHORT TITLE AND PURPOSES

1.10 SHORT TITLE

This Local Law shall be known and may be cited as The Town of Starkey Zoning Regulations Local Law.

1.20 PURPOSES

The provisions of this Local Law shall be held to be the minimum requirements adopted to promote the health, safety, and general welfare of the Town of Starkey. Such requirements are deemed necessary to achieve the following purposes:

- A. **Promote Orderly Development** – To protect the character and maintain the stability of residential, recreational, and commercial areas within the Town and to promote the orderly and beneficial development of such area
- B. **Regulate Intensity of Use** – To regulate the intensity of use of building lots, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property, and to protect the public health and safety.
- C. **Regulate Location of Buildings** – To establish building lines and the location of buildings designed for residential, recreational, commercial, industrial, and other uses within such lines.
- D. **Establish Standards of Development** – To fix reasonable standards to which buildings or structures shall conform.
- E. **Prohibit Incompatible, Unsafe, or Uneconomic Uses** – To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts or are unsafe or uneconomical because of undue exposure to natural hazards such as floods, wind, snow, or man-made hazards, traffic, agricultural or commercial operations.
- F. **Regulate Alterations of Existing Buildings** – To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the NY State Building Codes, or the restrictions and limitations imposed hereunder.
- G. **Limit Congestion in the Streets and Highways** – To limit congestion in the public streets and to protect the public health, safety, convenience, and the general welfare by providing for off-street parking of motor vehicles and for loading and unloading of commercial vehicles.
- H. **Protect Against Hazards** – To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and the general welfare.

- I. **Conserve Values of Buildings and Land** – To conserve and enhance the value of land and buildings throughout the Town of Starkey.
- J. **Protect Water and Air Quality** – To protect the quality of waterways, groundwater, and air throughout the Town of Starkey.

1.30 OTHER RELATED LOCAL LAWS

On file in the Town Clerk's office: (List may not be complete)

LL 1-1966 Parking Starkey Point	LL 2-2009 Reimbursement of Fees
LL 1-1971 Snowmobiles	LL 1-2009 Partial Exemption 65 and Over
LL 1-1979 Dog Licensing Fee Ord. 1	LL 1-2010 Dog Licensing
LL 1-1980 Prior Written Notice	LL 2-2011 Sludge Disposal
LL 2-1980 Dog Licensing Fee Ord. 2	LL 1-2012 & Appendix A. Moratorium on hydraulic fracturing.
LL 1-1985 Veteran Exemption	LL 2-2012 Tax Levy Override
LL 1-1987 Flood Damage Prevention	LL 1-2013 Flood Damage Prevention
LL 2-1987 Parking Glenora Point	LL 2-2013 Best Value Procurement
LL 1-1988 Flood Damage Prevention	LL 1-2015 Amendment to Zoning
LL 2-1988 Metal Lug Ordinance	LL 1-2016 Increase Tax Exemption of 65 and Over
LL 1-1989 Control, Leashing of Dogs	LL 1-2017 Residency Exemption Appointed Officers
LL 1-1992 Junk Storage	LL 3-2018 Kennels
LL 1-1999 Control, Leashing of Dogs	LL 2-2021 Subdivision Regulations
LL 2-1999 House Numbering	Swimming Pool Regulations.
LL 1-2002 Watershed Ordinance	Dumping Ordinance
LL 1-2005 Terms of Office	
LL 1-2007 Unsafe or Dangerous Buildings	
LL 2-2007 Fire Prevention and Building Code	

ARTICLE 2

USAGE AND DEFINITIONS

2.10 USAGE

Except where specifically defined or otherwise specifically provided herein, all words used in this Law shall carry their customary dictionary meanings. For purposes hereof, certain terms and words shall be interpreted as follows: words used in the present tense shall include the future; the plural usage includes the singular, and the singular the plural; the word "shall" is mandatory; the word "may" is permissive; the word "building" includes the word "structure," and both "building" and "structure" include any part thereof; the word "lot" includes the words "plot" and "parcel"; and the words "occupied" and "used" shall be interpreted as though followed by the words "or intended, arranged, or designed to be used or occupied." Where the precise meaning of a word is in doubt by any board or official, the Zoning Board of Appeals shall make a determination in accordance with the purpose and intent of this Law and the Comprehensive Plan.

2.20 DEFINITIONS

For purposes of this Law, unless otherwise specifically provided the following terms and words shall have the meanings set forth below:

Accessory Structure – A structure subordinated to a principal structure on the same lot and used for purposes customarily incidental to those of the principle structure. Accessory structures include, but are not limited to: portable, demountable or permanent enclosures, shade structures, carports, swimming pools, garages, and storage sheds.

Accessory Use - A use customarily incidental and subordinate to the principal use, where the principal use is lawful, where there is unity of ownership between the principal and accessory use, and where the principal and accessory uses are located on the same lot.

Adult Use – Uses that forbid or restrict the access of minors because they provide sexually oriented entertainment or merchandise.

Agricultural Use – The raising of agricultural products including livestock, poultry, dairy products, farm crops, fruit, vegetables, nursery stock, etc., for gain or profit. Notwithstanding any provision hereof to the contrary, for purposes of this law in no event shall the terms “agriculture,” “agricultural use,” or any variation thereof, be construed to mean, be, or include any Explicitly Prohibited Use.

Alteration – As applied to a building or structure, a change or rearrangement in the structural parts or in exit facilities of such buildings or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

Amusement Areas and Facilities – Any area set aside for the purpose of amusement of paying clients.

Apartment – See DWELLING UNIT.

Approved – Approved by the Town Code Enforcement Officer under regulations of the Local Law or approved by an authority designated by this Local Law.

Area, Building – The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces, and uncovered steps. All dimensions shall be measured between the exterior faces of walls.

Area, Lot – The total area within the lot boundary lines excluding any area included in a public street right-of-way.

Automobile Service Station – See GARAGE.

Bed and Breakfast – A building containing a dwelling unit in which at least one (1), but not more than five (5) sleeping rooms are provided by the owner-occupant as overnight lodging facilities for the accommodation of no more than 10 transient guests.

Below-Regulatory Concern - Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR §20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town.

Board – The Town Board, The Planning Board, or The Zoning Board of Appeals of the Town of Starkey as specified in the text.

Boarding House – A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three (3), but no more than six (6), sleeping rooms are offered for rent, with or without meals to non-transient guests. A lodging house or rooming house shall be deemed a boarding house.

Buffer Yard – An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or man-made materials to provide a continuous physical screen preventing visual access and reducing noise.

Building – Any structure which is wholly or partially enclosed within exterior walls, has a roof, and is intended for the shelter, housing or enclosure of persons, animals, or chattel.

Building, Accessory – See ACCESSORY STRUCTURE.

Building, Detached – A building surrounded by open space on the same lot.

Building, Height – The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including spires, chimneys, towers, tanks, and similar projections.

Building, Principal – A structure in which is conducted the principal use of the site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the district lot on which the same is located.

Building Group – A group of two (2) or more principal buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

Campground – A generally open area providing rental space for tents and recreational/vacation vehicles.

Car Wash – A business engaged in washing, waxing, polishing, and general cleaning of automobiles, small trucks, light utility vehicles and small recreational vehicles, but that is not designed to handle larger commercial trucks and buses. This may include self-service, full-service, and automated car washes and auto detailing services.

Certificate of Occupancy – A certificate issued by the Code Enforcement Officer upon completion of construction, alteration or change in use of a building. Said certificate shall acknowledge compliance with all the requirements of this Local Law and any adjustments granted by the Board of Appeals and/or The Planning Board.

Charging Station – An electric vehicle (EV) charging apparatus that is available for public use.

Church or Place of Worship – A building or premises used for regular worship by members or representatives of a religious sect or organization as defined by State statute.

Club, Membership – An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are to be conducted primarily for gain, providing there are not conducted any vending stands, merchandise, or commercial activities except as required generally for the membership and purposes of such club.

Code Enforcement Officer (CEO) – The administrative officer hereinafter referred to as: Zoning Enforcement Officer (ZEO), Building Inspector, Watershed Inspector, or any other designation referred to under Town Laws and Local Laws. Also, the officer charged with enforcement of the NYS Building and Fire Codes.

Commercial – The use of a parcel of land, or of one or more buildings, for the purpose of retail or wholesale business activity which provides goods or services for sale; which may include the preparation, processing, repair, or storage of materials, products, services, or commodities necessary for such activity. Notwithstanding any provision hereof to the contrary, for purposes of this law in no event shall the terms “commercial,” “commercial uses,” or any variation thereof, be construed to mean, be, or include Natural Gas and/or Petroleum Extraction Activities, a Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Disposal/Storage Facility, a Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Dump, a Natural Gas Compression Facility, a Natural Gas Processing Facility, or any other Explicitly Prohibited Uses.

Communication Tower – A tower primarily for the transmission of communication signals.

Comprehensive Plan – Any document, styled comprehensive or master plan or otherwise, adopted by the Town Board for the protection, enhancement, growth, and development of the Town, immediate as well as long-range, specifically pursuant to § 272-a of the NYS Town Law, together with all other materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material, adopted by the Town Board, that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the protection, enhancement, growth and development of the Town.

Condominium – A building or group of buildings, in which residential, commercial, or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all owners on a proportional basis.

Contiguous Parcel – A tract of land under the control of the applicant or his agent that is not divided by any natural or man-made barriers, such as existing street, highways, and public rights-of-way identified on the official map.

Convenience/Mini-Market – A commercial retail use which combines the sale of items such as: alcoholic and nonalcoholic beverage, dairy and baked goods, snack foods, prepackaged grocery items, and daily household items and which may also be accompanied by the sale of motor vehicle fuel and

accessory substances for automobiles, and which has a gross floor area of less than seven thousand five hundred (7,500) square feet.

Coverage – That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

District or Zone – That portion of the Town within which specific uses are permitted according to the designation applied thereto and in conformity with the provisions of this Local Law.

Drive-In Use – Any commercial or business activity which incorporates as a principal or accessory features a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carryout service.

Driveway – An access to one lot.

Dwelling – Any building or portion thereof designed or used primarily as the residence or sleeping place of one or more persons.

Dwelling, Two Family – Any building containing two dwelling units.

Dwelling, Multiple Family – Any building containing three or more dwelling units.

Dwelling Unit – One (1) or more rooms, including cooking facilities and sanitary facilities in a dwellingstructure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.

Enclosed Use – A use, which is located entirely within a structure.

Energy Generating Installations – Any installation which is designed to use wind, water, solar or other renewable natural energy and: transform it into electric energy; use it to heat or to pump water; or otherwise transform it into an energy source to work for human purposes.

Energy Generating Installations, Private – Any energy installation which is intended primarily to produce power for a primary use on the same or on an immediately adjacent lot, and which does not involve selling power; except that if the primary use is connected to a utility grid, excess power may be sold back to the utility.

Energy Generating Installations, Commercial – Any energy generating installation which is intended primarily to produce power for sale, to be transmitted off-site.

Essential Services – The erection, construction, alteration or maintenance by public utilities or Town or other governmental agencies of underground, ground level or overhead gas, electrical, water, or information transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, water holding tanks, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such public utilities or Town or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Notwithstanding any provision hereof to the contrary, for

purposes of this law in no event shall the term “essential services,” or any variation thereof, be construed to mean, be, or include a Natural Gas Compression Facility, a Natural Gas Processing Facility, or any other Explicitly Prohibited Uses.

Explicitly Prohibited Use(s) – Shall mean and be the Explicitly Prohibited Uses defined and described in Section 4.30 of this Local Law.

Extraction Operations – Notwithstanding any provision hereof to the contrary, for purposes of this Law in no event shall the term “extraction operations,” or any variation thereof, be construed to mean, be, or include Natural Gas and/or Petroleum Extraction Activities, or any other Explicitly Prohibited Use.

Factory Manufactured Home – A dwelling unit constructed off site, consisting of one or more segments and designed to be permanently anchored to and supported by a foundation, to become a fixed part of the real estate. Such dwelling unit shall bear an insignia of approval issued by the State.

Family – One or more persons who live together in a single dwelling and maintain a common household.

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

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland areas of water, or abnormally rising lake waters resulting from severe storms or hurricanes.

- a. The term “flood” shall also include inundation from mudslides which are usually caused by accumulations of water on or under the ground.
- b. The term “flood” shall also include the collapse or subsidence of land along the shore of a lake or body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

Flood Plain or Flood Prone Areas – A land area adjoined by a river, stream, watercourse or lake which is likely to be flooded.

Flood Plain Map – The map included as a part of this Local Law, legally adopted and delineated flood plain zones (FW-1) and (FF-0) and showing streets, highways, and other facilities.

Flood Proofing – Any combination of structural and nonstructural additions, adjustments or changes to properties and structures which reduce or eliminate flood damage to structures, sanitary facilities, land, water, and contents of buildings.

Flood Protection Elevation – The level and elevation above which a particular use will be considered safe from flooding. Such are based upon one foot above the 100-year flood elevation for a particular area.

Floodway Fringe – The area lying outside of and adjacent to the Floodway Zone which may be subject to inundation by the maximum flood of seasonal regional expectancy, or 100-year flood.

Floodway Zone – The channel of a river or other watercourse and the adjacent land areas required to assume and discharge a flood of a given magnitude.

Garage, Service/Repair – A building or premises used for the repair of motor vehicles, including painting, and the sale of accessories and related parts. A junkyard or auto salvage yard is not to be construed to mean or be the same as a garage.

Gasoline Filling Station – An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to motor vehicles of gasoline or any other motor vehicle fuel, oil, and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

GIS – Geographic Information System.

GML – General Municipal Law (New York State).

Home Occupation – An accessory use which is clearly incidental to or secondary to the residential use of a dwelling unit and does not change the character thereof and is carried on wholly within the enclosed walls of a dwelling unit.

Hotel – A building containing rooms intended or designed to be used or which are used, rented, or hiredout to be occupied or which are occupied for sleeping purposes by guests, and where only a general kitchen and dining room may be provided within the building or in an accessory building.

Impervious Surfaces – Surfaces covered by structures, paved roads, parking lots, driveways, sidewalks, and patios, and other surfaces commonly understood to be impervious such as, but not limited to, decks, pools, and tennis courts, and any other areas covered by concrete, macadam, asphalt, packed soil, or compacted gravel paving.

Industrial; Industrial Use(s); Industry – The use of land, and/or structure, for the purpose of manufacture, fabrication, extraction, assembly, processing, or warehousing of materials. Notwithstanding any provision hereof to the contrary, for purposes of this Law in no event shall the terms “industrial,” “industrial use(s),” “industry,” or any variation thereof contained in this Law be construed to mean, be, include, or authorize Natural Gas and/or Petroleum Extraction Activities, Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Disposal/Storage Facilities, Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Dumps, Natural Gas Compression Facilities, Natural Gas Processing Facilities, or any other Explicitly Prohibited Uses.

- a. **Industry, Light** –Industrial operations that:
 1. Do not cause a significant impact beyond the boundaries of the operation on: noise levels; light or glare levels; vibration levels; air quality; water quality; emissions of smoke, fumes, gas, particulate matter, radiation, other toxins, or odors.
 2. Do not pose a greater Risk of fire or explosion than uses ordinarily permitted in the area.
 3. Do not cause a major impact such as to cause a burden on Town water use and/or environmental impact including either withdrawal of water from the watershed or disposal of water from outside the watershed or disposal of polluted water; or on Town sewage use or other waste disposal use; or on energy use; or on the amount or type of traffic within the town.
 4. And meet all Town environmental or other regulations relevant to the operation.
- b. **Industry, Heavy** – Industrial operations that:
 1. Are likely to cause a significant impact beyond the boundaries of the operation on: noise levels; light or glare levels; vibration levels; air quality; water quality; emissions of smoke, fumes, gas, particulate matter, radiation, other toxins, or odors.
 2. Pose a greater risk of fire or explosion than uses ordinarily permitted in the area.
 3. Or that are likely to cause a major impact such as to cause a burden on Town water use and/or environmental impact including either withdrawal of water from the watershed or disposal of water from outside the watershed or disposal of polluted water; or on Town sewage use or other waste disposal use; or on energy use; or on the amount or type of traffic within the town.
 4. And/or are unable to meet all Town environmental or other regulations relevant to the operation.

When determining whether a use is light or heavy industry, if the use is to be part of a larger operation affecting more than one lot within the town, the impact of the operation as a whole shall be considered.

Inn – A building containing a single dwelling unit in which more than Five (5) and less than fifteen (15) sleeping rooms are provided by the owner, who may be the occupant, for compensation, for the accommodation of transient guests with or without meals.

Injection Well – A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and less than ninety (90) percent of such fluids return to the surface within a period of ninety (90) days.

Junk Yard – An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, including junk, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of two or more wrecked or broken motor vehicles for a period of two months or longer, shall be deemed to make a lot a Junk Yard. (See Town of Starkey Junk Yard Local Law) v

Kennel – Any establishment where dogs are trained, bred, brokered, or boarded for a fee; or any place at which are kept more than four (4) dogs over six (6) months of age. Four or less adult dogs (within the household [pets]), producing fewer than 25 total puppies per year is not considered a kennel.

Land Application Facility – A site where any Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes are applied to the soil surface or injected into the upper layer of the soil.

Lot – A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open space as required by this Local Law, and having frontage on a public or private road or street.

- a. **Lot, Corner** – A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the “corner.”
- b. **Lot, Depth** – The mean horizontal distance between the front and rear lot lines.
- c. **Lot Lines** – The property lines bounding the lot.
 1. **Lot Line, Front** – The line separating the lot from a street. The front lot shall be established at one-half (1/2) of the road legal right-of-way but not less than twenty-five (25) feet from the centerline of the road.
 2. **Lot Line, Rear** – The lot line opposite and most distant from the front lot line.
 3. **Lot Line, Side** – Any lot line other than a front or rear lot line.
 4. **Lot Line, Street** – A front lot line.
 5. **Lot Line, Lake** – The high-water line of Seneca Lake where applicable.
- d. **Lot Width** – The distance between the two side lot lines measured at the required setback line.

Lot, Nonconforming – Any district lot or combination of lots under single ownership, which does not conform to the minimum width, depth, and area dimensions specified for the district in which said lot is located.

Lot of Record – Any lot which individually or as part of a subdivision has been recorded in the office of the county recorder of deeds.

Marina – A facility that provides secure moorings for recreational or commercial watercraft. Alternatively, a facility that provides servicing including fueling, repair, cleaning, storage, or sales of watercraft and accessories thereof, whether covered or uncovered.

Master Plan – see **Comprehensive Plan**

Manufactured Home – A structure transportable in one or more sections that, in the traveling mode, is eight feet or more in width or 40 feet or more in length or, when erected on site is 320 square feet minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used

as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer ordinarily files a certification required by the federal department of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.

Mobile Home – A transportable single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate and used for residential purposes. Modular homes assembled in sections and containing over seven hundred fifty (750) square feet of floor area shall not be considered mobile homes for the purpose of this Local Law. A Mobile Home would be manufactured before June 15, 1976.

Manufactured or Mobile Home Park – A parcel of land under single ownership which has been planned for the placement of two or more manufactured or mobile homes, appurtenant structures, or additions.

Motel – A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient and providing for accessory off-street parking facilities.

Natural Gas – Methane and any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth, and which maintains gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas and/or Petroleum Exploration Activities – Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise make any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas and/or Petroleum Extraction Activities – The digging or drilling of a well for the purposes of exploring for, developing, or producing natural gas, petroleum, or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes – Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of “industrial waste,” or “hazardous” or “toxic” substances, materials, or wastes, and whether or not such substances are generally characterized as waste:

- a. Below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons;
- b. Natural gas or petroleum drilling fluids;
- c. Natural gas or petroleum exploration, drilling, production, or processing wastes;
- d. Natural gas or petroleum drilling treatment wastes (such as oils, fracturing fluid-produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material);
- e. Any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum;
- f. Soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum;
- g. Drill cuttings from natural gas or petroleum wells; or
- h. Any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum.

This definition of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes specifically intends to include some wastes that may otherwise be classified as “solid wastes which are not hazardous wastes” under 40 C.F.R. § 261.4(b). The definition of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes does not include:

- a. Recognizable and non-recognizable food wastes, or
- b. Waste generated by Agriculture Use.

Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Disposal/Storage Facility – Any of the following:

- a. Tanks of any construction (metal, fiberglass, concrete, etc.);
- b. Impoundments;
- c. Pits;
- d. Evaporation ponds; or

e. Other facilities, in any case used for the storage or treatment of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes that:

1. Are being held for initial use
2. Have been used and are being held for subsequent reuse or recycling
3. Are being held for treatment; or
4. Are being held for storage.

Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Dump – Land upon which Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried, or discarded, without any intention of further use.

Natural Gas and/or Petroleum Support Activities – Shall mean and be any one or more of the following:

- a. Natural Gas Compression Facility
- b. Natural Gas Processing Facility
- c. Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Disposal/Storage Facility
- d. Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes Dump
- e. Land Application Facility
- f. Underground Injection; or
- g. Underground Natural Gas Storage.

Natural Gas Compression Facility – A facility constructed or operated to raise the pressure of natural gas in connection with its extraction, processing, or storage, or its delivery into or out of the transmission pipeline system; the term shall not include the transmission pipeline itself; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

Natural Gas Processing Facility – Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO₂ separated from natural gas streams.

Non-Conforming Use – Any use of a building, other structure, or tract of land which does not conform to the use regulations for the district in which such is located, either at the effective date of this Zoning Local Law, or as a result of subsequent amendment thereto.

Nursing Home – A building containing accommodations for persons including meals and where nursing and convalescent services are furnished.

Nursery School/Day Care Center – Any place, however designated, operated for the purpose of providing daytime care and instruction for children and operated on a regular basis for a fee, including kindergartens, day nurseries, and day care centers, which must conform to State Laws.

Officer – See **Code Enforcement Officer (CEO)**

Person – Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Petting Zoo – A use in which domestic livestock are kept for exhibition to the public, in such a fashion that the public may come in contact with at least some of the animals.

Planned Unit Development – A project comprised of two (2) or more buildings designed to be maintained and/or operated as a single unit in a single ownership or controlled by an individual, partnership, corporation, or cooperative group, which has certain facilities in common, such as yards, open spaces, recreation areas, garage and parking areas.

Private Road – Road, lane, or drive that gives access to more than one lot.

Private Schools – Private schools are those not primarily supported by tax monies.

Public Utility – An entity which operates as a monopoly, and whose rates charged to customers are established by a utility commission. A public utility or utility facility, structure, or use is a facility, structure, or use which is operated by a public utility, and which provides electric, gas, steam, cable television, telephone or other communication service, water, or sewerage directly to the general public. In no event shall “Public Utility,” “Public Utility Facility,” or “Utility” be construed to mean, be, or include a Natural Gas Compression Facility or Natural Gas Processing Facility, or any other Explicitly Prohibited Use.

Radiation – Radiation shall mean “Ionizing Radiation” see **Radiation, Ionizing**.

Radiation, Ionizing – Alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in this part, does not include non-ionizing radiation, such as radio- or microwaves, or visible, infrared, or ultraviolet light.

Radioactive Material – Material in any form that emits ionizing radiation. This definition specifically includes NORM (naturally occurring radioactive material), but only if such naturally occurring material has been moved from its naturally occurring location through a mechanical or other man-made process.

All such material is “radioactive material” for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US Department of Transportation, or any other regulatory agency.

Recreational Vehicle – A vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projections in transport configuration; designed to be self-propelled or permanently towable by a light duty truck; and not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repair Shop – A business where repairs are the primary activity.

Resort – A building or group of buildings in which there are five or more rental sleeping units, and which may also include dining rooms, kitchen facilities, bathrooms and other facilities and services intended primarily for the accommodation of its patrons. Appurtenant recreational facilities, such as marinas, golf courses and other similar facilities may also be included.

Restaurant, Fast Food – An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, a significant portion of the consumption can or does take place outside the confines of the building.

Restaurant, Standard – Any establishment however designated whose primary use is preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, playfield, or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

Right of Way – The property under public ownership or easement normally used for movement of vehicles, and/or persons, including, but not restricted to, any pavement area.

Roadside Stand – A partially enclosed structure for the purpose of selling agricultural products to the general public, the preponderance of which are produced on the same property.

Satellite Antenna – An antenna the purpose of which is to receive television or similar radio signals from orbiting satellites.

SEQRA – State Environmental Quality Review Act (Title 6 NYCRR Part 617).

Sign – A sign is a name, identification, description, display, or illustration, or any other visual display which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

Sign, Temporary – A sign advertising an event.

Site Plan – Maps and supporting information required by this Local Law.

Special Use – A special use is a use which because of its unique characteristics requires individual consideration in each case by the Planning Board before it may be permitted in the district enumerated in this Local Law.

Street – An existing public or private way which affords principal means of access to abutting properties and is suitably improved, or a proposed way shown on the official map and recorded in office of the County Clerk.

Structure – Anything constructed, the use of which requires a location on the ground, or attachment to something having a location on the ground, including stationary and portable carports. This shall also include facilities for the impoundment of water and other liquids, such as pools, lagoons, and reservoirs.

Subsurface - Below the surface of the earth, or of a body of water, as the context may require.

Swimming Pool – Any structure except a farm pond, above or below ground, designed for swimming, and having twenty-four (24) inches or more of depth.

Underground Injection – Subsurface emplacement of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes, including emplacement by or into an Injection Well.

Underground Natural Gas Storage – Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location, whether for the purpose of load balancing the production of natural gas or for any other reason, including without limitation short-term, long-term, or intermittent storage for product quality, processing, or transportation purposes, or because of market conditions. Without limitation, this term includes compression and dehydration facilities.

Unenclosed Use – Any commercial or industrial use of land areas outside a structure.

Use, Principal – The main or primary purpose for which a building, or other structure and/or lot is designed, arranged, or intended or for which they may be used, occupied, or maintained under this Local Law.

Use of a Public Nature - Uses owned by a public/government agency and in significant part open to the public such as parks, offices, meeting rooms: and uses that provide services to the general public such as fire, ambulance and police stations.

Vacation Vehicle – Any portable vehicle which is designed and intended to be transported on its own wheels and which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include the terms truck camper, tent camper, recreational vehicle, or motorized home.

Variance – An area variance or a use variance, as the context may admit.

- a. **Variance, Area** – The authorization by the Board of Appeals for the use of land in a manner that is not allowed by the dimensional requirements of the applicable zoning regulations.

- b. **Variance, Use** – The authorization by the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

Wildlife Facility – Any use which involves keeping under human care any species which is not generally considered to be domestic pets or livestock but is ordinarily considered to be a wild species. This definition shall include zoos, wildlife rehabilitation facilities, educational facilities, and research facilities. It shall not include ordinary conservation measures to protect species already naturally occurring in the area, so long as the animals are not routinely handled by humans.

Yard – Any open space, which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed by a structure except as herein permitted.

- a. **Yard, Front** – An open space extending the full width of the lot, which lies between the required front setback line and the front lot line.
- b. **Yard, Rear** – An open space extending the full width of the lot between the required rear setback and the rear lot line.
- c. **Yard, Side** – An open space extending from the front yard to the rear yard between the required setback line and the nearest side lot line.
- d. **Yard, Lake Side** – Open space extending from the required setback to the lake line.

Zoning Board of Appeals (ZBA) – The Board of Appeals in the Town of Starkey.

Zoning Enforcement Officer (ZEO) – The administrative officer charged with the duty of enforcing the provisions of this Local Law. Also known as the Zoning Officer. See also: **Code Enforcement Officer (CEO)**

ARTICLE 3

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

3.10 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, and general welfare of the Town of Starkey, the Town is hereby divided into the following districts.

- A-1 Agricultural District
- R-1 Low-Density Residential District
- R-2 Medium Density Residential District
- R-3 Recreational Residential District

C-1 Commercial District

M-1 Industrial District

L-C1 Land Conservation District

L-C2 Land Conservation District

3.20 ZONING MAP

Said districts are bounded as shown on the map entitled “Zoning Map of the Town of Starkey”, adopted January 1970, with later amendments, and certified by the Town Clerk which, with all explanatory matter thereon, is a part of this Local Law. (See ZONING MAP [attached]).

3.30 INTERPRETATION OF DISTRICT BOUNDARIES

3.31 DESIGNATION OF DISTRICT BOUNDARIES

The district boundary lines are intended generally to follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, the centerline of streams, and other waterways, or Town boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line as indicated, or, where no dimensions are given, the Zoning Enforcement Officer shall scale the dimensions.

3.32 DETERMINATION OF LOCATIONS OF BOUNDARIES

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Enforcement Officer shall request the Zoning Board of Appeals to render its determination with respect thereto.

ARTICLE 4

DISTRICT REGULATIONS; ANY USE NOT SPECIFICALLY PERMITTED IS PROHIBITED

4.10 SCHEDULES OF REGULATIONS; ANY USE NOT SPECIFICALLY PERMITTED IS PROHIBITED

No structure or land shall be used except as provided on Schedule I attached hereto, which (“Schedule I”) is hereby incorporated by this reference and declared to be a part of this Law, and what is provided on Schedule I is further limited and qualified by any restrictions imposed by any applicable additional requirements, standards, and/or regulations contained in this Law.

Any use not specifically set forth on Schedule I as a permitted use (whether as a principal use, accessory use, or upon issuance of a special use permit, as the context may admit) in any zoning district shall be expressly prohibited in that district.

A use specifically set forth as a permitted use in one district shall not be permitted in another district unless it is specifically set forth as a permitted use in said other district. Without limiting the generality of the foregoing, for purposes of clarity certain uses are explicitly prohibited in each and every zoning district as more fully set forth in Section 4.30 hereof.

No building shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, or side yards, than is specified for the district in which such building is located on Schedule II attached hereto, which ("Schedule II") is hereby incorporated by this reference and declared to be a part of this Law, and what is provided on Schedule II is further limited and qualified by any restrictions imposed by any applicable additional requirements, standards, and/or regulations contained in this Law.

4.20 APPLICATION OF REGULATIONS

Except as hereinafter otherwise provided:

- a. Buildings or structures within two hundred (200) feet of a district boundary must be a permitted use in both districts or must come to the Planning Board for review and approval.
- b. No yard or other open space provided around any building for the purpose of complying with the provisions of this Local Law shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- c. No lot shall contain more than one (1) residence without a special use permit.
- d. Any grading or excavation of 1 acre or greater, on any grade requires a SPDES permit from the NYS Department of Environmental Conservation. Also, any ½ acre or larger disturbance in a LC or R-3 zone will require the same such SPDES permit
- e. The following construction activities require an erosion and sediment control plan to be developed by the applicant.
 1. Any permanent or temporary street, road, access road, logging road or driveway built on or within fifty (50) feet of a grade greater than fifteen (15) percent.
 2. Any construction or grading on a slope greater than fifteen (15) percent.

The following are exempt from this section:

- a) Customary landscaping which does not require disturbance of existing terrain.
- b) Emergency situations, as determined by the Town Zoning Enforcement Officer, where the disturbance of steep slopes is required to protect persons or property from imminent danger.

- c) Farming activities using sound management practices as defined by New York State Agriculture and Markets Sound Agricultural Practices Guidelines.
- d) Permitted repair of existing septic systems.
- e) Logging and woodcutting, where such activity is limited to the selective removal of trees and does not involve clear cutting or road building.
- f) Routine and emergency construction, maintenance, or repair of public roads by authorized municipal personnel.

Erosion and sediment control plans shall be developed in accordance with the NYS Standards and Specifications for Erosion and Sediment Control. Erosion and sediment control plans will be submitted to the Town of Starkey Enforcement Office and reviewed by Yates County Soil and Water Conservation District. Such plans shall be provided with the site plan if a special permit or variance is required. The Zoning Enforcement Officer shall issue a steep slope permit if requirements are met.

4.30 EXPLICITLY PROHIBITED USES; PROHIBITION AGAINST NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES.

- a. Explicitly Prohibited Uses – Without limiting the generality of the statements elsewhere in this Law that uses not set forth on Schedule I are prohibited in the Town, the following uses and activities are hereby expressly and explicitly prohibited in each and every zoning district within the Town, and no building or structure shall be created, altered or erected, and no body of water, land or building thereon shall be used, for any of such uses or activities:

1. Land Application Facility.
2. Natural Gas and/or Petroleum Exploration Activities.
3. Natural Gas and/or Petroleum Extraction Activities.
4. Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Disposal/Storage Facility.
5. Natural Gas and/or Petroleum Exploration, Extraction, or Production Wastes Dump.
6. Natural Gas Compression Facility.
7. Natural Gas Processing Facility.
8. Underground Injection; and

9. Underground Natural Gas Storage.

Any condition caused or permitted to exist in violation of this clause a. of section 4.30 is a threat to public health, safety, and welfare, and is hereby declared and deemed to be a nuisance.

Collectively the above expressly prohibited uses may be referred to in this law as “Explicitly Prohibited Uses,” any one of the above expressly prohibited uses may be referred to in this Law as an “Explicitly Prohibited Use,” and any combination of more than one such use may also be referred to as “Explicitly Prohibited Uses.”

- b. Prohibition against Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes – The Town of Starkey hereby exercises its authority and right under NY ECL § 27-0711 to adopt a local law that is consistent with the Environmental Conservation Law Article 27, such consistency demonstrated by the fact that this Local Law complies “with at least the minimum applicable requirements” set forth in such statute, and the rules and regulations promulgated pursuant to said Article 27.

It shall be unlawful for any person to produce, store, inject, discard, discharge, dispose, release, or maintain, or to suffer, cause or permit to be produced, stored, injected, discarded, discharged, disposed, released, or maintained, anywhere within the Town, any Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes.

- c. No Application to Customary Local Lines, Etc. – The prohibitions set forth above in clause a. of this Section 4.30 are not intended, and shall not be construed, to:
 - 1. Prevent or prohibit the right to use roadways in commerce or otherwise for travel.
 - 2. Prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town; or
 - 3. Prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal agricultural, residential, business, commercial, and other uses within the Town.

ARTICLE 5

SUPPLEMENTARY LOT REGULATIONS; ACCESSORY STRUCTURES; FLOODWAY ZONES; PRE-EXISTING, LEGAL NON-CONFORMING NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES

5.10 LOT REGULATIONS

5.11 EXISTING LOTS OF RECORD

a. Existing Lots of Record Prior to Zoning Regulations (January 1970)

A single-family structure may be constructed on any existing nonconforming lot of record in any R-District if said lot is less than the minimum area required for building lots in the R-District in which it is located, providing the following conditions exist or are met:

1. Availability of Adjacent Vacant Land – No structure shall be erected on any nonconforming lot if the owner of said lot owns any adjoining vacant land which would create a conforming lot if said vacant land were combined with the lot deficient in area.
2. Side Yards – No structure shall be constructed on a nonconforming lot unless it shall have a minimum side yard of six (6) feet. If a corner lot, a minimum side yard of one-half (1/2) the required front yard setback of the adjoining lot on the side street shall be provided. (Requirements refer to January 1970 Zoning Ord.).
 - a) If a pre-existing structure does not meet current front set back, the existing building can be extended, but must meet current side yard requirement. An existing building line extension would only be for like structures (a deck building line would only be usable for a deck) and must be parallel to current lot lines.
3. Front and Rear Yards – No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimums required for the district in which said lot is located. (Requirements refer to January 1970 Zoning Ord.)
4. Front and Rear Lakeside Yards – No structure shall be constructed on a nonconforming lakeside lot unless it shall have front and rear lakeside yards conforming to the minimums required for the District in which said lot is located.
5. Sewage Disposal – A state-approved septic system has been designed for or has been installed on the property.

b. Lot of Record January 1970 to Adoption of Revised Zoning Local Law.

Nonconforming lots recorded after January 1970 must comply with Zoning in place at the time the lot was recorded.

5.12 LOT WIDTH

The minimum lot width of any lot shall be measured along the minimum building setback line as required for the district in which it is located.

5.13 CORNER LOTS

At all street intersections no obstruction to vision (other than an existing building, post, column, or tree) exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines thirty (30) feet distant from their point of intersection.

5.14 REQUIRED AREA OR SPACE CANNOT BE REDUCED

The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Local Law except as provided in this Local Law; and, if already less than the minimum required by this Local Law, said area or dimension may be continued but shall not be further reduced.

5.20 HEIGHT REGULATIONS

No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted elsewhere in this Local Law.

5.21 PERMITTED EXCEPTIONS TO HEIGHT REGULATIONS

Chimneys, cooling towers, bulkheads, elevators, silos, fire towers, gas tanks, grain elevators, steeples, water towers, ornamental towers or spires, communications, radio, power or television towers, windmills, or necessary mechanical appurtenances, may be erected as to their height in accordance with existing or hereafter adopted Local Laws of the Town of Starkey, provided no tower other than a windmill, communication tower, power tower, church spire, farm silo or tower of a public building shall exceed the height regulation by more than forty percent (40%). No tower shall be used as a place of habitation or for tenant purposes. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations.

5.30 YARD REGULATIONS

Every part of a required yard except lake frontage must be open to the sky unobstructed except for the accessory buildings in rear or side yard. The required setback shall be measured from the lot boundary line to the nearest horizontal projection of the structure.

5.31 SIDE YARD OF CORNER LOT

The side yard of any corner lot of record at the time of the adoption of this Local Law (1970) shall have a width equal to not less than one-half (1/2) the required minimum front yard setback of any adjoining lot fronting on the side street. Any corner lot delineated by subdivision after the adoption of this Local Law shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street.

5.40 MAXIMUM COVERAGE

Land coverage by a principal building and/or accessory structure(s) on each zone shall not be greater than is permitted in the district where such principal and accessory buildings are located.

5.50 ACCESSORY STRUCTURE(S)

5.51 MINIMUM YARD REGULATIONS

a. Unattached Accessory Structures in R-Districts

Accessory structures, which are not attached to a principal building, may be erected in accordance with the following requirements:

1. An accessory structure not exceeding twelve (12) feet in height may occupy not more than thirty percent (30%) of a required rear yard.
 - a) An accessory structure may exceed the twelve (12) feet standard provided it meets setback and height requirements for a principal building in that zone.
2. No accessory structure shall be located within five (5) feet of side or rear lot lines.
3. No accessory structure shall be located closer to the street than the front yard setback required for a principal building in the district in which such accessory structure may be located.
4. For corner lots, the setback from the side street shall be the same for accessory structures as for principal buildings.

b. Attached Accessory Structures in R-Districts.

When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this Local Law applicable to the principal building.

c. Accessory Structure in Other than R-Districts.

Accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any property line than ten (10) feet.

d. Storage Structures on Non-Conforming Lots

Only one storage structure shall be allowed on a Non-Conforming lot. The storage structure shall not exceed 100 square feet in total size and be no more than one story in height. The storage structure shall meet all side lot lines, front yard and flood plain requirements and shall not be used as a sleeping space.

5.60 GENERAL LANDSCAPING REGULATIONS

5.61 UNENCLOSED USES

Any unenclosed use as may be required by this Local Law to be landscaped in accordance with this subsection shall provide a fence, screen, or landscaping sufficient to obscure such uses from view of the abutting properties or from public right-of-way.

5.62 APPROVAL BY THE PLANNING BOARD

Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board prior to issuance of a building permit for such uses are required by this Local Law to be provided with such fences or landscaping.

5.63 MAINTENANCE

Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this Local Law.

5.64 SLOPE REGULATIONS See Paragraph 4.20(d).

5.70 FLOOD PLAIN REGULATIONS (Map, See second to last page.)

The purpose of the flood plain regulations is to protect the future health, safety, and welfare of the inhabitants of the Town of Starkey from hazards due to periodic or frequent flooding. This shall include the protection of persons and property, the preservation of water quality, and minimizing of expenditures for relief insurance and flood control protection. This does not imply that areas outside the flood plain zones will be free from flooding or flood damage. The flood plain zones shall overlay any existing zoning district, as depicted on the zoning map that assumes the boundary delineations as described in FW-1 and FWF. The flood plain regulations stated herein shall be adhered to for those stated delineations.

5.71 DELINEATION OF THE FLOODWAY ZONE -- FW-1

There is hereby established a FW-1 Zone to accomplish the purpose of this section. The boundaries of the Flood Zone (FW-1) are delineated more specifically on the Flood Plain Map (which is part of this Local Law) for streams and creeks. The FW-1 Zone depicted along streams/creeks shall be scaled from the Flood Plain Map. FW-1 Zone is depicted as up to 447.2 (National Geodetic Vertical Datum 1929) feet above sea level for those areas along Seneca Lake. The delineation of the FW-1 Zone is based upon an area comprising the channel of a river or other watercourse and the adjacent land areas required to assume and discharge a flood of given magnitude. These are commonly referred to as seasonal or more frequent flooding. Less frequent floods up to and including one hundred (100) year floods are covered in Section 5.72, the Floodway Fringe. This Local Law does not imply that areas outside flood zone boundaries or land uses permitted within each district will be free from flooding or flood damages.

The provisions of this Local Law covering the Floodway Zone shall take precedence over any other Zoning Article, Local Law or Code to the extent that provisions of this Floodway Zone are more restrictive than such other provisions.

- a. Permitted Uses – The following uses are permitted except that they shall not include buildings.
 1. General Farming including but not limited to the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay, grains, and similar foods and fiber crops, pastures, and grazing.

2. Animal husbandry, including the breeding and raising of cattle, sheep, horses, goats, pigs, poultry, and rabbits.
 3. Sale of agricultural products grown, raised or produced on the premises.
 4. Open recreational uses such as parks, playgrounds, riding instructions and academies, golf courses, driving ranges, swimming clubs, and tennis clubs; but not including such intensive commercial recreational uses as a racetrack or amusement park.
 5. Wildlife, game, and forest preserves
 6. Off-street parking areas.
 7. Lawns, gardens, and play areas.
 8. Historic, scientific, and scenic open space preservation areas.
- b. Special Uses – The following uses and their accessory uses are permitted when authorized in accordance with section 6.60 (Special Use Permits) and after meeting special provisions (in section C):
1. Building associated with the permitted uses except for dwellings.
 2. Community Center.
 3. Circuses, carnivals, and similar transient amusement enterprises.
 4. Railroads, streets, bridges, utility transmission lines and pipelines, provided, however, that that the foregoing is not intended, and shall not be construed, to authorize within the Town any Explicitly Prohibited Use.
 5. Open storage uses such as parking areas, auto machinery and material storage; except that items that are buoyant, flammable, and explosive or could be injurious to human, animal or plant life in times of flooding are prohibited.
 6. Excavation and removal of sand, gravel, stone, loam, dirt or other earth products, provided, however, that that the foregoing is not intended, and shall not be construed, to authorize within the Town any Explicitly Prohibited Use
 7. Drive-in theatres.
 8. Other uses of similar nature as may be determined by the Planning Board.
 9. Open lagoons for waste disposal are prohibited.

c. Special Provisions Applying to the Floodway Zone – FW-1

1. No Structure (temporary or permanent), fill for any purpose, deposit, obstruction, storage of materials or equipment or other uses shall be permitted which acting alone or in combination with existing or future uses, will unduly affect the efficiency of the capacity of the floodway or unduly increase flood heights, cause increased velocities, or otherwise catch debris which will obstruct flow under flood conditions.
2. Structures shall not be used for human habitation, shall have low flood damage potential, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters, (i.e., longitudinal axis parallel to the direction of flood flow, and placement approximately on the same flood flow lines as those adjoining structures), and shall be firmly anchored to prevent flotation which may result in damage to other structures, restrictions of bridge openings and other narrowing of the stream or river. Service facilities such as electrical and heating equipment shall be constructed on or above the flood protection elevation for the particular area or shall be flood proofed.
3. The Planning Board shall require that the applicant submit a plan certifying that the flood-proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area. Flood-proofing measures may be required for buildings and structures, other than those which have low flood damage potential. Such measures shall include the following where appropriate:
 - a. Anchoring to resist flotation and lateral movement.
 - b. Reinforcement of walls to resist water pressures.
 - c. Installation of watertight doors, bulkheads, and shutters.
 - d. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - e. Addition of mass or weight to resist flotation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment system so as to prevent the entrance of flood waters.
 - h. Setback of at least twenty-five (25) feet of any structure from the nearest boundary of any watercourse.
 - i. Elimination of gravity flow drains.
 - j. Construction to resist rupture or collapse caused by water pressure or floating debris.

k. Elevation of structures to or above the necessary flood protection elevation.

l. No structure for human habitation shall be permitted in this zone.

5.72 DELINEATION OF THE FLOODWAY FRINGE

There is hereby established a Floodway Zone to accomplish the purpose of this section. The boundaries of the Floodway Fringe are delineated more specifically on the Flood Plain Map (which is part of this Local Law) for streams and creeks. The Floodway Fringe, depicted along streams and creeks shall be scaled from the Flood Plain Map for Zone dimensions. For areas along Seneca Lake the Floodway Zone is depicted as that area between the FW-1 Zone 447.2 (National Geodetic Vertical Datum 1929) feet above sea level and 451.4 (National Geodetic Vertical Datum 1929) feet above sea level. The floodway Fringe provides additional or overlay regulations to existing areas, already zoned and/or developed and not covered in the Floodway Zone –FW-1, Section 5.71 and yet subject to inundation by the one hundred (100) year flood.

Larger floods may occur on rare occasions, or the flood height may be increased by man-made or a natural cause such as ice jams and bridge openings restricted by debris. This Local Law does not imply that areas outside district boundaries or land uses permitted within such district will be free from flooding or flood damages.

The provisions of the zone shall take precedence over any other zoning articles, Local Law or code to the extent that the provisions of this Local Law covering the Floodway Fringe are consistent with such other provisions.

a. Special Provisions Applying to the Floodway Fringe

Any use permitted within the Town of Starkey by this Zoning Local Law, shall, if located within Floodway Fringe, meet the following requirements in addition to those otherwise applicable to it under this Zoning Local Law:

1. New or replacement water supply shall be so designed as to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters.
2. On-site waste disposal systems shall be located so as to avoid failure of the system during flooding.
3. Residential structures shall have the lowest habitable floor elevated to at least one (1) foot above the one hundred (100) year flood or 451.4 (National Geodetic Vertical Datum 1929) feet above sea level, whichever is higher.
4. In addition to the above, any such use shall meet the following requirements:
 - a) Such use shall include flood-proofing measures consistent with the flood protection elevation and associated flood factors for the particular area in which construction is to take place.

- b) Any structure built on piling shall be constructed with the lowest floor elevated to at least one (1) foot above the 100-year flood level or 451.4 feet above sea level, whichever is higher.
 - c) Any structure build on solid fill shall be constructed with the lowest floor elevated to at least one (1) foot above the 100-year flood level or 451.4 feet above sea level, whichever is higher.
5. A licensed land surveyor or design professional shall certify elevation levels prior to issuance of building permit. Elevation levels shall be established by placing a stake in an area close to the building site that will remain undisturbed throughout the construction project. An elevation level of 451.4 (National Geodetic Vertical Datum 1929) shall be marked on the stake. The contractor shall use this elevation level as a reference point for minimum habitable lowest floor level. A land surveyor shall certify that the building or structure has been built in compliance with the elevation requirements prior to issuance of a certificate of occupancy by the code enforcement officer.
 6. Habitable residential structures shall be set back at least seventy-five (75) feet from the FW-1 boundary along streams and creeks.
 7. Habitable residential structures shall be set back at least fifty (50) feet from the shoreline of Seneca Lake at a shoreline elevation of 446 (National Geodetic Vertical Datum 1929) feet. (The normal Seneca level is 446 feet.)

Please Note- The following conversions for the Barge Canal Datum (BCD) and National Geodetic Vertical Datum 1929 (NGVD29) and the locations where the datum is taken.

Location	Datum	Conversions
Watkins Glen	NGVD29	Add 1.59 feet to convert to BCD
Geneva	BCD	Subtract .935 feet to convert to NGVD29
Waterloo Lock 4	BCD	Subtract 1.12 feet to convert to NGVD29

5.80 PRE-EXISTING, LEGAL NON-CONFORMING NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES.

Notwithstanding any provision of this Law to the contrary, any Natural Gas and/or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law shall be subject to the following:

- a. If, as of the effective date of this Local Law, substantive Natural Gas And/or Petroleum Extraction Activities are occurring in the Town, and those activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation the possession of valid, non-revoked permits for all matters for which permits are required, and including compliance with each, any, and all permit conditions, as are or may be required by the

New York State Department of Environmental Conservation (“DEC”) and/or all other regulating local, state, and federal governments, bureaus, or agencies, then and only then such Activity by or on behalf of the holder of the permits(s) shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of clauses b. and c. of this Section 5.80.

- b. Natural Gas And/or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law and which do not qualify for treatment under the preceding clause a. of this Section 5.80. shall not be grandfathered (or be permitted to continue or deemed lawful pre-existing uses) and shall in all respects be prohibited as contemplated by Section 4.30 hereof.
- c. Upon the depletion, closing, or reclamation of any well which is allowed to remain in operation after the effective date of this Local Law by virtue of clause a. 1. of this Section 5.80, or upon any other substantive cessation of Natural Gas and/or Petroleum Extraction Activities for a period of more than twelve (12) months, then and in either of such events the pre-existing and/or non-conforming use status (and any related ‘grandfathering rights’) of or relating to such Activity shall terminate, and thereafter such Natural Gas and/or Petroleum Extraction Activities shall in all respects be prohibited as contemplated by Section 4.30 hereof.
- d. Notwithstanding any provision hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by clause a. 1. of this Section 5.80 is not intended, and shall not be construed, to authorize or grandfather any Natural Gas and/or Petroleum Extraction Activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this Local Law. Further, any expansion or attempted or purported expansion of such well, whether as to its production, depth, horizon(s) or otherwise, shall not be grandfathered under clause a.1. of this Section 5.80, and instead shall in all respects be prohibited as contemplated by Section 4.30 hereof.

ARTICLE 6

SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES

6.10 MULTIPLE DWELLINGS

a. Site Plan Specifications

Application for multiple dwelling and planned residential development groups shall require the submission of a site development plan to the appropriate board. Said plan or plans as submitted to the Planning Board are required to show all structures, roadways, path-walks, parking areas, recreation areas, utility and exterior lighting installations and landscaping on the site, all existing

structures and usage within two hundred (200) feet of the site boundaries, and any other elements as may be deemed essential by the Planning Board.

Before approving the site plan, the Planning Board shall make finding with respect to the following:

1. Traffic Access – All proposed site traffic access ways are adequate, but not excessive in number, adequate, but not excessive in visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
2. Circulation and Parking – That the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.
3. Pedestrian Access – That adequate pedestrian access is provided to and among buildings and open space, and as possible to areas adjacent to the site.
4. Open Space – That in accordance with the spirit and intent of this Local Law, wherever possible, open space is to be used in such a way as to ensure the safety and welfare of residents.
5. Arrangement of Buildings – That the adequate provision has been made for light, air, access, and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.
6. Proper Landscaping – That the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required. No certificate of occupancy shall be issued for any such building or buildings, unless the same conforms in all respects to such site plan and unless all facilities included in the site plan have been in accordance therein.

b. Supplemental Controls

In reviewing the proposed site plan for one or more multiple-family structures, the Planning Board and Board of Appeals will be guided by the following Regulations:

1. Maximum Length of Rows – The maximum length of any group of attached structures shall not exceed one hundred fifty (150) feet. A building group may not be so arranged as to be inaccessible to emergency vehicles.
2. Distance Between Buildings
 - a) The front or rear of any building shall be no closer to the front or rear of any other building than forty (40) feet.
 - b) The side of any building shall be no closer to the side, front, or rear of any other building than thirty (30) feet.

3. Distance Between Buildings and Driveways

- a) No driveway or parking lot should be closer than twenty-five (25) feet to the front of any building or ten (10) feet to the side or rear of any building.
 - b) In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.
4. Recreational Space – There shall be provided on the site of such development an area or areas devoted to the joint recreational use of residents thereof. Such recreation space shall consist of not less than four hundred (400) square feet of space per dwelling unit. Each such recreational space shall be developed with passive and active recreation facilities.
5. Off-Street Parking Spaces – There shall be provided on the site of such development an area or areas devoted to the storage of automobiles. Two (2) parking spaces shall be provided for each dwelling unit on the site. Parking areas shall contain a minimum of two hundred (200) square feet per space and shall measure at least 9' x 18' exclusive of driveways.
6. Landscaping – Proper landscaping shall be provided along all walks and streets, around recreation areas and along the property line of the site.

6.20 AMUSEMENT USES

6.21 AMUSEMENT CENTER

- a. Such uses shall require a special use permit from the Planning Board.
- b. Off-street parking areas shall be screened from adjoining residential properties in accordance with Section 5.60.
- c. A principal structure shall be not less than fifty (50) feet from any property line of a residential zone.
- d. Illuminating signs and other lights shall be directed away or sheltered from adjoining properties in such a way as not to disturb occupants thereof.
- e. No public address system shall be permitted except where such system is inaudible at any property line or where expressly permitted by the Town.

6.30 COMMUNITY FACILITIES

6.31 ESSENTIAL SERVICES, ENCLOSED OR PERMANENT STRUCTURES

Such uses when requiring a Special Use Permit shall be subject to the following regulations:

- a. The location, design and operation of such facility shall not adversely affect the character of the surrounding area.

- b. Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 5.60.

6.32 ESSENTIAL SERVICES, OPEN

Such uses shall be limited to the erection, alteration, construction, or maintenance, by public utilities or municipal or other governmental agencies, of overhead or underground gas, electrical, supply or disposal systems, steam or water transmission or distribution systems, collection, communications, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signs, hydrants, and other similar equipment and accessories on connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Nothing in this Section 6.32 (or elsewhere in Section 6.30 hereof) shall be construed to authorize within the Town any Explicitly Prohibited Use. Where applicable, the landscaping regulations of Section 5.60 shall apply.

6.40 PLANNED UNIT DEVELOPMENTS

6.41 PURPOSES

The purpose of Planned Unit Development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provisions of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas. Nothing in this Section 6.41 (or elsewhere in Section 6.40 hereof) shall be construed to authorize within the Town any Explicitly Prohibited Use.

The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety and welfare and convenience both in use and occupancy of buildings and facilities in planned groups.

6.42 APPROVAL

Planned unit development shall be subject to a public hearing and approval of the Planning Board. The standards for review of the plans as set forth in Section 6.44 of this Local Law shall apply to all planned unit development applications.

6.43 REGULATION GOVERNING PLANNED UNIT DEVELOPMENTS

- a. **Minimum Area** – A planned unit development shall include no less than five (5) acres of contiguous land.
- b. **Open Space** – A minimum of twenty-five percent (25%) of planned unit site area shall be developed as open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
- c. **Residential Density** – Planned unit developments shall have overall densities no greater than those permitted in the district in which they are located.
- d. **Land Use** – Proposed land use shall not adversely affect surrounding development and shall be in accordance with the objectives and principles of the Comprehensive Plan.

6.44 STANDARDS FOR REVIEW OF SITE PLANS

The Planning Board shall approve the required site plan only if it finds that the development satisfies all of the following standards.

a. General Standards

1. The development group plan shall be consistent with the Starkey Comprehensive Plan.
2. The development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas.
3. The development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.

b. Design Standards

1. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.
2. Individual buildings shall be related to each other in design, masses, material, placement and connections to provide visually and physically integrated development.
3. The design of buildings and the parking facilities shall take advantage of the topography of the project site where appropriate, to provide separate levels of access.
4. All building walls shall be oriented as to insure adequate light and air exposure to the rooms within.
5. All buildings shall be arranged to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
6. All buildings shall be arranged to be accessible to emergency vehicles.

c. Landscaping Design Standards

1. Landscaping treatment for plazas, roads, paths, services, and parking areas shall be designed as an integral part of a coordinated landscaping design for the entire project area.
2. Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscaping materials selected should be appropriate to local growing conditions.

3. Wherever appropriate, existing trees and other vegetation shall be conserved and included in the landscaping design plan.
4. All streets bordering the project shall be planted at appropriate intervals with street trees.

d. Circulation Systems Design Standards

1. There shall be an adequate, safe, convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.
2. Roads, pedestrian walks, and open space shall be designed as integral parts of an overall sitedesign. They shall be properly related to existing and proposed buildings and appropriately landscaped.
3. Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
4. Landscaped, paved and comfortable graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
5. Materials and design of paving, lighting fixture, retaining, etc., shall be of good appearance, easily maintained, and suitable for their function.

e. Parking and Loading Design Standards

1. Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.
2. Pedestrian connections between parking areas and buildings shall be by special pedestrian walkways and/or elevators.
3. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design.
4. Any above grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness.

6.50 REGULATIONS CONCERNING MANUFACTURED HOMES.

6.51 REQUIREMENTS FOR MANUFACTURED HOME PARKS

- a. No person, partnership, association, or corporation being the owner or occupant of any land or premises within the Town of Starkey shall use or permit the use of said land or premises as a manufactured or mobile home park without obtaining a special use permit from the Town Planning Board and an operating permit therefore as hereinafter provided.

b. The application for each manufactured home park permit shall be in writing and signed by the applicant. It shall state:

1. The name and address of the applicant.
2. The name and address of each partner if the applicant be a partnership.
3. The name and address of each officer and director if the applicant be an association or a corporation.
4. The location and description of the proposed manufactured home park.
5. The name and address of the owner or owners of such premises.
6. The number of lots to be provided in the proposed park.

The application shall be accompanied by two (2) sets of plans and specifications, drawn to scale, showing the layout of the park, the location, size, and arrangement of each lot, location of streets, identification of adjacent properties, location of water sewage services, and location of garbage receptacles. When applicable the plans shall show the location and number of toilets, lavatories, and showers.

These plans shall be retained by Town Officials for the purposes of Zoning and Building Code enforcement. The application, if not by the owner of the property, shall also be accompanied by a copy of the lease of the premises signed by all parties pertaining to the lease. The plan shall comply with the Subdivision Regulations and Zoning Regulations Local Laws.

- c. The application shall be filed with the Town Building Inspector. Such application shall indicate compliance by the applicant with the minimum requirements as established by rules and regulations of the State Department of Health and by the sanitary code of the State of New York. If the Building Inspector approves after an on-site investigation, the inspector shall transmit the application to the Town Planning Board which shall inspect the proposed site. The Town Planning Board shall schedule a hearing under the special use procedure under section 6.60. The application shall be approved or rejected by resolution of the Town Planning Board and the applicants notified in writing by the Town Planning Board Clerk of the action taken thereon.
- d. The Town Planning Board Clerk of the Town of Starkey, upon the written application and upon the approval of the Town Planning Board, and upon the receipt of the required fee hereinafter provided, the Building Inspector shall issue an Operating Permit to become effective from the date thereof and to continue in force through the 31st day of December next succeeding. The permit shall cover the use of the premises therein specified as the Manufactured Home Park which the permit shall specify the number of lots which may be used in said park. The permit shall not be transferable or assignable. If a person holding a permit for a manufactured park shall, during the year for which the permit has been issued, desire to add additional lots to such park, such person shall make an application for a supplemental permit for such additional lots which shall be accompanied by two (2)

sets of plans and specifications as required by paragraph 2 of Section 6.51(b)(6) of this section. Such application for supplemental permit shall be filed and handled in the manner provided by Section 6.51(c) of this section. If the application for supplemental permit shall be approved by the Town Planning Board, by resolution, the building inspector, upon receipt of the fee hereinafter provided, shall issue a supplement permit to become effective from the date thereof and to continue in force through the 31st day of December next succeeding and shall specify the number of lots which may be used in said park in addition to the number of lots authorized by the original permit. In succeeding years, the annual permit herein provided shall include the number authorized by any supplemental operating permit or permits issued to such person during the preceding year.

- e. The annual fee for a permit to operate a manufactured home park shall be determined by the Town Board.
- f. The manufactured home park shall conform to the following requirements:
 - 1. The Park shall be located on a well-drained site, graded to insure proper drainage. Drainage shall be designed by an engineer and reviewed by Yates County Soil & Water. Drainage shall not negatively impact downstream neighbors.
 - 2. Each Park shall be subdivided and marked off into manufactured home lots. Each lot shall have an area of not less than five thousand (5000) square feet and have minimum dimensions of fifty (50) feet. No more than one manufactured or mobile home shall be permitted to occupy any one lot.
 - 3. Durable surfaced driveways to each manufactured home lot shall be provided to insure safe and easy access under normal use and weather conditions. All homes shall be accessible to emergency vehicles.
 - 4. A recreational area shall be provided in every manufactured home park. The area shall contain a minimum of five hundred (500) square feet for each manufactured home contained in the manufactured home park.
 - 5. A manufactured home shall be so placed on each lot that it shall be a distance of at least twenty (20) feet from the next manufactured home in such park in any direction. No manufactured home lot shall be located within the greater of fifty (50) feet, or the minimum front yard setback of any public highway or street lines nor within the greater of twenty-five (25) feet or the minimum side yard setback of any adjacent property for that zoning district.
 - 6. All manufactured homes in a manufactured home park must be fully skirted and securely anchored before occupancy. Every manufactured home must have certificate of occupancy issued by Building Inspector before occupancy is established.
 - 7. All manufactured homes must be in good repair and in compliance with current building codes.
 - 8. The Planning Board may require landscape screening.

- g. An adequate supply of pure water for drinking and domestic purposes shall be supplied to all home lots within the park to meet the requirements of the New York State Department of Health. Each manufactured home shall be provided with proper water connections that meet the requirements of New York State Department of Health.
- h. Disposal of all sewage must meet the requirements of New York State Department of Health.
- i. Containers with tight fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish and recyclables Containers shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of at least once a week and as frequently as may be necessary to ensure that the container shall not overflow.
- j. Each manufactured home park shall provide weatherproof electric service connections and outlets for each lot, all such connections and outlets to be of a type approved by a third party qualified electrical inspector.
- k. The owner or operator of each manufactured home park shall keep a record in writing of all persons occupying or using facilities if such manufactured home park, which record shall include the following:
 - 1. The name and address of the occupant of each manufactured home.
 - 2. Name and address of the owner of each manufactured home which is not occupied by the owner.
 - 3. The time and date of arrival and departures of the manufactured home.
 - 4. The manufacturer's serial number and description of the manufactured home.
- l. Any peace officer, building inspector, health officer, or any authorized representative of the Town of Starkey shall have the right, at any reasonable time, to enter any manufactured home park and shall have the right to inspect all parts of said park but not the individual manufactured homes located therein and to inspect the records required to be kept, to obtain satisfactory compliance with this Local Law.
- m. If a peace officer, building inspector, health officer, or any person authorized by resolution of the Town Board to make an inspection of a manufactured home park finds that a manufactured home park for which an operating permit has been issued is not being maintained in a clean sanitary condition or is not being operated in accordance with the provisions of this Local Law and Operating Permit, that person shall report it to the Town Board. The Town Board by resolution may authorize the personal service upon the holder of the permit of an order in writing which will require the holder of the permit to correct the conditions specified in such order within ten (10) days after the service of such order. If the holder of such permit shall refuse or fail to correct the conditions specified in such order, the Town Board may by resolution revoke such permit to maintain and operate such manufactured home park. The holder of such permit may appear before the Town Board to appeal the order. In such case a public hearing shall be held and the order of the Town

Board shall not be effect until after the public hearing. However, if the owner or operator of such manufactured home park shall thereafter correct such conditions and bring such manufactured mobile home park into compliance with the zoning Local Law, such person may then apply for the issuance of a new operating permit for such manufactured home park and if application is granted, the applicant shall pay to the Building Inspector the fee required by this Local Law without any credit for the fee paid for which the permit was revoked.

- n. Application for the renewal of any manufactured home park operating permit if issued pursuant to this Local Law must be filed with the Building Inspector on or before the 1st day of December next preceding the expiration of the permit. The renewal application shall be in writing and signed by the applicant and shall contain the same information as required in the original application for permit. Such renewal application need not be accompanied by a plan of the manufactured home park unless a change has been made nor is it necessary that said renewal application is accompanied by a copy of the lease of the premises unless a new lease has been entered into subsequent to the time of filing the previous application. Upon approval by the Building Inspector, a renewal operating permit shall be issued and continue in force for a period of one (1) year. Such renewal permit shall not be transferred or assigned. The applicant shall, at the time the renewal permit is issued, pay the required fee.

6.52 CAMPGROUND REQUIREMENTS

- a. Any campground/campsite or manufactured home park in which is parked or located any type of recreation vehicle, vacation vehicle or tent, shall be provided with drinking water, toilets, showers, and other sanitary facilities as required by the NYS Dept. of Health
 - 1. An adequate supply of pure water for drinking and domestic purpose shall be supplied within the park.
 - 2. The toilet and other sanitary facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by soundproof walls.
 - 3. One (1) male and one (1) female flush-type toilet shall be provided for every ten (10) sites, along with one (1) lavatory and one (1) shower with individual dressing accommodations.
 - 4. An adequate supply of hot and cold running water shall be provided for each shower and lavatory.
 - 5. Service buildings housing the toilets and sanitary facilities shall be permanent structures complying with all applicable Local Laws and statutes regulating buildings, electrical installations, plumbing and sanitary systems. They shall be located not closer than twenty (20) feet nor further than two hundred (200) feet from any park unit.
 - 6. The interior of service buildings shall be well lighted at all times of the day or night, shall be well ventilated with screened openings, shall be constructed of such moisture proof material, including painted woodwork, as shall permit repeated cleaning and washing, and if the park is open, shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during

the period from October 1st to May 1st. The floors of the service buildings shall be of water impervious material.

7. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition that complies with performance standards (Appendix I) and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

6.52 SEASONAL USE

Recreational vehicles, self-propelled campers, pop up campers, camper trailers, tents (more than one hundred twenty (120) square feet) and other property (hereinafter collectively referred to as a "unit") which can be placed on a lot and used for camping and sleeping will be permitted for part-time seasonal use as follows:

- a. One unit shall be allowed on a lot for thirty (30) days without a permit. The property owners must obtain a permit to allow a unit to be used on lot for longer than thirty days. A second unit shall be allowed for 2 weeks without permit. A permit must be obtained after 2 weeks.
- b. This law applies to a respective lot and not a respective unit.
- c. A unit must comply with New York State Department of Health regulations regarding waste treatment and disposal.
- d. This section does not apply to any unit which has common ownership with the lot on which it is situated, and which is not used in any manner.
- e. All other regulations of the Town of Starkey Zoning Laws and other applicable regulations shall apply.
- f. Where a permit is required, the Code Enforcement Official shall grant the permit taking into consideration everything here into aforementioned and that it must in particular meet the set-back regulations and coverage regulations.
- g. If there are more than two such units on one lot, it must meet the Town of Starkey and the Department of Health regulations for a campground.
- h. If a unit is located within a flood plain all Flood Plain Regulations shall be complied with.

6.53 ADDITIONS TO MANUFACTURED HOMES IN MANUFACTURED HOME PARKS

- a. No owner or occupant shall permit the construction of any additions to a manufactured home located in a manufactured home park in the Town of Starkey without obtaining a building permit from the Building Inspector as required by the Town Building Code.
- b. All provisions of this Local Law which are related to setbacks and location upon this lot shall be applied to additions.

6.54 REGULATIONS OF MANUFACTURED HOMES NOT IN MANUFACTURED HOME PARKS

Manufactured homes located outside of manufactured home parks shall be considered detached dwellings and shall be subject to the same zoning regulations as detached dwellings. Regulations contained in Section 6.51, 6.52, and 6.53 of this Local Law do not pertain to manufactured or mobile homes located outside manufactured home parks except that all such manufactured homes must be fully skirted and securely anchored before occupancy.

6.60 AUTOMOTIVE SERVICES

6.61 OFF-STREET PARKING

In all districts, for all uses, there shall be provided, at the time any new building or structure is erected, off-street parking spaces open at no charge for patrons' automobiles in accordance with the requirements set forth herein.

- a. **Size and Access** – Each off-street parking space shall have an area of not less than one-hundred and sixty-two (162) square feet exclusive of access drives or aisles and shall measure not less than 9' x 18'. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.
- b. **Number of Parking Spaces Required** – The number of off-street parking spaces required shall be set forth in the Off-Street Parking Schedule below. In the case of any building, structure, or premises, the use of which is not specifically mentioned, the Planning Board shall apply a parking schedule from a similar use. Nothing in this Section 6.51 (or elsewhere in Section 6.50 hereof) shall be construed to authorize within the Town any Explicitly Prohibited Use.

OFF-STREET PARKING SCHEDULE

1. **Places of Worship** – 1 for each 3.5 seats.
2. **Community Buildings and Social Halls** – 1 for each 200 sq. ft. of gross floor area, or 1 for each 3.5 seats, whichever is greater.
3. **Motels, Hotels, Boarding and Rooming Houses** – 1 for each sleeping room or dwelling unit.
4. **Manufacturing Plants, Research or Testing** – 1 for each employee in the maximum working shift or not less than 1 for Laboratories each 200 sq. ft. of gross floor space.
5. **Restaurants, Bars and Night Clubs** – 1 for each 50 sq. ft. of patron space.
6. **Retail Stores, Store Groups, Shops, etc.** – 1 space for each 100 sq. ft. of floor space, plus 1 for each employee.

7. Wholesale Establishments or Warehouses – 1 for each employee in maximum shift; the total parking area shall not be less than 25 percent of the building area.
8. Offices; General – 1 for each 200 sq. ft. of first floor area and each 300 sq. ft. of floor and above.
9. Doctor or Dentist – 5 for each Doctor or Dentist.
10. Home Occupation – As required to eliminate on-street parking.
11. Residential Uses – As required to eliminate on-street parking.

6.62 OFF-STREET LOADING

In any district, in connection with every building, or building group or part thereof thereafter erected and having gross floor area of four thousand (4,000) square feet or more, which is to be occupied by manufacturing, or commercial use or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

4,000 – 25,000 sq. ft. – 1 berth

25,001 – 40,000 sq. ft. – 2 berths

40,001 – 60,000 sq. ft. – 3 berths

For each additional 50,000 sq. ft. – 1 space

The loading berth required in each instance shall be not less than twelve (12) feet in width, ninety (90) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard.

6.63 GASOLINE SERVICE STATIONS

- a. Location of Exits and Entrances – No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within three hundred (300) feet measured along the public street on which there exists a school, public playground, place of worship, hospital, public library, or any residential district. Such access shall be not closer to any intersection than thirty (30) feet.
- b. Location of Oil Drainage Pits and Hydraulic Lifts – All oil drainage pits, and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) feet to any property line.
- c. Gasoline Pumps – Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least thirty (30) feet from any street line.

6.70 SPECIAL USES

* Pre-existing non-conforming uses see Section 7.31.

- a. Special uses, as enumerated in Schedule I, shall be permitted only upon authorization by the Planning Board, provided that such uses shall be found to comply with the following requirements, as well as the conditions of the permit issued by the Planning Board:
 1. That the use is a permitted special use as set forth in Schedule I.
 2. The use is so designed, located and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
 3. The use will not cause substantial injury to the value of other property in the neighborhood where it is located.
 4. The use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
 5. Adequate landscaping and screening is provided as required.
 6. Adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
 7. The use conforms to all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.
- b. The Planning Board shall call a public hearing on each special use permit request.
- c. Upon review of any Special Use Permit, granted or otherwise, the Planning Board may rescind or modify said permit due to non-compliance or additional information obtained.
- d. A Special Use Permit that is not used within a period of two (2) years will be null and void and reapplication must be made to the Planning Board.
- e. No application for a special use permit shall be considered within twelve (12) months of a prior application for the same purpose on the same property.
- f. The Starkey Code Enforcement Officer shall have the right to inspect all special uses, to check whether such uses are in compliance with these conditions, with the site plan according to which they were granted, with any applicable conditions elsewhere in this Local Law, and with any other conditions in the special use permit as granted. For uses ordinarily open to the public, such inspections shall take place during normal business hours, unless by agreement otherwise between the permit holder and the officer. For uses not ordinarily open to the public, the Code Enforcement Officer shall make an appointment for inspection and shall follow any ordinarily necessary safety precautions applicable to the type of operation.

6.80 MISCELLANEOUS USES

Special Use Permit may be required in your Zone. Please refer to Schedule I.

6.81 EXTRACTION OF STONE, SAND, GRAVEL, AND TOPSOIL

Extraction operations shall not be conducted closer than one hundred (100) feet to the adjacent property except in those cases where adjacent property owners are in signed agreement. A location map which shows land to be quarried or mined and the location of adjacent properties, roads, and natural features shall be filed with the Planning Board. A plan for restoration of the land, including anticipated future uses of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, or other improvements contemplated shall be submitted to the Planning Board for approval.

Upon approval of the plan, the Planning Board shall issue a use permit for a period of two (2) years. Application renewal of the permit shall be made to the Board. The Board shall extend the permit from year to year if it finds that restoration of the landscape is proceeding at a pace commensurate with the earth removal operations.

This section shall not apply to a landowner's extraction of materials for personal use on their own property. NOTE: All DEC regulations will also apply.

6.82 HOME OCCUPATIONS

A permitted home occupation in any dwelling unit may be operated only if it complies with all of the following conditions as well as those of the permit that is issued by the Code Enforcement Officer.

- a. Where Permitted – Within a single dwelling only by the person(s) residing therein.
- b. Evidence of Use - Does not utilize or create outside the building any evidence of the home occupation, except signs as permitted in the schedules.
- c. Extent of Use – Does not utilize more than thirty percent (30%) of the gross floor area of the dwelling unit, except foster family care and Bed and Breakfast operations.
- d. Parking – Adequate off-street parking shall be provided to eliminate on-street parking.
- e. No offensive noise, vibration, smoke, dust odors, heat or glare shall be produced.
- f. Permitted Uses – Includes the following uses provided that such uses are clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 1. Home offices.
 2. Seamstress, milliner, tailor.
 3. Artist or musician.
 4. In home care (for not more than four (4) individuals).

5. Tutoring for not more than five (5) students at a time.
6. Bed and breakfast operation that shall be subject to the personal supervision of resident owner.
7. Other similar home occupations. These must be submitted to the Planning Board for approval.
- g. Non-residential Employees – Nonresidential employees shall not exceed three (3) persons. The operator of a home shall be a resident of the structure.
- h. Expansion – A home occupation that grows to exceed these regulations is subject to review by the Planning Boards and will require application for a special use permit.
- i. Home Occupation on private road requires a special use permit. All lot owners on a private road must be notified.

6.83 SIGNS

Signs may be erected and maintained only when in compliance with the following:

- a. Prohibited signs – The following are prohibited:
 1. Signs that are erected or maintained on trees or painted or drawn upon rocks or other natural features of the landscape. Signs for the purposes of posting property limited to 12 inches by twelve (12) inches are exempt from this section.
 2. Signs that are structurally unsafe, in disrepair, obsolete or abandoned.
 3. Signs, or any other objects located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or obstruct the view of approaching or merging traffic.
 4. Signs located in Town or County rights-of-way, or within State rights-of-way, or within twenty (20) feet of the furthest edge of the outside white line of a state road, whichever is less.
- b. Sign Restrictions – Signs as permitted in the schedules shall be subject to the following regulations:
 1. Size – No sign shall exceed the following limits: signs with a maximum area of thirty-six (36) square feet including support shall be permitted. Larger signs shall be reviewed as a Special Use.
 2. Lighting and Moving Parts – Signs that contain moving parts or which are illuminated by any flashing, intermittent, or moving light or lights are prohibited except those giving public service information such as time, date, temperature, weather, safety, or similar information.
 3. Light shielded – Illuminated signs that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary

highway and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any drivers' operations of a motor vehicle are prohibited.

4. Illumination Interference – No signs shall be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device or signal.
 5. Temporary signs – A temporary sign must be removed within two (2) weeks after an event. After this time, it will be considered litter.
 6. Permit–. A permit should be obtained from NY State Department of Transportation for any sign proposed for erection along a state highway before it can be approved.
- c. Building Permit – A building permit is required for all freestanding or self-supporting signs, except temporary signs.

6.84 ENERGY GENERATING INSTALLATIONS

a. Findings and Purposes:

The Town of Starkey finds that energy generating installations provide an excellent option to allow individual property owners and energy generating companies to reduce pollution and to reduce dependence on fossil and imported fuels. The Town of Starkey also finds that such installations, if improperly done, can present significant risks to humans, to the environment, to neighboring uses, and to the character of the town. The Town therefore intends to establish reasonable regulations of such installations, in order to permit their construction in the Town while eliminating, reducing, and/or mitigating such impacts.

b. Exempt Installations:

Private energy generating installations that meet the height and lot coverage schedules for their zone, and that are set back from all property lines at least 150% of their height, shall be exempt from these regulations except that:

1. Installations that generate 100 volts or more of electricity shall be inspected by a New York State certified energy inspector to make sure that: they do not pose an unreasonable shock or fire hazard; and that they meet the utility's standards, if connected to a utility grid.
2. Installations that would otherwise present a significant hazard shall be fenced and/or rendered un-climbable as/if applicable to the individual installation.
(Note: Windmills shall be measured to the tip of the blade, raised to its highest point.)

c. Procedure:

1. All energy generating installations that are not exempted above shall require a special use permit. As the nature of such installations can vary greatly, applicants shall attend the regular meeting of the Planning Board for a preliminary discussion prior to the formal submission of an application. (The Planning Board may, at its discretion, accept an application at this meeting in the case of

small private installations if the Planning Board finds that such application is complete.)

2. Private installations shall provide all information ordinarily required for a special use permit, including a site plan; plus, any other relevant information that may be required by the Planning Board.
3. Commercial installations shall provide all information ordinarily required for a special use permit, including professional drawn site plans; a full SEQRA Environmental Assessment Form; and any other relevant information that may be required by the Planning Board.
4. Large installations that are to be installed on more than one property shall be considered as one application. The names, addresses, and signatures of all landowners whose land is to be included in the project shall be on the application, as well as the name and address of the company or organization proposing the installation, and the name of and contact information for at least one person within that company who is in charge of/responsible for the proposed installation.
5. The Planning Board may require, as applicable to the specific application, information such as but not limited to:
 - a) Topographical maps of the sites to be used for the installation, including for any access roads; survey maps showing the proposed location(s) of the installation (including all proposed access roads) in relation to: boundaries of the parcel(s) intended for the installation, all existing residences, schools, places of worship, hospitals, libraries, businesses, parks, historic or heritage sites, wetlands, waterways and other significant bodies of water, significant bird areas, etc. within 2500 Ft. of the proposed installation; as these are identified in federal, state, county, local, or New York Audubon's GIS databases or other generally-available documentation. Maps shall be on an appropriate scale for the information shown upon them, and of an appropriate number to clearly show all the information required.
 - b) Drawings of all proposed structures.
 - c) Data pertaining to the safety and stability of structures, such as engineering analyses and certification of towers, safety results from test facilities, distance of potential ice throw from windmill blades.
 - d) Data pertaining to the environmental impact of structures, such as tower designs intended to reduce damage to birds; expected impact of flicker patterns from windmill blades; decibel levels expected to be produced by installation; etc.
 - e) Plans for routine maintenance of the installation.
 - f) Project visibility maps, and/or photographs taken from locations selected by the Planning Board within a three-mile radius of the site and computer-enhanced to simulate the appearance of the proposed installations as they would appear from these locations.

g) Proposals for landscaping and screening.

d. Criteria:

In addition to the criteria for judging special uses in section 6.60 of this Local Law, the Planning Board shall be guided by the criteria below:

1. Safety:

- a) The minimum distance between the ground and any part of a windmill rotor blade system shall be 20 Ft.
- b) To limit climbing access, towers shall have no climbing apparatus closer than 12 Ft. to the ground; or the tower base shall be surrounded by a fence at least 6 Ft high with a locking portal. Towers mounted on a roof top are exempt from this requirement.
- c) Any other installations presenting a hazard shall be fenced. All access doors to towers and/or electrical or other hazardous equipment shall be lockable.
- d) Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, any other hazardous installations, and facility entrances. Signage shall include emergency contact information.
- e) All turbines shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on tower or other housing structures, rotor blades, and/or turbine components.
- f) Any installation that presents a risk of blade throw, ice throw, etc. shall present evidence that the distance of such risk does not exceed that of setback distances for the specific installation.
- g) Any installation connected to a utility system shall meet the requirements for such connection and operation as set forth in the utility's then current service regulations.

2. Environmental:

- a) Existing roads shall be used as much as possible to provide access. Construction of any new roads needed, as well as construction of the installation itself, shall be so located and designed as to *minimize the amount of land used for roads and affected during construction, and to minimize adverse environmental impacts, including adverse impacts on agriculture.*
- b) Transmission lines and points of connection to local distribution lines shall be combined; existing substations shall be used if possible, and if new ones are needed their number shall be minimized; wiring shall as much as possible be underground.

- c) Installations shall be so designed and located as to minimize hazards to birds and to other wildlife. The Board may require pre- and post- construction wildlife surveys if advisable for the specific project.
- d) Any installation requiring oiling, or other use of oil or other potentially hazardous substances, shall have a plan to prevent such substances from contaminating the environment. The Planning Board may require the posting of a performance bond in an amount sufficient to cover any likely cost of cleanup.

3. Setback:

- a) The minimum setback distance between any tower and all surrounding property lines, public roads, electrical substations, overhead utility or transmission lines, or any other towers, shall be equal to no less than 1.5 times the sum of proposed structure height plus any rotor radius.
- b) The minimum setback distance from the nearest residence, school, hospital, place of worship, public library, or similar facility shall be twice the sum of proposed structure height plus any rotor radius, or at least 1,000 feet.
- c) Setback requirements may be waived if appropriate easements have been secured from neighboring property owners.

4. Nuisance:

- a) Noise from energy generating installations shall not exceed 50 dBA as measured at the property line.
- b) Installations shall be designed and located, to the greatest extent feasible, so as to minimize adverse visual impacts.
- c) Lighting, if used, shall be the minimum necessary for safety and security purposes and shall use techniques to prevent casting glare from the site, except as/if otherwise required by the FAA or other applicable authority.
- d) Installations shall not be used to display advertising.

e. Additional Requirements:

- 1. Prior to issuance of a building permit, the applicant shall provide the town proof of a level of insurance to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. The Planning Board may waive this requirement in the case of small private installations.

2. If significant negative impact on Town roads or other significant financial impact on the Town is likely, a bond or performance line of credit shall be posted in sufficient amount to cover such costs prior to the start of construction.
3. All energy generating installations shall have and keep to a plan for proper maintenance of all parts of the facility. The Planning Board shall also require a decommissioning plan, a removal bond, and a hazardous event plan.
4. The Starkey Code Enforcement officer may inspect installations for safety or may require that they be so inspected by an engineer licensed in the State of New York. The Code Enforcement Officer may require copies of any inspection reports, including any routine reports required by the maintenance plan.
5. Any energy generating installation found to be unsafe by the local enforcement officer or found to be in violation of sound level or other requirements in its permit due to poor maintenance or to design flaws, shall be repaired by the owner to meet federal, state, and local safety standards, and to meet any other requirements in its permit, or be removed within six months. If the installation presents an immediate hazard, the Town may require the installation to shut down immediately and to remain shut down until needed repairs have been made. The Town may require emergency shutdown procedures to be posted at the road frontage of the site, and/or to be filed with local emergency departments and/or with the Town.
6. If any energy generating installation is not operated for a continuous period of 12 months, the Town shall notify the owner of the installation by registered mail and provide 45 days for a response. In such response, the owner shall set forth reasons for the failure to operate and provide a reasonable timetable for corrective action. If the owner does not respond, or if the Town deems the timetable unreasonable or finds that the timetable is not being adhered to, the Town must notify the owner and such owner shall remove the installation within 120 days of receipt of such notice.

6.85 OUTDOOR STORAGE AREAS, INCLUDING JUNK YARDS AND AUTOMOBILE WRECKING

Such uses shall not be located within three hundred (300) feet from the nearest R-District and the operation thereof shall be governed by the regulations contained in the local law of the Town providing for the regulation and control of junk yards.

6.86 WILDLIFE FACILITY AND PETTING ZOOS

In order to protect the public health, safety, and welfare, as well as the welfare of animals which may be kept in such facilities, the Town requires wildlife facilities and petting zoos to obtain a special use permit. In deciding whether to grant such permit in any individual case, the Planning Board shall be guided by the criteria below, in addition to the criteria for judging special uses in section 6.60 of this Local Law.

- a. The applicant shall obtain any permits and licenses which are required by the USDA, DEC, and/or any other applicable agencies for the species to be kept.
- b. Housing shall be humane and suitable for the species to be kept.
- c. Applicant shall have a plan for proper veterinary supervision of all animals. All necessary vaccinations shall be provided, and records kept. These records shall be provided to the Starkey Code Enforcement Officer on request.
- d. Hand sanitizing or hand washing stations must be provided to all workers, and to the public if the public is to have access to the animals.
- e. Waste disposal – all solid and liquid wastes must be collected and disposed of in a sanitary manner. Wastes shall be disposed of by means of a properly designed septic system or composted and/or mixed with other livestock waste and may not be spread within 200ft. of any waterway.

6.87 KENNELS

All kennels must be in compliance with USDA and /or NY State Ag and Markets regulations and require a special use permit from the planning board. In addition to the special use criteria in section 6.60 of this Local Law the planning board shall be guided by the following criteria.

- a. Design elements to mitigate noise both inside and out to protect the animals' hearing as well as prohibiting nuisance noise impacting human neighbors.
- b. Primary Pens, adjacent exercise areas and outside runs shall be a minimum of 200% of USDA standards and include daily access to an outside portion of the pen. Stacked pens will not be allowed for adult dogs. Whelping areas shall not be located adjacent to flooring that would allow feet to penetrate the flooring.
- c. Waste shall be composted. Guidelines can be found in the town issued breeders guide. Piles shall be situated a minimum of 200 feet from any waterway, ditch, stream, pond, or lake. Composted material shall not be used to grow crops for human consumption.
- d. Flooring shall be solid or plastic-coated wire flooring with a minimum of 50% solid flooring required. Plastic covered wire flooring is permitted in the remaining area as long as the gauge of openings is small enough to prevent injuries to the size of dog being housed. Solid flooring may consist of tile, concrete and or other materials that provide an easily cleaned surface. Areas in which the dogs are housed, exercised, or allowed to roam in an enclosure shall be maintained daily as a clean and waste free environment.
- e. Each breeding dog at retirement shall be spayed or neutered.
- f. The application shall include a plan for exercise, socialization and grooming with the goal of successful re-homing for retired dogs.

- g. Each applicant for a kennel shall provide the name of a fully certified veterinarian who has agreed to attend any animals to be housed at the proposed kennel, and submit a letter from that veterinarian containing the following:
 - 1. They are confident in the applicant's ability to properly care for the number of breeding dogs requested in the facility as designed.
 - 2. They will instruct the breeder in proper technique and equipment for any procedures that the breeder is allowed to perform by law. (List is available in the town issued breeders guide)
- h. In an ongoing effort to more openly assure our citizens of how kennels operate and produce well cared for animals, an agreed upon town representative, either a council member or planning board member may visit the kennel at least once a year to assess the effectiveness of these regulations.

6.88 ADULT USES

- a. Adult uses shall include, but not be limited to: adult arcades, adult bookstores, adult cabarets, adult theaters, adult motels, escort agencies, massage parlors except as excluded below, nude model studios, sexual encounter studios.
- b. A use shall be defined as "adult" if 15% or more of its business is material or entertainment which because of its sexually oriented nature may not be sold or shown to minors. For purposes of this definition, the 15% shall be measured as any of the following:
 - 1. The number of different titles or kinds of merchandise or entertainment
 - 2. The number of copies or pieces of merchandise
 - 3. The amount of floor space devoted to the sale and/or display of such merchandise.
 - 4. The amount of advertising which is devoted to such merchandise, either in print or broadcast media.
- c. Such uses shall not include the practice of massage either: in any licensed medical facility; by a licensed physician, surgeon, chiropractor, osteopath or any nurse, technician, or licensed massage therapist providing a medical service; or by trainers for any athlete or athletic team or school athletic program. Nor shall they include nude modeling offered as part of a course of instruction by an educational institution established pursuant to the laws of the State of New York.

It is the purpose of the Town of Starkey to regulate adult uses in order to promote the health, safety, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location of adult entertainment businesses within the Town. It is not the intent or effect of this Article to restrict or deny access by adults to adult entertainment materials protected by the First Amendment, or to deny access by the distributors and exhibitors of such entertainment to their intended market. However, multiple studies have shown that improper location of such facilities can cause negative effects for the surrounding community, including loss of

business for other uses, declines in property values, and an increase in crime rates. Therefore, the Town of Starkey regulates such uses as follows:

1. Adult uses are permitted by special use permit only. A public hearing must be held by the Town Planning Board. The planning board may grant such permit only if the proposed adult use will meet all the criteria for special uses as well as all of the following:
 - a) The Adult Use must be wholly located within a commercial or industrial zone.
 - b) The building of an Adult Use must be 500 Ft or more from the property lines of any of the following:
 - i. Any property zoned residential or currently in residential use
 - ii. Any property containing: a church, synagogue, or other place of worship, a library, school, day-care facility, park, playground; or public, civic, or governmental facility; whether within the Town of Starkey or outside the town.
 - iii. Any school bus stop.
 - iv. Any other Adult Use, whether within the Town of Starkey or outside the town.
 - c) An Adult Use is not allowed on the same parcel as another Adult Use.
 - d) All Adult Uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by these provisions shall be able to observe any anatomical area not otherwise ordinarily uncovered in public, or any sexual activity. This requirement shall apply to any display, decoration, sign, window, or other opening.
 - e) Only one exterior sign will be allowed. It may show only the name of the establishment and must conform to all other Town of Starkey signage requirements or regulations.

6.89 TEMPORARY USES

a. Purposes:

The Town of Starkey wishes to address temporary uses for the following reasons: Such uses may cause significant disruption for the neighborhood in which they are located and may cause excess wear on roads. It is however often both unreasonable and impractical to address them as if they were continuing uses.

b. Examples and exclusions:

Examples of temporary uses are: staging areas for construction projects, which are not on the same property as the construction project in question; festivals. Farmer's markets, craft markets, etc. which are to be repeatedly in the same location over a season, are not to be considered as temporary uses; they should be considered as commercial uses. Gatherings that are part of the ordinary functions of any operation that is otherwise in compliance with this Local Law are also

not considered to be temporary uses. Nothing in this Section 6.79 shall be construed to authorize within the Town any Explicitly Prohibited Use.

c. Regulations:

1. Any private construction project that intends to stage any part of construction elsewhere than on the property permitted for construction should include this in the application for said project. If the application otherwise calls for a special use permit, the temporary staging shall be considered as part of that special use application. If the application does not otherwise call for a special use permit, one shall be required for the temporary staging, so that traffic issues etc. may be addressed.
2. Staging areas for construction of essential services, roadways, etc.: If the staging area is to be significantly separated from the area in which the work is being done, and is not to be an area (such as town barns) already ordinarily in use for such purposes, and if the Town is not in the particular case pre-empted by State or Federal law from doing so: such staging areas shall require a permit from the Starkey Town Planning Board. The procedure, if time permits, shall be the same as for a special use permit, except that the following shall be the list of criteria for the Board to consider:

- a) that public health and welfare will be protected.
- b) that traffic disruption will be minimized.
- c) that impact on neighboring properties will be minimized.

The Town may require measures to fulfill the above.

The Town may suggest alternate location(s) if the intended location(s) are not acceptable.

3. Festivals and similar temporary uses that are expected to attract over 500 people shall require a permit from the Starkey Town Planning Board. The procedure shall be the same as for a special use permit, except that the following shall be the list of criteria for the board to consider:

- a) that public health and welfare will be protected
- b) that traffic disruption will be minimized
- c) that impact on neighboring properties will be minimized
- d) that sanitary/septic arrangements meet regulations, and include hand washing stations
- e) that potable water will be available

- f) that any food service available meet regulations
- g) that any structures involved pass inspection
- h) that all other necessary permits will be in effect

The town may require measures to fulfill the above

- 4. In a case in which the situation does not reasonably allow time for the procedures above, and in which negative impacts are likely to be minor, the Town Planning Board may at its discretion waive the above procedures. The applicant shall consult with the Town Planning Board as to how to ameliorate negative impacts. In case of an actual emergency, the Town Board, the Town Planning Board, or the ZEO may waive the above procedures.

6.90 SHORT TERM RENTALS

6.91 PERMIT REQUIRED

An owner shall obtain a short-term rental permit whenever a dwelling is to be used for short-term rental purposes.

- a. A short-term rental permit shall be obtained prior to using the unit as a short-term rental more than two times per year.
- b. A short-term rental permit shall be valid for three calendar years, shall expire on December 31 of the third year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
- c. The short-term rental permit is transferable to a new owner, so long as the owner registers with the Town, updates the short-term rental permit application, and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.
- d. If the terms of the short-term rental permit are not kept or these regulations not followed, the short-term rental permit may be revoked and the owner subject to the penalties set forth below.
- e. Short-term rentals on properties only accessible by private road must also apply for a Special Use Permit and all lot owners on said private road must be notified.

6.92 SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS

An application for (or renewal of) a short-term rental permit shall be submitted to the Code Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of a permit fee, to be determined by the Town Board, shall be completed on the form provided by the town, and shall contain the following information:

- a. A list of all property owners.
- b. Completion of an affidavit certifying that the homeowner complies with the following:
 - 1. Number of sleeping rooms within the short-term rental as defined in section 6.93.
 - 2. Number of parking spaces on the property that meet the standards set forth in section 6.93.
- c. Affidavit certifications shall be valid during the term of the short-term rental permit.
- d. A site plan, drawn to scale showing locations of buildings, required parking area and, if not served by public sewer, location of septic system and leach field. An accurate suitable plan need not be prepared by a professional.
- e. If the short-term rental property is served by a private septic system, the system shall be subject to a complete inspection including the tank and distribution box. Receipt of inspection shall be required prior to issuance of permit. Septic pumping will be required upon renewal of a short-

term rental permit and a receipt shall be presented with the renewal application (a subsequent septic inspection is not required at time of renewal).

- f. The name, address, telephone number and email address of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner, or an agent designated by the owner to serve as a contact person.
- g. A statement that the applicant has met and will continue to comply with the standards of these regulations and the short-term rental permit.

6.93 SHORT-TERM RENTAL STANDARDS

- a. The maximum number of people allowed for each short-term rental unit shall be based on the number of people calculated on the basis of 2 persons per sleeping room (sleeping rooms less than 100 square feet shall be based on 1 person per room), plus an additional 2 persons. Sleeping rooms are defined per New York State Building Code.
- b. The property must have sufficient, designated, off street parking allowing for a 9' x 18' space per vehicle, per international code.
 - 1. Designated parking areas shall not be located on top of any part of the septic system and shall be clearly marked.
 - 2. One parking space per sleeping room plus one parking space shall be the minimum required.
- c. A house number visible from the street or road shall be maintained.
- d. All rubbish shall be disposed of in a proper and timely manner.
- e. Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.

6.94 PROCEDURE UPON FILING APPLICATION

- a. Upon the filing with the Zoning Enforcement Officer of the permit application, permit fee, and all documents and information required by this Chapter, the Zoning Enforcement Officer shall have 30 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Town Zoning Enforcement Officer.
- b. In reviewing the application, if the Town Zoning Enforcement Officer has probable cause to believe information contained in the application is inaccurate or incomplete, The CEO may request permission to conduct an inspection of the property to ensure compliance of this section.
- c. The Zoning Enforcement Officer may decline the application for any of the following reasons:
 - 1. The application is incomplete, or inaccurate, or the documentation required by this Ordinance was not included with the application, or the full permit fee, in a payment form acceptable to the Town Clerk, was not included with the application.
 - 2. The Town of Starkey issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application, and any such owners had a short-term rental permit revoked within the previous twelve months.
 - 3. The affidavit from the owners, or an inspection conducted by the Code Enforcement Officer as authorized in this section does not evidence that the subject property is in compliance with this Ordinance.
 - 4. The site plan required to be submitted with the application does not comport with this Ordinance.
 - 5. The private septic inspection report (or pumping report/receipt for renewals) that is required to be submitted with the application is missing, or if such report does not comport with the requirements of this Ordinance.

6.95 SHORT-TERM RENTAL PERMIT REQUIREMENTS

Short-term rental permits issued pursuant to this section shall state the following:

- a. The names, addresses, phone numbers, and email addresses of every person or entity that has an ownership interest in the short-term rental property, and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
- b. The maximum occupancy and vehicle limits for the short-term rental unit;
- c. Identification of the number and location of parking spaces available;
- d. That littering is illegal;
- e. That all fires must be attended;
- f. Quiet hours for all zones shall be from 10:00pm to 7:00am. A statement as such shall be posted within the property;
- g. That the short-term rental permit may be revoked for violations;
- h. That the permit shall expire on December 31 of the third year that it is effective.

6.96 CONFORMITY AND DISPLAY OF PERMIT

- a. The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
- b. Prior to any tenants coming onto the short-term rental property:
 1. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
 2. A copy of the current short-term rental permit shall be provided to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property); and
 3. A statement of compliance with this provision, stating the owners served and their addresses and the method of service (e.g., mail, personal delivery), shall be provided to the Zoning Enforcement Officer.
- c. The owners must ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately upon any information contained in the permit changing. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed at the property in question. A copy must be provided to all adjacent properties, and an affidavit as such provided to the Zoning Enforcement Officer as provided in Section 6.96(b)(2) of this Ordinance.

6.97 COMPLIANCE, HEARINGS AND PENALTIES

Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Starkey, Yates County, New York State, the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this section. The following process shall be followed in the event of a complaint alleging a violation of these regulations, or with the permit for the property.

- a. The complaining party shall first attempt to contact the contact person designated on the permit, describe the problem, and indicate the desired remedy.
- b. If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement regarding if the complainant attempted to contact the contact person listed on the permit.
- c. If the Code Enforcement Officer finds a violation of the permit or of this section, the Code Enforcement Officer may do any of the following depending on the circumstance.

1. Give warning as to violation conditions.
 2. Attach reasonable conditions to the existing short-term rental permit.
 3. Suspend the short-term rental permit.
 4. Revoke the short-term rental permit.
- d. Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
 - e. The Town may initiate enforcement proceedings pursuant to this Ordinance at any time following the receipt of a complaint.
 - f. Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant to a hearing held at a regularly scheduled Town Board Meeting. The appealing owner or complainant shall make a written request for a hearing to the Town Clerk, and the hearing shall be scheduled for a regular Town Board Meeting, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing the Town Board shall accept evidence offered by the property owner, the complaining party, the Code Enforcement Officer, and any other witness with relevant evidence. The Town Board shall make its decision within 10 days of the hearing, and may uphold the Code Enforcement Officer's decision, reject it, or modify it.
 - g. Any property owner found in violation of the provisions of this ordinance may be required to reimburse the town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.

6.10.1 HOTELS, MOTELS AND RESORTS

- a. Site Plan Specifications – Application for hotel, motel or resort development shall require the submission to the Planning Board of a site development plan. Said plan or plans are required to show all structures, roadways, path walks, parking areas, recreation areas, utility and exterior lighting installations and landscaping on the site, all existing structures and usage within two hundred (200) feet of the site boundaries, water courses, slopes in excess of 15%, and any other elements as may be deemed essential to the Planning Board.

Before approving the site plan, the Planning Board shall make findings with respect to the following:

1. Arrangement of Buildings – That adequate provision has been made for light, air and access in the arrangement of the buildings to each other.
2. Traffic Access – All proposed site traffic access ways shall be adequate but not excessive in number, adequate in grade, width, alignment, visibility and properly related to other nearby traffic circulation considerations.
3. Off-Street Parking – There shall be provided on the site of such development an area or areas devoted to the parking of automobiles. The required number of off-street parking spaces shall be determined from the Off-Street Parking Schedule. Parking spaces shall measure at least 9' x 18'.
4. Exterior Lighting and Signs – Illuminated signs and other exterior lighting shall be directed away, or shielded from, adjoining properties in such a manner as not to disturb the occupants thereof, or create a hazard.

5. Property Landscaping – That the proposed site is properly landscaped, the purpose of which is to further enhance the natural quantities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required. Proper landscaping shall be provided along all walks and streets and around recreation areas.
6. Open Space – Shall meet the lot covered schedules for the district. Parking areas and vehicle access facilities shall not be considered in calculating open space.
7. Public Address System – No public address system shall be permitted except where such system is inaudible at any property line or where expressly permitted by the Town Board.

b. Additional requirements

1. No final approval shall be granted until all proposals for water supply and sewage disposal have been approved by the New York State Department of Health. Copies of the approved plans and specifications shall be submitted to the appropriate board.
2. The Standards for Review of Site Plans as set forth in Section 6.44 of this Local Law shall apply to all hotel, motel, or resort development applications.
3. No Certificate of Occupancy shall be issued for any such building of buildings unless the same conforms in all respect to such site plan and unless all facilities included in the site plan have been constructed in accordance therein.

ARTICLE 7

ADMINISTRATION

7.10 GENERAL PROCEDURE

7.11 GENERAL

No building or structure shall be erected, altered as to size, shape, or location, or changed in use until a permit therefore has been issued by the Zoning Enforcement Officer. Except upon a written order of the Zoning Board of Appeals, no such Building Permit or Certificate of Occupancy shall be issued for any building where said construction, addition, or alteration or use would be in violation of any of the provisions of this Local Law.

7.12 BUILDING PERMIT TYPES

Under the terms of this Local Law, the following classes of Building Permits may be issued:

- a. Permitted Use – A Building Permit for a Permitted Use may be issued by the Zoning Enforcement Officer's own authority.

- b. Special Uses – A Building Permit for Special use may be issued by the Zoning Enforcement Officer after review and approval by the Planning Board.
- c. Building Permit After an Appeal or a Request for a Variance – A Building Permit may be issued by the Zoning Enforcement Officer upon order of the Zoning Board of Appeals and after a public hearing held by the Board of Appeals for the purpose of deciding upon the appeal or request for a variance.

7.20 ZONING ENFORCEMENT OFFICER (ZEO)

This Local Law shall be enforced by the Zoning Enforcement Officer who shall be appointed by the Town Board. No Building Permit or Certificate of Occupancy shall be issued unless all the provisions of this Local Law have been complied with.

Within thirty (30) days of receiving an application for a permit, the ZEO shall do one of the following:

- a. Issue the permit;
- b. Deny the permit;
- c. Refer the application to the appropriate board, if a use or area variance is required;
- d. Request additional information, if needed, from the applicant. This may be done verbally or in writing; but if the issue has not been resolved within 30 days, the Officer shall supply the applicant with a written statement of what additional information is necessary.

Once all such additional information has been supplied, the Officer shall then within thirty (30) days of receiving the information, issue, deny, or refer the application as above.

If the Officer fails to act as above upon any application, the applicant may begin the appeals process as if the application had been denied.

7.21 BUILDING PERMITS

- a. General Sequence of Steps – All persons desiring a Building Permit shall apply to the Zoning Enforcement Officer by filling out the appropriate application form and by submitting the required fee. The Zoning Enforcement Officer will then issue or refuse the Building Permit or refer the application to the Zoning Board of Appeals or the Planning Board. After the Building Permit has been received by the applicant, the applicant may proceed to undertake the action permitted in the Building Permit and upon completion of such action, shall apply to the Zoning Enforcement Officer for Certificate of Occupancy. If the Zoning Enforcement Officer finds the action of the applicant has been taken in accordance with the Building Permit, the officer will then issue a Certificate of Occupancy allowing the premises to be occupied.
- b. Information Necessary for Application – There shall be submitted with all applications for Building Permits two copies of a layout or site plan drawing showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to

be erected and such other information as may be necessary to determine and provide for the enforcement of this Local Law.

- c. **Public Record** – A copy of the layout or site plan, when approved by the Zoning Enforcement Officer together with the Permit shall be provided to the applicant upon payment of the required fee. A second, complete copy of the application and plan(s) shall become public record after a Permit is issued or denied.
- d. **Water Supply and Sewage Disposal** – All water supply and sewage disposal installations shall conform to New York State Department of Health and Town of Starkey regulations. No site plan shall be approved by the Zoning Enforcement Officer in any zone unless such conformity is certified on the plan. Drainage affecting adjacent properties shall be considered by the Zoning Enforcement Officer before issuing a Building Permit, including possible run-offs to said properties.
- e. **Issuance of Permits** – The Zoning Enforcement Officer shall issue a Building Permit, provided the officer is satisfied that the structure, building, sign, parking area, driveway, etc., and the proposed use thereof, conform with this Local Law, other applicable Local Laws, and all necessary approvals have been secured. All building permits shall be issued in duplicate. One copy shall be displayed conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, worker, or other person shall perform any building operations unless a building Permit covering such work is displayed. Nor shall they perform any building operations after notification of the revocation of said Building Permit.
- f. **Denial of Permits** – When the Zoning Enforcement Officer is not satisfied that the applicant's proposed development will meet the requirements of this Local Law, the officer shall refuse to issue a Building Permit. The applicant may appeal the Zoning Enforcement Officer's decision to the appropriate Board.
- g. **Expiration of Building Permit** – A Building Permit shall expire after twelve (12) months if the applicant has failed to complete implementation of original application at which time applicant must reapply to the Zoning Enforcement Officer.
- h. **Revocation of Permits** – If it appears at any time to the Zoning Enforcement Officer that the application or accompanying plan is in any material respect false or misleading, or that work is being done upon premises differing materially from that called for in the application filed with the Town, the Zoning Enforcement Officer may revoke the Building Permit. It shall then be the duty of the person holding the permit to surrender it and all copies to the Zoning Enforcement Officer. After the Building Permit has been revoked, the Zoning Enforcement Officer may, before issuing the new Building Permit, require the applicant to file an indemnity bond in the favor of the Town of Starkey with sufficient surety conditioned for compliance with this Local Law and all building laws and Local Laws then in force and in a sum sufficient to cover the cost of removing the building if it does not comply.

- i. Special uses – All such applications shall be accompanied by plans and such other information as are required by this Local Law.
- j. Fee schedule – A Building and Zoning Permit Fee schedule is available at the Town of Starkey Town Hall.

7.30 CERTIFICATE OF OCCUPANCY

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Occupancy has been issued by the Zoning Enforcement Officer, stating that the buildings or proposed use complies with the provisions of this Local Law.

7.31 MAINTENANCE, RENEWAL, CHANGE OR EXTENSION OF NONCONFORMING USE

No nonconforming use shall be renewed, changed or extended without a Certificate of Occupancy having first been issued by the Zoning Enforcement Officer. No existing building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or altered as to size, shape, or location except as follows:

- a. Restoration – Any nonconforming building or structure, which as a result of fire, explosion or other casualty is destroyed, said nonconforming building or structure may be restored, reconstructed or used as before, provided that the bulk, height, and area requirements shall not be in excess of that which existed prior to said damage. The restoration must be completed within two (2) years of such occurrence or the use of such building, structure, or land as a legal nonconforming use shall then be terminated.
- b. Maintenance of Structure – Normal maintenance and repairs of a building or structure containing a nonconforming use are permitted. Any alteration in the floor area of the building shall require a Building Permit to be issued by the Zoning Enforcement Officer upon the recommendations of the Planning Board.
- c. Change of Use – A nonconforming use or structure may be changed to another nonconforming use only upon approval of the Planning Board.
- d. Abandonment – The discontinuance of a nonconforming use for a period of two (2) years shall be considered abandonment thereof and nonconforming use shall not thereafter be revived. Intent to resume active operations shall not constitute continuance for a nonconforming use.

7.32 APPLICATION FOR CERTIFICATE OF OCCUPANCY

All Certificates of Occupancy shall be applied for coincident with the application for a Building Permit. Said Certificate shall be issued within ten (10) days after the erection or alteration has been approved as complying with the provisions of this Local Law by the Zoning Enforcement Officer.

7.33 RECORD

The Zoning Enforcement Officer shall maintain a record of all Certificates and copies shall be furnished upon request to any person having a propriety or tenancy interest in the building affected.

7.34 APPLICATION MANDATORY

No permit for excavation for, or the erection, alteration, or repair of any building shall be issued until an application has been made for a Certificate of Occupancy.

7.40 PLANNING BOARD PERMIT PROCEDURE

- a. Applicant applies to the Zoning Enforcement Officer at Town Hall for zoning and building permit information. Zoning Regulations are consulted and/or explained to applicant by the Zoning Enforcement Officer if necessary. Applicant purchases copy of Zoning Regulations if desired.
- b. Applicant receives copy of "Application Form" from Zoning Enforcement Officer; also, State Environmental Quality Review Act (SEQR), -short form. Application filing fee is determined by the Zoning Enforcement Officer and applicant is informed. Explanations of form and detail submittals required to support the application are explained by the Zoning Enforcement Officer for example: site plan drawing, survey, structural plans, and septic waste disposal requirements.
- c. Applicant submits required information and documentation to the Zoning Enforcement Officer for review. If application is complete and in order and permit can be issued without further review by the Planning Board or Zoning Board of Appeals, permit fee is paid by applicant and the Zoning Enforcement Officer issues a Building Permit.
- d. If the Town Planning Board review is required (for example application involves a Special Use in the zone) or if the Town Zoning Board of Appeals review is required (for example if a zoning variance is involved), the Zoning Enforcement Officer so informs the applicant and/or legal representatives when the next regular meeting of the particular board will be held.
- e. Applicant and/or legal representatives shall appear at all appropriate board meetings to present the application and to discuss it as necessary, and at any public hearing(s).
- f. Planning Board shall review applications at its regular monthly meeting and will consider the following:
 1. Is the application complete with all supporting technical documents and information; what additional specific information, if any, is required?
 2. Is the SEQR form reviewed in detail?
 3. Is a public hearing required?
 4. Is application review by the Yates County Planning Board or other agency necessary? For example, if the proposed construction or property subdivision is within five hundred (500) feet of any County/State highway or road or of any Town boundary lines. If such review is necessary, the Zoning Enforcement Officer shall forward the application package to the County Planning Board or other agency. See NYS General Municipal Law Section 239-M.

5. If the Town Planning Board determines that no additional information or review is necessary, it may authorize or deny issuance of a permit.
6. All decisions by the Town Planning Board shall be registered with the Town Clerk by written notice.

g. Public Hearing

1. Advertising – Publication is required twice during the 10 business days immediately preceding the hearing date in the Town's newspaper of record. A notice shall be posted on the official Town website.
2. Notice to Neighbors – Written notices must be mailed to all real property landowners whose land is within one thousand (1000) feet of the property boundaries on which the use. At the discretion of the Board such notices may be mailed to other persons or parties.
 - a) The listing of landowners is prepared by the Zoning Enforcement Officer. Written Notices are prepared by and mailed by the Secretary of the Planning Board. Notices shall be postmarked at least two (2) weeks prior to the public hearing.
 - b) When more than twenty (20) written notices are required, the Planning Board by resolution may waive the sending of written notices except to the twenty (20) closest properties, and in that case shall also have the Notice published for three (3) consecutive weeks prior to the public hearing in the newspaper of record and shall post the notice on the Official Town Bulletin Board and official town website.
3. The applicant shall receive a written letter from the Planning Board informing the applicant of the Public Hearing time and place.
4. The schedule date of the Town Planning Board's public hearing shall allow for the County Planning Board or other agency to respond if necessary, before the date of the Town's public hearing. The County Planning Board meets monthly and is required to act on the application within thirty (30) days of receipt.

h. Town Public Hearing

1. The chairman of the Town Planning Board shall conduct the public hearing and keep the hearing moving.
2. The Town Planning Board will give all persons present an opportunity to speak and be heard at the public meeting.
3. Communications received from neighbors or others who cannot come to the public hearing shall be read openly.

4. The Town Planning Board shall be guided by Section (6.60) (a)(1-7) which sets forth criteria for evaluating Special Use Permit applications.
5. The Town Planning Board shall be allowed sixty-two (62) days after the closing of the public hearing to render its decision.
6. Upon the day for the hearing of any application or appeal, the Board may adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal, and/or for obtaining additional information as the Board deems necessary.
7. The decision shall be registered with the Town Clerk by written notice.

7.41 REVIEW APPLICATIONS FOR APPEALS

- a. Referral from the Board – The Zoning Board of Appeals shall refer to the Planning Board all applications for appeals which in their opinion require review by the Planning Board.
- b. Criteria for Review – The Planning Board shall review such applications in accordance with applicable criteria set forth in Article 4.
- c. Report to the Zoning Board of Appeals – The Planning Board may approve, disapprove, or approve subject to conditions or modifications, and shall report its findings to the Zoning Board of Appeals within thirty (30) days of receipt thereof; such reports shall state all recommended conditions and modifications and the reasons for such approval or disapproval.

7.42 SPECIAL USES

The Planning Board may issue a special use permit for any of the uses for which this Local Law requires such permits. Such Special Use Permits will only be issued after proper review by the Planning Board.

7.50 INTENTIONALLY OMITTED

7.60 APPEALS

7.61 APPEAL FROM ZONING ENFORCEMENT OFFICER'S ACTION

- a. Procedure of Appellant
 1. An appeal to the Zoning Board of Appeals from any ruling of any administrative officer administering any portion of this Local Law, may be taken by any person aggrieved, or by an officer, board, or bureau of the Town affected hereby. Such appeal shall be taken to the Zoning Board of Appeals by filing with the secretary thereof, a notice of appeal, specifying the grounds, therefore.
 2. All applications and appeals made to the Zoning Board of Appeals shall be in writing on forms prescribed by the Zoning Enforcement Officer. Every application for appeal shall refer to the specific provision of this Local Law, and shall exactly set forth the interpretation that is claimed,

the plans for a special use or the details of the variance that is applied for, in addition to the following information:

- a) The name and address of the applicant, appellant.
- b) The name and address of the owner of the lot to be affected by such proposed change or appeal.
- c) A brief description and location of the lot to be affected by such proposed change or appeal.
- d) A statement of the present zoning classification of the lot in question, any improvements, and the present use.
- e) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials and general construction. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements proposed to be erected thereon.

b. Procedure for Zoning Enforcement Officer:

1. The notice of appeal in any case where a permit has been granted or denied by the Zoning Enforcement Officer shall be filed within such time as prescribed by the Zoning Board of Appeals under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Enforcement Officer shall transmit the said papers to the Zoning Board of Appeals.
2. The Zoning Enforcement Officer shall submit the Appeal Application for County Referral if required (GML 239M, 3(a)) and post notice of the Public Hearing at least five (5) days prior.
3. The Zoning Enforcement Officer may recommend to the Zoning Board of Appeals a modification or reversal of his/her prior action in cases where the officer believes substantial justice requires it but does not have sufficient authority to grant the relief sought.

c. Procedure for the Zoning Board of Appeals

1. The Zoning Board of Appeals shall decide each appeal within sixty-two (62) days after a final hearing. Upon the hearing any party may appear in person or be represented by an agent or attorney. The Zoning Board of Appeals' decision shall be immediately filed in its office and be public record. In the exercise of its functions upon such appeal or upon exceptions, the Zoning Board of Appeals may in conformity with the provisions of this Local Law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from or may make such order, requirement, decision, or determination in accordance with the provision hereof.

d. Expiration of Appeal Decision.

Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary Building Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

e. Stay of Proceedings.

An appeal shall stay all proceeding in furtherance of the action appealed from unless the Zoning Officer certifies for the Zoning Board of Appeals, after the notice of appeals shall have been filed, that by reason of facts stated in the certificate, they would, in his opinion, caused imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or the Supreme Court of application, on notice to the Zoning Officer and on due cause shown.

f. Appeal from Decision of Zoning Board of Appeals.

All decisions of the Zoning Board of Appeals are subject to court review in accordance with applicable Laws of the State.

7.70 PUBLIC HEARINGS AND NOTICE

The Zoning Board of Appeals shall fix a reasonable time for the hearing and give public notice in the official paper of such hearing at least twice during the ten (10) business days prior to the date thereof.

7.71 WHEN APPEALING ACTION OF THE ZONING ENFORCEMENT OFFICER

In case of an appeal alleging error of misinterpretation on any order or other action by the Zoning Enforcement Officer, the following persons shall be notified: The appellant and the person or persons, if any, who benefit from the order, requirement, regulation or determination.

7.72 WHEN APPEALING FOR VARIANCE

In an appeal for variance the following shall be notified: All owners of property within one thousand (1000) feet of the use for which the variance or special use is sought, and such other property owners as the Chairman of the Board may direct.

7.73 ADJOURNMENT OF HEARING

Upon the day for hearing any application or appeal, the Board may adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems to be served upon such other property owners as it decides may be interested in said application or appeal, and/or for obtaining additional information as the Board deems necessary.

7.74 REQUIRED INTERVAL FOR HEARINGS ON APPLICATIONS AND APPEALS AFTER DENIAL

Whenever the Board, after hearing all the evidence presented upon on application or appeal, under the provisions of the Local Law, denies the same, the Board shall refuse to hold further hearings on the said or substantially similar application or appeal by the same applicant, his successor, or assign for a period of one (1) year, except and unless the Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare, and that a reconsideration is

justified. Such rehearing would be allowed only upon a motion initiated by a member of the Board and adopted by a unanimous vote of the member present, but not less than a majority of all members.

7.80 FEES

Fees for the issuance of permits, appeals, amendments and other zoning actions shall be paid to the Town at the Office of the Zoning Enforcement Officer upon the filing of an application and in accordance with the schedule of fees established by the Town Board and available at the Town Hall.

ARTICLE 8 ZONING BOARD OF APPEALS

8.10 ORGANIZATION AND PROCEDURES

8.11 ESTABLISHMENT

Pursuant to the provisions of the town Law, a Zoning Board of Appeals is hereby established in the Town of Starkey.

8.12 APPOINTMENT

The Zoning Board shall consist of five (5) members to be appointed by the Town Board. The terms of the initial appointees were for one, two, three, four, and five years from and after the date of appointment. All successors, including such additional members as may be appointed by the Town Board, shall be appointed for a term of three (3) years.

8.13 APPOINTMENT TO FILL VACANCIES

Appointment to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Such appointments shall be made in the same manner as the original appointment.

8.14 ALTERNATE MEMBERS

The Town Board members may appoint alternate members to the Zoning Board of appeals.

8.15 GENERAL GRANT OF POWER

The Zoning Board shall perform all the duties and have all the powers prescribed by the laws of the State of New York and as herein described.

8.16 VOTES NECESSARY FOR A DECISION

The concurring vote of three (3) of the members of the Zoning Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Enforcement Officer or to decide in favor of the appellant any matter upon which it is required to pass under the terms of this Local Law or to affect any variation of this Local Law.

8.20 POWERS AND DUTIES

The Board shall hear and decide appeals pursuant to the provisions of the law of the State of New York and shall have the following powers:

8.21 VARIANCES

The Zoning Board of Appeals shall have the authority, on appeal from the decision or determination of the Zoning Enforcement Officer, or otherwise as contemplated by this Law, to grant use variances and area variances, subject to and upon the terms and conditions set forth herein.

a. Use Variances

1. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that otherwise applicable zoning regulations and restrictions have caused unnecessary hardship.

- a) Unnecessary Hardship – In order to prove such unnecessary hardship, the applicant is required to clearly demonstrate to the Zoning Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the property is located, each and every of the following four criteria is satisfied:
 - i. the applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence
 - ii. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood involved;
 - iii. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. that the alleged hardship has not been self-created.
- b) Reasonable Rate of Return. In evaluating whether the applicant can realize a reasonable rate of return, the Zoning Board of Appeals shall examine whether the entire original or expanded property holdings of the applicant are incapable of producing a reasonable rate of return (and not just the site of the proposed project). No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that the applicant has clearly demonstrated, by detailed, written “dollar and cents” proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) and for each and every permitted use in the district (including those uses permitted by special use permit).
- c) Unique Hardship. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the area.
- d) Essential Character of the Neighborhood. No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that the proposed project will not alter the essential character of the neighborhood.

e) **Self-Created Hardship.** No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that the alleged hardship was not self-created. The Zoning Board of Appeals may find that the applicant suffers from a self-created hardship in the event that the Board finds that:

- i. the applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision;
- ii. the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or
- iii. when the applicant purchased the property, he or she knew or should have known the property was subject to the zoning restrictions.

2. The Zoning Board of Appeals, in the granting of use variances, shall grant only the minimum variance that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety and welfare of the community.
3. The Zoning Board of Appeals, in the granting of use variances, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed project. Such conditions shall be consistent with the spirit and intent of this Law and shall be imposed for the purpose of minimizing any adverse impact such use variance may have on the neighborhood or community. Such conditions may include, but are not limited to, landscaping, lighting, access and egress, signs, screening, architectural features, location and layout of buildings, limitations upon the use or characteristics of the use which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this Law. If the applicant refuses to accept such requirements and conditions, the use variance shall be denied.

b. **Area Variances.**

1. In making a determination whether to grant, grant conditionally, or deny an application for an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, and balance this benefit against the detriment to the health, safety and welfare of the neighborhood or community by making such grant. In making such determination the Zoning Board shall consider each of the following factors:
 - a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

- c) Whether the requested area variance is substantial;
 - d) Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e) Whether the alleged difficulty was self-created. (In contrast to the context of a use variance, in the context of an area variance application whether or not the alleged difficulty was self-created shall be relevant to the decision of the Zoning Board of Zoning Appeals but a finding that the difficulty was self-created shall not in and of itself preclude the granting of the area variance.)
2. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum area variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
 3. In addition to the application requirements from time to time established pursuant to law and this Law, applications for an area variance shall contain a typewritten narrative explaining what the application is for, and how the project meets or exceeds all of the criteria for an area variance.
 4. The Zoning Board of Appeals shall, in the granting of area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Law and shall be imposed for the purpose of minimizing any adverse impact such area variance may have on the neighborhood or community. If the applicant refuses to accept such requirements and conditions, the area variance shall be denied.”

8.22 INTERPRETATION

The Zoning Board shall, upon appeal from a decision by an administrative official, decide any question involving the interpretation of any provisions of this Local Law including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

8.23 REFERRAL TO PLANNING BOARD

The Zoning Board shall refer to the Planning Board such matters as required by this Local Law and any other pertinent matters for review and recommendations and defer any decision thereon for a period of not more than thirty (30) days pending a report from the Planning Board. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application for appeal.

8.24 REFERRAL TO OTHER PLANNING AGENCIES

Section 239-M of the General Municipal Law requires that certain special permits and variances be referred to the county, metropolitan or regional planning agency at least thirty (30) days before action may be taken.

8.30 PROCEDURE

The Zoning Board shall act in strict accordance with the procedures specified by law and by this Local Law. All appeals and applications made to the Zoning Board shall be in writing, on forms prescribed by

the Board and in accordance with Article 4. Every appeal or application shall refer to the specific provision of the Local Law involved and shall exactly set forth the interpretation that is claimed, and the use for which the special permit is sought, or the details of the variance that is applied for the grounds on which it is claimed that the variance should be granted as the case may be. At least thirty (30) days before the date of the hearing required by law on an application or appeal to the Zoning Board, the secretary of the Zoning Board shall transmit to the Planning Board a copy of the notice of the aforesaid and shall request that the Planning Board make a determination in accordance with Section 8.23.

Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case.

ARTICLE 9

AMENDMENTS TO THIS LAW

9.10. AMENDMENTS TO THIS ZONING LAW

- a. The Town Board may from time to time on its own motion, or on petition, or on the recommendation of the Planning Board, amend, supplement, or repeal all or any portion of this Zoning Law, upon compliance with notice and public hearing requirements required by law.
- b. Every proposed change initiated by the Town Board or upon petition shall be referred to the Planning Board for its non-binding consideration and recommendation; the Town Board's final public hearing regarding such change shall not be conducted by the Town Board unless thirty (30) days or more have elapsed since the proposed change was referred to the Planning Board as aforesaid.
- c. Any enactment by the Town Board of a change in or to this Zoning Law shall comply with the provisions of New York General Municipal Law section 239-M (GML 239-M) (regarding referral to Yates County Planning), and New York Town Law section 265 (TWN 265) (regarding protest petitions), to the extent applicable."

ARTICLE 10

INTERPRETATION

10.10 INTERPRETATION, CONFLICT WITH OTHER LAWS

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this Local Law are at variance with the requirements of other lawfully

adopted rules, regulations, or Local Laws, the most restrictive or that imposing the higher standard, shall govern.

10.20 VALIDITY

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

10.30 EFFECTIVE DATE

The Town of Starkey Zoning Local Laws shall take effect at the time and in the manner provided by law.

10.40 VIOLATIONS AND PENALTIES

10.41 PROCEDURE WITH RESPECT TO VIOLATIONS

- a. Where a violation of this Local Law is determined to exist, the Zoning Enforcement Officer shall serve notice by certified mail, return receipt requested, on the owner, agent, or contractor of the building, structure, or lot where such violation has been committed or shall exist, and on the lease or tenant of the part of or of entire building, structure, or lot where such violation had been committed or shall exist; and on the architect, contractor, agent or any other person who takes part or assists in such violation, or who maintains any building, structure, or lot where any such violation shall exist.
- b. Such notice shall require removal of the violation within ten (10) days after service of the notice.
- c. In those cases where the removal of the violation within ten (10) days would be manifestly impossible, the Zoning Enforcement Officer shall apply to the Starkey Town Board for a determination as to reasonable period of time within such violation shall be removed.
- d. If those persons notified shall fail to remove such violations within the allotted time period, the Zoning Enforcement Officer shall charge them with such violation of this Local Law before the appropriate court of law.

10.42 PENALTIES

- a. A violation of any section of this Local Law shall constitute a “violation” as defined in the Penal Law and shall be punishable by a fine not exceeding \$250.00 or by a sentence of imprisonment not exceeding fifteen (15) days or both such fine and imprisonment. Each day of continued violation shall constitute a separate violation.
- b. In addition to other remedies provided by law, any appropriate action or proceedings whether by legal process or otherwise, may be instituted or taken to prevent the unlawful erection, construction, alteration, repair, conversion, moving, maintenance or use, to prevent the occupancy of such building, structure, or lot, or to prevent any illegal act, conduct, business or use in or about such premises, or to require the demolition and removal of any structure, so unlawfully erected.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or

unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary, as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

APPENDIX I

PERFORMANCE STANDARDS

All uses shall comply with the following:

- a. Sound – The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.
- b. Vibration – An operation which creates intense earthshaking vibration, e.g., heavy drop forges, heavy hydraulic surges, shall not be discernable beyond the property line of the industry.
- c. Radioactivity – No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, “Standards for Protection Against Radiation.” Dated June 16, 1957, or and subsequent revision or amendments.
- d. Odor – No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted. This shall not be construed to prohibit normal agricultural operations.
- e. Glare – Illuminated signs and other exterior lighting shall be directed away, or shielded from, adjoining properties in such a manner as not to disturb the occupants thereof, or create a hazard.
- f. Heat – No direct or reflected heat shall be detectable from any lot lines.
- g. Dust and Fly Ash – No solid or liquid particles shall be emitted in such quantities as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.
- h. Smoke – No smoke shall be emitted in such quantity as to become a nuisance.

APPENDIX A
ATTACHED TO AND FORMING A PART OF TOWN OF
STARKEY (NY) LOCAL LAW NO. 1 of the YEAR 2015,

known as:

A local law to amend and supplement the Town of Starkey Zoning Local Law adopted January 8, 1970

(as heretofore amended),

by:

Confirming that any Uses Not Expressly Permitted are Prohibited;

Articulating Certain Explicitly Prohibited Uses;

Adding Certain New Definitions, and Changing Certain Existing Definitions;

Modifying, Clarifying, and Adding to the Provisions Regarding Variances; and

Adding a Severability Clause.

The Town Of Starkey (NY) Local Law No. 1 of The Year 2015 to which this Appendix A is attached is herein sometimes referred to as “this Local Law” or “this Law.”

This Appendix A is a part of the Local Law to which it is attached for all purposes.

Section 1. Authority and Intent.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Starkey under the New York State Constitution, and the Laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1)(i); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law § 10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statute of Local Governments §10(1), (6), and (7); Town Law § 64 (17-a), (20-b), and (23); Town Law § 130(5), (6), (7), (8), (11), (14), (15), and (23); Town Law § 135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law § 17-1101, §27-0711; and New York State Law, Public Health Law § 228 (2), and (3).

This Law is a police power and land use regulation. This Law is intended and is hereby declared to address matters of local concern. It is further declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as, and is hereby declared to exercise, the permissive “incidental control” of a land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain herein-identified land uses, such as negative impacts on roadways, traffic congestion, and other deleterious impacts upon a community. This Law is not intended to regulate the operational processes of any business. This Local Law is a law of general applicability and is intended to promote the interests of the community as a whole.

As is consistent with law (including, without limitation NY ECL § 27-0711) this Local Law intends to, and hereby does, regulate certain land uses so as to promote the health and welfare of the citizens of the Town by, among other things, prohibiting the dumping, discharging, injection and disposal of materials herein defined as “Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes” on lands and in bodies of water within the Town. Further, this Local Law is intended and declared to protect drinking water supplies, and is intended and declared to supplement and enhance, but not limit or impinge upon, the Safe Drinking Water Act or the Underground Injection Control programs administered by the Environmental Protection Agency. This Local Law is also intended and declared to impose conditions and restrictions that are directly related and incidental to certain uses of property, with such conditions and restrictions being aimed at minimizing or precluding adverse impacts in and upon the Town that could result from certain uses of property that could pose a unique risk of adverse impacts to, and effects upon, the comfort, peace, enjoyment, health and safety of residents, other property owners, and their property.

Section 2. Findings of Fact

1. Starkey is a community in Yates County that takes great pride in and assigns great value to its rural residential character, small-town atmosphere, high-quality agricultural land, and scenic and other natural resources.
2. Many residents are dependent upon aquifers and wells for life-sustaining water; maintaining the quality of water resources within the Town is critical to protecting the natural environment of the Town, the general health and welfare of Town residents, and the local economy. Certain of the Explicitly Prohibited Uses defined and described in this Local Law have the potential to damage surface and ground water resources, in the event of (by way of example) human error, power outages, flooding or other natural disasters, or engineered materials and structures experiencing stresses beyond those for which they were designed. Water pollution is hazardous to the public health. If a domestic water source is contaminated, remediation is time and cost intensive, and may not restore the water resource to a quality acceptable for domestic use.
3. Preservation of the Town’s irreplaceable scenic sites, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the tourists who visit here.

4. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the agricultural, scenic, recreational, and other natural resources of the Town is important for both a healthy environment and vibrant economy. Aesthetic issues are real and evoke strong reactions from people. They also deeply affect the way people feel about a place, and affect whether businesses will want to locate within, or people will want to live in and visit, a place.
5. Allowing certain of the Explicitly Prohibited Uses defined and described in the Local Law could impair the existing character of the Town, because by their very nature such activities have the potential to produce a combination of negative impacts upon the environment and people living in or in proximity to the areas or communities in which such activities are located. Such negative impacts may include, without limitation, traffic, noise, vibrations, fumes, damage to roadways, degradation of water quality, degradation of air quality, decreased availability of affordable housing, damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas and scenic views, the fragmentation of natural communities and valuable wildlife and flora corridors, decreased recreational opportunities, and damage to tourism industries.
6. If one or more of the Explicitly Prohibited Uses defined and described in the Local Law are conducted within the Town, traffic generated thereby could be hazardous or inconvenient to the inhabitants of the Town and could be dangerous to pedestrians (especially children), cyclists, and motorists, and could result in traffic congestion that could delay emergency response times for medical emergencies, fires and accidents. Certain of the Explicitly Prohibited Uses defined and described in the Local Law typically involve a large volume of heavy vehicles and accidents involving heavy vehicles have greater potential for death or serious injuries and property damages than those involving smaller vehicles. Further, such accidents are more likely to occur on roads (such as many roads in the Town) that have sharp corners, narrow lanes, short sight lines, and overall limited roadway geometries. Thus, an increased volume of heavy vehicular traffic may cause, contribute to, or create unsafe conditions for the traveling public and thus place a strain on emergency responders. Increased heavy vehicular traffic also tends to increase air pollution and noise levels, and decrease the quality of life and property values for those living nearby. Roads are a critical public resource and constitute a major investment of the public's money. The Town is not in a position to bear the high costs associated with the road use impacts that typically accompany many of the Explicitly Prohibited Uses defined and described in the Local Law.
7. If one or more of the Explicitly Prohibited Uses defined and described in the Local Law are conducted within the Town, the air pollution, dust, noise, vibrations, and odors generated thereby (whether onsite or by truck traffic to and from the proposed site of such activities) could be hazardous or inconvenient to the inhabitants of the Town. Air pollution is a known hazard to the public health.
8. If one or more of the Explicitly Prohibited Uses defined and described in the Local Law are conducted within the Town, noise, vibrations, seismic, subterranean, lateral and subjacent support impacts, and light pollution typically caused by such activities, could be hazardous or inconvenient to the inhabitants of the Town. Noise, traffic congestion, nighttime lighting, vibrations, and seismic and other impacts to subterranean surface support, can have negative effects on human health and

wildlife.

9. The creation, generation, keeping, storage, or disposal of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes (as that term is defined in the Local Law) within the Town could have a negative impact on the public health, safety and welfare of the inhabitants of the Town.
10. The high costs associated with the disposal of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes (as that term is defined in the Local Law) have in other localities resulted, and could in our Town result, in persons seeking to avoid such costs by depositing such material along roadways, in vacant lots, on business sites, in the private dumpsters of others, or in other unauthorized places. Such activities could pose a hazard to the public health, safety, and welfare of the inhabitants of the Town.

Section 3. Purposes.

This Local Law is enacted so-as-to take proactive steps to protect and preserve the quality of the Town's air, water, and other resources and assets, and to protect and promote the health, safety, and welfare of the Town and its present and future residents. Without limiting the generality of the foregoing, this Local Law is intended and declared by the Town Board to:

- a. Promote the purposes of planning and land use regulation by, among other things, preserving the roads and protecting limited and related fire, police, and other emergency response services in the Town;
- b. Promote the health, safety and welfare of the Town, its present and future inhabitants, by preventing adverse public nuisances and/or land use impacts and effects that could result if the Explicitly Prohibited Uses defined and described in this Local Law were allowed to be conducted within the Town;
- c. Protect the Town's priceless and unique character, the preservation of which is of significant value to the inhabitants of the Town and the tourists who visit here, by protecting it from adverse public nuisances and/or land use impacts and effects that could result if the Explicitly Prohibited Uses defined and described in this Local Law were allowed to be conducted within the Town; and
- d. Protect the Town's irreplaceable historic, scenic, and natural resources, and the Town's water and air quality, by protecting each and all of the same from adverse public nuisances and/or land use impacts and effects that could result if the Explicitly Prohibited Uses defined and described in this Local Law were allowed to be conducted within the Town.

SCHEDULES

SCHEDULE I ZONING SCHEDULE OF USE CONTROLS TOWN OF STARKEY, NEW YORK

DISTRICT: A-1 = AGRICULTURAL

- a. To preserve land for agricultural purposes governing growth and development in these areas.

PERMITTED PRINCIPAL USES:

- a. Dwelling: Single family detached
- b. Dwelling: Two Family
- c. Farm
- d. Farm: other agricultural operation not listed as principal use
- e. Individual manufactured home

PERMITTED ACCESSORY USES:

- a. Accessory use customarily incidental to the principal use
- b. Customary Home Occupation
- c. Foster Care
- d. Private Garage
- e. Short Term Rental (except on private roads)
- f. Signs relating to permitted use of the property

SPECIAL USES – Subject to a Public Hearing and Planning Board Approval

- | | |
|--|--|
| a. Amusement Center | l. Kennel |
| b. Automotive Services | m. Manufactured Home Park |
| c. Campground | n. Motels, hotels, and resorts |
| d. Church or similar place of worship | o. Office: Professional |
| e. Commercial Use | p. Planned Unit Development |
| f. Dwelling: Multiple | q. Private School |
| g. Energy Generating Installation | r. Short Term Rental (on private roads) |
| h. Essential Service | s. Signs (other than those permitted by accessory use) |
| i. Extraction of stone, sand, gravel, or topsoil. | t. Use of a Public Nature |
| j. Golf Courses or similar recreational facilities | u. Utility Structure |
| k. Industrial Use: Light Industry | v. Wildlife and Petting Zoo facilities |

SCHEDULE II
ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK

A-1 AGRICULTURAL

Minimum Lot Area	44000 Sq. Ft.
Minimum Lot Area Per Dwelling Unit	44000 Sq. Ft.
Minimum Lot Width	150 Ft.
Minimum Lot Depth	150 Ft.
Minimum Front Yard (See 1 below)	50 Ft.
Minimum Side Yard	25 Ft.
Minimum Rear Yard	50 Ft.
Maximum Height	35 Ft./2.5 Stories
Maximum Lot Coverage, Building	10%
Maximum Total Lot Coverage	20%

1. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
2. Total Lot Coverage includes both buildings and other impervious surfaces.

**SCHEDULE I
ZONING SCHEDULE OF USE CONTROLS
TOWN OF STARKEY, NEW YORK**

DISTRICT: R-1 = LOW DENSITY RESIDENTIAL

PURPOSES:

- a. To delineate those areas where predominantly residential development has occurred or will likely occur in accordance with the General Plan for the Town of Starkey.
- b. To maintain the character of all areas in the Town by requiring standards of land use and lot and building bulk and size which more accurately reflects existing development.
- c. To protect the integrity of residential areas.

PERMITTED PRINCIPAL USES:

- a. Dwelling: Single family detached
- b. Dwelling: Two Family
- c. Individual manufactured home

PERMITTED ACCESSORY USE:

- a. Accessory uses customarily incidental to the principal use
- b. Customary home occupations
- c. Foster Care
- d. Private garage
- e. Short Term Rental (except on private roads)
- f. Signs relating to permitted use of property

SPECIAL USES – Subject to a Public Hearing and Planning Board Approval

- | | |
|--|---|
| a. Automotive service | k. Kennel |
| b. Church or similar place of worship | l. Manufactured Home Park |
| c. Commercial Use | m. Hotels, motels, and resorts |
| d. Dwelling: Multiple | n. Office: Professional |
| e. Energy Generating Installation | o. Planned Unit Development |
| f. Essential Service | p. Private School |
| g. Farm | q. Short Term Rental (on private roads) |
| h. Farm: other agricultural operation
not listed as principal use | r. Signs (other than those permitted by
accessory use) |
| i. Health Service | s. Use of a Public Nature |
| j. Industrial Use: Light Industry | t. Utility Structure |

SCHEDULE II
ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK

R-1 LOW DENSITY RESIDENTIAL

Minimum Lot Area	30000 Sq. Ft.
Minimum Lot Area Per Dwelling Unit	30000 Sq. Ft.
Minimum Lot Width	100 Ft.
Minimum Lot Depth	150 Ft.
Minimum Front Yard (See 1 below)	35 Ft.
Minimum Side Yard	15 Ft.
Minimum Rear Yard	30 Ft.
Maximum Height	35 Ft./2.5 Stories
Maximum Lot Coverage, Buildings	20%
Maximum Total Lot Coverage	30%

1. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
2. Total Lot Coverage included in both buildings and other impervious surfaces.

SCHEDULE I
ZONING SCHEDULE OF USE CONTROLS
TOWN OF STARKEY, NEW YORK

DISTRICT: R-2 = MEDIUM DENSITY RESIDENTIAL

PURPOSES:

- a. To delineate those areas where predominately residential development has occurred or will be likely to occur at multi-family densities in accordance with the General Plan for the Town of Starkey.

PERMITTED PRINCIPAL USES:

- a. Any use permitted in the R-1 Residential District, if connected to municipal wastewater treatment system.

PERMITTED ACCESSORY USES:

- a. Any accessory use permitted in the R-1 Residential District.
- b. Short Term Rental (except on private roads)
- c. Sign relating to permitted use of the property

SPECIAL USES – Subject to a Public Hearing and Planning Board Approval

- | | |
|---------------------------------------|--|
| a. Automotive service | k. Hotels, motels, and resorts |
| b. Church or similar place of worship | l. Office: Professional |
| c. Commercial Use | m. Planned Unit Development |
| d. Dwelling: Multiple | n. Private School |
| e. Energy Generating Installation | o. Short Term Rental (on private roads) |
| f. Essential Service | p. Signs (other than those permitted by accessory use) |
| g. Health Service | q. Use of a Public Nature |
| h. Industrial Use: Light Industry | r. Utility Structure |
| i. Kennel | |
| j. Manufactured Home Park | |

**SCHEDULE II
ZONING OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK**

R-2 MEDIUM DENSITY RESIDENTIAL

Minimum Lot Area	Detached Single Family	10000 Sq. Ft.
	Two Family	15000 Sq. Ft.
	Multi-family	18000 Sq. Ft.
Minimum Lot Area Per	Detached Single Family	10000 Sq. Ft.
	Two Family	7500 Sq. Ft.
	Multi-Family	4000 Sq. Ft.
Minimum Lot Width		75 Ft.
Minimum Lot Depth	Detached Single Family	100 Ft.
	Two Family	150 Ft.
	Multi-Family	150 Ft.
Minimum Front Yard See 1 below	Detached Single Family	25 Ft.
	Two Family	25 Ft.
	Multi-Family	30 Ft.
Minimum Side Yard	Detached Single Family	15 Ft.
	Two Family	15 Ft.
	Multi-Family	15 Ft.
Maximum Height		35 Ft./2.5 Stories
Maximum Lot Coverage, Building	Detached Single Family	30%
	Two Family	30%
	Multi-Family	30%
Maximum Total Lot Coverage		40%

1. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
2. Total Lot Coverage includes buildings and other impervious surfaces.

SCHEDULE I
ZONING SCHEDULE OF USE CONTROLS
TOWN OF STARKEY, NEW YORK

DISTRICT: R-3 = RECREATIONAL RESIDENTIAL

PURPOSES:

- a. To delineate areas best suited for resort and residential development because of access, location, existing uses and facilities, natural features, and other amenities.

PERMITTED PRINCIPAL USES:

- 1. Single family detached dwelling.
- 2. Individual manufactured home.

PERMITTED ACCESSORY USES:

- a. Accessory uses customarily incidental to the principal use.
- b. Customary home occupations
- c. Foster Care
- d. Private garage and/or boathouse.
- e. Short Term Rental (except on private roads)
- f. Signs related to the permitted use of the property.

SPECIAL USES – Subject to a Public Hearing and approval of the Planning Board

- | | |
|---|--|
| a. Automotive service | l. Industrial Use: Light Industry |
| b. Campground | m. Kennel |
| c. Church or similar place of worship | n. Manufactured Home Park |
| d. Commercial Use | o. Marinas |
| e. Dwelling: Multiple | p. Hotels, motels, and resorts |
| f. Dwelling: Two Family | q. Office: Professional |
| g. Energy Generating Installation | r. Planned Unit Development |
| h. Essential Service | s. Private School |
| i. Farm | t. Signs (other than those permitted by accessory use) |
| j. Farm: other agricultural operation not listed as principal use | u. Short Term Rental |
| k. Golf courses or similar recreational facilities | v. Use of a Public Nature |
| | w. Utility Structure |

SCHEDULE II
ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK

R-3 RECREATIONAL RESIDENTIAL

Minimum Lot Area	44000 Sq. Ft.
Minimum Lot Area Per Dwelling Unit	44000 Sq. Ft.
Minimum Lot Width	150 Ft.
Minimum Lake Front Width	150 Ft.
Minimum Lot Depth	150 Ft.
Minimum Front Yard (See 1 below)	50 Ft.
Minimum Side Yard	20 Ft.
Minimum Rear Yard	50 Ft.
Minimum Lake Front Yard	50 Ft.
Maximum Height	35 Ft./2.5 Stories
Maximum Lot Coverage, Building	10%
Maximum Total Lot Coverage	20%

1. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
2. See 5.72 A-(7) for set back from Seneca Lake.
3. Docks are exempt from lakefront setback, but any portion of dock above high-waterline cannot be more than 8 ft. wide.
4. Total Lot Coverage includes buildings and other impervious surfaces.

SCHEDULE I
ZONING SCHEDULE OF USE CONTROLS
TOWN OF STARKEY, NEW YORK

DISTRICT: C-1 = COMMERCIAL

PURPOSES:

- a. To delineate centralized areas where shopping, recreation and cultural facilities are provided.

PERMITTED PRINCIPAL USES:

- a. Amusement Center
- b. Automotive Services
- c. Commercial uses such as: Clothing Stores, Drug stores, Food/grocery stores, Hardware stores, Restaurant/café, Traditional 'Brick and Mortar' retail stores.
For full detail see Definitions: Commercial Uses
- d. Essential Service
- e. Hotels, Motels and Resorts
- f. Office: Professional
- g. Private School

PERMITTED ACCESSORY USES:

- a. Accessory use customarily incidental to the principal use
- b. Foster Care
- c. Sign relating to permitted use of the property

SPECIAL USES – Subject to a Public Hearing and approval of the Planning Board

- | | |
|---|--|
| a. Adult uses | k. Industrial Uses: Light Industry |
| b. Church or similar place of worship | l. Kennel |
| c. Customary Home Occupation | m. Planned Unit Development |
| d. Dwelling: Multiple | n. Private garage |
| e. Dwelling: Single Family Detached | o. Short Term Rental |
| f. Dwelling: Two Family | p. Signs (other than those permitted by accessory use) |
| g. Energy Generating Installation | q. Use of a Public Nature |
| h. Farm | r. Utility Structure |
| i. Farm: other agricultural operation not listed as principal use | s. Wild Life & Petting Zoo facilities |
| j. Golf Courses or similar recreational facilities | |

SCHEDULE II
ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK

C-1 COMMERCIAL

Minimum Lot Area	30000 Ft.
Minimum Lot Area Per Dwelling Unit	N/A
Minimum Lot Width	150 Ft.
Minimum Lot Depth	150 Ft.
Minimum Front Yard (See 3 below)	75 Ft.
Minimum Side Yard (See 1 and 2 below)	20 Ft.
Minimum Rear Yard (See 2 below)	25 Ft.
Maximum Height	35 Ft./ 2.5 Stories
Maximum Lot Coverage, Building	50%
Maximum Total Lot Coverage	60%

1. Where abutting residential zone, planted or fence buffer area at least six (6) feet high shall be provided.
2. Fifty feet from any residential district.
3. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
4. Total Lot Coverage includes both buildings and other impervious surfaces.

SCHEDULE I
ZONING SCHEDULE OF USE CONTROLS
TOWN OF STARKEY, NEW YORK

DISTRICT: M-1 = INDUSTRIAL

PURPOSES:

- a. To delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other land uses.
- b. Uses incompatible with industry are not to be permitted.

PERMITTED PRINCIPAL USES:

- a. Any manufacturing, assembly or other light industrial or research operation meeting the requirements of the performance standards of this Local Law
- b. Automotive service
- c. Essential Service
- d. Farm, farm use or customary farm occupation
- e. Utility Structure

PERMITTED ACCESSORY USES:

- a. Accessory use customarily incidental to the permitted use
- b. Foster Care (In an existing dwelling)
- c. Sign relating to permitted use of the property

SPECIAL USES – Subject to a Public Hearing and approval of the Planning Board

- a. Adult uses
- b. Amusement center
- c. Commercial Uses
- d. Energy Generating Installations
- e. Kennel
- f. Large Scale industrial park developments
- g. Planned Unit Development
- h. Recycling facility
- i. Short Term rental
- j. Sign not related to permitted use
- k. Use of a Public Nature

SCHEDULE II
ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK

M-1 INDUSTRIAL

Minimum Lot Area	44000 Sq. Ft.
Minimum Lot Area Per Dwelling Unit	N/A
Minimum Lot Width	150 Sq. Ft.
Minimum Lot Depth	150 Sq. Ft.
Minimum Front Yard See 3 below	75 Ft.
Minimum Side Yard See 1+2 below	20 Ft.
Minimum Rear Yard	25 Ft.
Maximum Height	35 Ft./ 2.5 Stories
Maximum Lot Coverage, Buildings	50%
Maximum Total Lot Coverage	60%

1. Where abutting residential zone, planted or fence buffer area at least six (6) feet high shall be provided.
2. Fifty (50) feet from any Residential District.
3. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
4. Total Lot Coverage includes buildings and other impervious surfaces.

**SCHEDULE I
ZONING SCHEDULE OF USE CONTROLS
TOWN OF STARKEY, NEW YORK**

DISTRICT: L-C 1= LAND CONSERVATION DISTRICT

PURPOSES:

- a. To delineate those areas where substantial development of the land in the forms of buildings or structures is prohibited due to:
 - a. Special or unusual conditions of topography, drainage, flood plain or other natural conditions, whereby considerable damage to buildings or structures and possible loss of life may occur due to the process of nature.
 - b. Necessity to preserve soil and to maintain water quality.

PERMITTED PRINCIPAL USES:

- a. Farm: Agricultural uses that do not require routine tillage or other soil disturbance, and that do not present a significant risk of pollution due to manure or other runoff; including but not limited to: tree farms, hayfields, permanent pasture with livestock fenced away from water sources.
- b. Farm: other agricultural operation not listed as principal use that do not require routine tillage or other soil disturbance, and that do not present a significant risk of pollution due to manure or other runoff; including but not limited to: tree farms, hayfields, permanent pasture with livestock fenced away from water sources.

PERMITTED ACCESSORY USES:

- a. Only permitted with special use permit, see Special Uses.

SPECIAL USES – Subject to a Public Hearing and approval of the Planning Board

- a. Accessory use customarily incidental to a principal use which is either a permitted principal use or has a special use permit and is either within the LC1 zone, or immediately adjacent to it and under the same ownership
- b. Any structure
- c. Campground
- d. Dwelling: Single family detached
- e. Energy Generating Installation
- f. Individual Manufactured Home
- g. Recreational uses such as a park, athletic field, hiking trails
- h. Short Term Rental
- i. Use of a Public Nature

SCHEDULE II
ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK

L-C 1 LAND CONSERVATION

Minimum Lot Area	88000 Sq. Ft.
Minimum Lot Area Per Dwelling Unit	88000 Sq. Ft.
Minimum Lot Width	250 Ft.
Minimum Lot Depth	250 Ft.
Minimum Front Yard (See 1 below)	50 Ft.
Minimum Side Yard	25 Ft.
Minimum Rear Yard	50 Ft.
Maximum Height	35 Ft./2.5 Stories
Maximum Lot Coverage, Building	5%
Maximum Total Lot Coverage	10%

1. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
2. Land conservation zone – Lines are 200 Ft from the edge of the gully.
3. Total Lot Coverage includes both buildings and impervious surfaces.

SCHEDULE 1
ZONING SCHEDULE OF USE CONTROLS
TOWN OF STARKEY, NEW YORK

DISTRICT: L-C 2 = LAND CONSERVATION DISTRICT

PURPOSES:

- a. To protect water quality and to protect the public health and safety, by preventing inappropriate development on land that is known to be contaminated with hazardous materials, or that is known to have previously been in uses that indicate a significant likelihood that the lot may have been so contaminated: for instance, old dump sites.

PERMITTED PRINCIPAL USES:

- a. Special use permit only
- b. Must satisfy setback requirements for an adjacent use

PERMITTED ACCESSORY USES:

- a. By special use permit only

SPECIAL USES – Subject to a Public Hearing and approval of the Planning Board

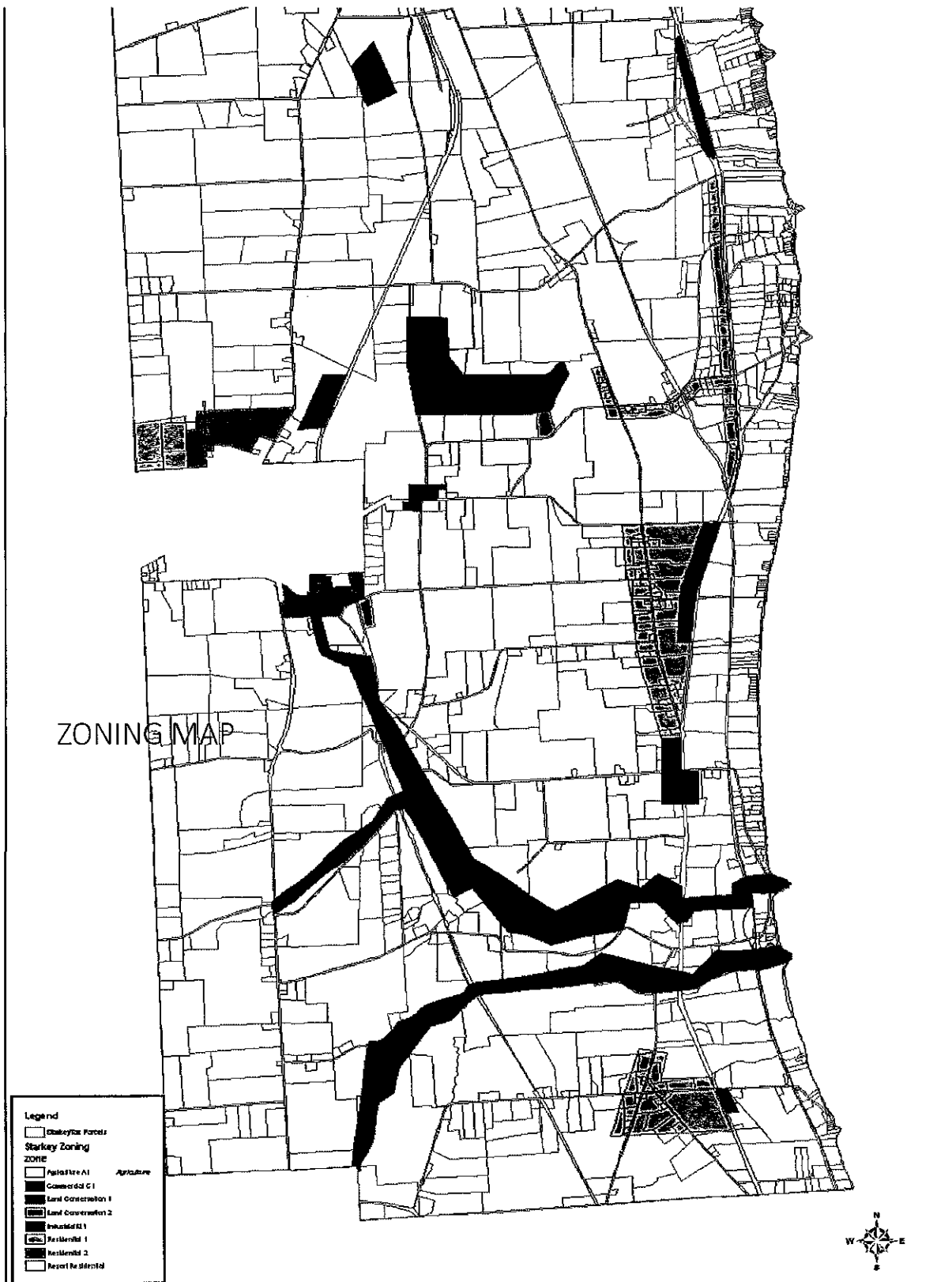
- a. Accessory use customarily incidental to a principal use which is either a permitted principal use or has a special use permit and is either within the LC1 zone, or immediately adjacent to it and under the same ownership
- b. Amusement Center
- c. Automotive Services
- d. Commercial Uses
- e. Enclosed Storage Uses
- f. Energy Generating Installations
- g. Industrial use: Light Industry
- h. Junkyards and other outdoor storage areas
- i. Transfer stations
- j. Use of a Public Nature

SCHEDULE II
ZONING SCHEDULE OF BULK AND COVERAGE CONTROLS
TOWN OF STARKEY, NEW YORK

L-C 2 LAND CONSERVATION

Minimum Lot Area	88000 Sq. Ft.
Minimum Lot Area Per Dwelling Unit	88000 Sq. Ft.
Minimum Lot Width	250 Ft.
Minimum Lot Depth	250 Ft.
Minimum Front Yard (See 1 below)	50 Ft.
Minimum Side Yard	25 Ft.
Minimum Rear Yard	50 Ft.
Maximum Height	35 Ft./2.5 Stories
Maximum Lot Coverage, Building	5%
Maximum Total Lot Coverage	10%

1. The front lot line shall separate the lot from the street. The front lot shall be established at one-half (1/2) of the road legal right of way but not less than twenty-five (25) feet from the centerline of the road.
2. Total Lot Coverage includes both buildings and other impervious surfaces.



Town of Starkey Zoning Map
Created 9-29-2010 Revised 2-16-11
Adopted _____

0 0.4 0.8 1.6
Miles

(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. 1 of 2022 of the **Town of Starkey** was duly passed by the Starkey Town Board on January 13th, 2022, 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 Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ 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 (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ 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.

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

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

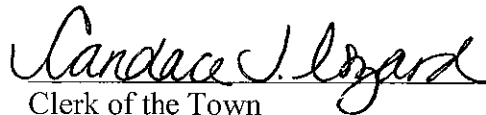
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.


Clerk of the Town

(Seal)

Date: 1/18/2022

