



Town of Torrey Zoning Law

**Adopted by Torrey Town Board
March 8, 2011**

Town Code Chapter 98 "Zoning" revised from the original 1977



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Article I. General Provisions

§ 98.01 Short Title

This Chapter shall be known as the “Town of Torrey Zoning Law.” The intent of this Chapter is to establish comprehensive controls for the development of land in the Town of Torrey, and it is enacted in order to promote and protect the health, safety, and general welfare of the residents of and visitors to the town.

§ 98.02 Purpose

In accord with the Comprehensive Plan for the Town of Torrey dated August 12, 2008, the purposes of this Chapter are as follows:

- **Promote Orderly Development.** To protect the character and maintain the stability of residential, recreational, agricultural and commercial areas within the Town and to promote the orderly and beneficial development of such areas.
- **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 general public health, welfare and safety.
- **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.
- **Establish Standards of Development.** To fix standards to which structures shall conform.
 - **Prohibit Incompatible Uses.** To prohibit uses or structures which are incompatible with the character of development or the permitted uses within specified zoning districts and to protect the integrity of the residential areas by prohibiting the incursion of incompatible nonresidential uses.
 - **Regulate Alterations of Existing Structures.** To prevent such additions to, and alterations or remodeling of, existing structures that would not comply with the restrictions and limitations imposed by this Chapter.
 - **Limit Congestion on the Streets and Highways.** To limit congestion on the public streets and to protect the public health, safety, convenience, and general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of vehicles.

Conserve Values of Buildings and Land. To conserve and enhance the value of land and buildings throughout the Town of Torrey.

§ 98.03 Applicability

This Chapter shall be applicable to all land within the boundaries of the Town of Torrey exclusive of the Village of Dresden. This Chapter represents the Town of Torrey Zoning Law and supersedes all previous zoning regulations.

§ 98.04 Interpretation

A. If any section, paragraph, subdivision or provision of this Law shall be invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision judged invalid, and the rest of this Law shall remain valid and effective.

B. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Law are at variance with the requirements of other lawfully adopted rules, regulations or laws, the law with the most restrictive provision or the law imposing the higher standards shall govern.

C. Any use not specifically listed in this Chapter is prohibited.

§ 98.05 Permits Required

A. Building Permits. No building or structure shall be constructed, erected or structurally altered nor shall the regulated use of any building, structure or land be changed nor shall any steep slope be disturbed until a permit for the construction activity or change of use has been issued by the Zoning Officer (See Local Law Number 4 of 2009, Regulations for Steep Slopes).

The Zoning Officer shall not issue a permit for any construction activity or change of use unless all provisions of this Chapter have been met, except upon written order of the Zoning Board of Appeals.

B. Persons Affected. No property owner, contractor, workman or other person shall perform any construction activity nor change the use of any building, structure or land regulated by this Chapter until a permit for such activity or use has been obtained.

C. Other permits. Permits are also required for use of temporary housing, short-term rentals and all activities listed as Special Uses.

§ 98.06 Effective Date

The Town of Torrey Zoning Law shall take effect on filing with the State.

§ 98.07 Reserved for Future Use

§ 98.08 Reserved for Future Use

Article II. Definitions

§ 98.09 Word Usage and Interpretation

The following rules of construction of language shall apply to the text of this Law:

- Words used in the present tense include the future tense.
- Words used in the singular include the plural, and words used in the plural include the singular.
- Words used in the masculine form include the feminine.
 - The word “person” means any corporation, firm, partnership, association, trust, estate, one or more individuals, or any unit of state or local government or agency or subdivision thereof.
- The word “shall” is always mandatory; the word “may” is always permissive.
 - The words “used” or “occupied” as applied to any land or structure shall be construed to include the words “intended”, “arranged” or “designed” to be used or occupied.
- A “building” or “structure” includes any of its parts.
 - The phrases, “to erect,” “to construct,” and “to build,” each have the same meaning which includes to excavate for a building and to relocate a building by moving it from one location to another.
- Unless specified otherwise all reference to “days” shall mean calendar days.
- A week shall be considered to be from Sunday through the following Saturday.

§ 98.10 Definitions

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

AGRICULTURE – The production or raising of agricultural products such as, but not limited to, crops, plants, vines, trees, livestock or poultry, and accessory uses customarily incidental to such activity. (See also Farm).

ALTERATION – As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on any side or by increasing in height, or the moving from one location or position to another.

ALTERNATE ENERGY SOURCE – A source which generates energy from other than fossil fuel.

AUTOMOTIVE REPAIR FACILITY – A building or premises used for the repair of motor vehicles, including painting, and the sale of automotive parts and accessories. A salvage yard is not to be construed as an automotive repair facility.

AUTOMOBILE SALES AND SERVICE AREA – A premise, including open areas other than a street or way and enclosed showrooms, for the display and sale of new or used automobiles, trucks, trailers, motorcycles and recreational vehicles, and where mechanical repairs may be conducted as an accessory use incidental to the primary sales use.

AUTOMOBILE SERVICE STATION – A building or place of business where gasoline, oil, greases, batteries, tires, and automobile accessories are supplied and dispensed, at retail, and where repair, washing and similar services may be provided.

BED AND BREAKFAST – A dwelling or part of a dwelling where not more than four (4) bedrooms are offered by the owner for a fee to guests for overnight lodging.

BEDROOM – A room in a dwelling unit specifically furnished for sleeping. The room must have at least one operable window and must be separated from other rooms by a door.

BOARDINGHOUSE or LODGING HOUSE – A building where persons are supplied with and charged for meals and/or sleeping accommodations for fixed periods of time.

BUILDING – A structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING –

- **ACCESSORY** – A building subordinate to the principal building on the same lot and used for purposes that are clearly related but incidental to those of the principal 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 chimneys, spires, towers, tanks, and similar projections.
- **PRINCIPAL** – A structure in which the principal use of the site is conducted .

BULK – A term to describe the size, volume, area and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building, and all open spaces required in connection with a building, other structures, or tract of land.

CAMP –Any parcel of land, including buildings and other structures, established for a group of people, children and/or adults, with a common or similar purpose and provides temporary or seasonal lodgings or camping unit sites and offers an educational, spiritual, and/or recreational program or opportunity for its participants. Examples are camps associated with religious organizations, Boy or Girl Scout Camp, fishing or hunting camps, and sports training camps.

CAMPGROUND –Any parcel or tract of land, including buildings and other structures, where one or more sites are available for the placement of camping units for temporary or seasonal occupancy. In addition to sanitary and camping facilities, campgrounds usually provide some recreational facilities but not necessarily an organized program of activities.

CAMPING UNIT – A camping unit includes travel trailers, recreational vehicles, motor homes, tents, boats, seasonal dwellings, rental rooms or suites or any other device or structure used as a temporary dwelling.

CAMPSITE – A generally open area providing space for tents and recreation vehicles.

CHURCH OR PLACE OF WORSHIP – A building or premises used for regular worship by members or representatives of a religious organization as defined by New York State statute.

CLUB – Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business, containing no merchandising or commercial activities except as required for the membership and purposes of such club.

COMMERCIAL SOLAR COLLECTION SYSTEM - A commercial solar collection system is a solar collection system whose principle purpose is to convert solar energy into electrical energy and to transfer it to the public electric grid in order to receive credit or payment. Any solar collection system greater than 2,000 square feet will be considered a commercial system. **[LL 5-14]**

CONTIGUOUS – A tract of land under the control of one person or firm or its agent that is not divided by any natural or man-made barrier such as existing roads and highways and not divided by water bodies.

CONVENIENCE/MINI-MARKETS – A commercial retail use which combines the sale of beverages, dairy and baked goods, snack food, similar grocery items, and related items

COTTAGE INDUSTRY - : A cottage Industry is an industry in which the creation and sale of products and services is home-based rather than factory-based. The distinction between a home occupation and a cottage industry is a matter of scale. A home occupation can display no evidence of business activity outside the premises and may not have paid employees (see section 98.119) while a cottage industry may have both (see section 98.131). **[LL 5-14]**

COVERAGE – That percentage of the lot covered by structures and impervious surfaces.

DAY CARE CENTER/NURSERY – Any place, however designated, operated for the purpose of providing daytime care or instruction for children on a regular basis for a fee, including kindergarten, day nursery and daycare center, which must conform to New York State statutes.

DISTRICT – Any one of the areas, as shown on the Zoning Map of the Town of Torrey, into which the Town has been divided for the purposes of this Chapter.

DUMP – Land used primarily for the disposal of waste material of any kind.

DWELLING – Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, except a mobile home or trailer unless it is on a permanent foundation with running gears removed and conforms to the same lot requirements as a frame dwelling.

- **UNIT** – One or more rooms, including cooking and sanitary facilities, in a dwelling structure, designed for occupancy by one family for living and sleeping purposes.
- **SINGLE-UNIT** – A detached building containing one dwelling unit.
- **TWO-UNIT** – A detached building where two individual dwelling units are entirely separated by walls and floors, unpierced except for access to the outside or to a common cellar.
- **MULTIPLE UNIT** – A building or portion thereof containing three or more dwelling units.

- SEASONAL – A dwelling not designed for permanent residence and not occupied year round.

- PRIMARY – A primary dwelling shall mean any structure which is permanently attached to a foundation or to the ground and used for residential purposes and includes any such structure used as a seasonal dwelling.

EASEMENT – A vested or acquired right to use land other than as a tenant for a specified purpose, such right being held by someone other than the owner of the land.

ENCLOSED USE – A use which is located entirely within a structure.

ESSENTIAL SERVICES – Public Utilities.

FAMILY – One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.

FARM – Any parcel of land ten (10) acres or more, farm buildings and structures, equipment, and manure processing and handling facilities which contribute to the production, preparation and marketing of agricultural crops, poultry, livestock and livestock products as a commercial enterprise.

FARM-RELATED BUSINESS – Activities and services carried on for financial gain and directed at meeting the needs of those engaged in farming.

FENCE – A barrier of any material erected or placed to enclose, screen or decorate areas of land or structures. Fences include walls, except retaining walls, and earthen berms.

FENCE, OPEN – A fence shall be considered “open” if every segment of the fence (i.e., a section between posts) is composed of at least 50% open space. All other fences are considered solid fences.

FLOOR AREA – The sum of the gross horizontal area of the several floors of a building and its accessory buildings (excluding those used for off-street parking). Floor area shall not include stairways and any floor space with floor to ceiling height less than seven feet.

GARAGE, PRIVATE – An enclosed space intended for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted.

HIGHWAY – Any state road, county road or town road and, unless the context indicates otherwise, any street laid out on a filed subdivision map, that connects with a state road, county road or town road.

HOME OCCUPATION - An occupation or business activity that results in a product or service for financial gain, is conducted in whole or part within a dwelling unit or an accessory building and is clearly incidental to the residential purposes of the dwelling unit. The distinction between a home occupation and a cottage industry is a matter of scale. A home occupation can display no evidence of business activity outside the premises and may not have paid employees (see section 98.119) while a cottage industry may have both (see section 98.131). **[Amended LL 5-14 9/9/14]**

HOTEL/MOTEL – A facility offering lodging accommodations at a daily rate to the general public. Additional facilities such as a restaurant, meeting room and/or recreational facilities may be provided.

JUNK – See Article IV, §98.23

KENNEL – Any premise, activities or services, including structures, cages and runs, harboring more than four domestic animals that are at least four months old for commercial purposes.

LOCAL MANAGER – The person named on a short-term-rental permit application and on the permit who is responsible for the day-to-day operation of the short-term-rental unit. The local manager may be the property owner or an agent of the property owner and must reside or have a principal place of business in Yates County or within thirty (30) miles of the Torrey Town Hall.

LOT – Land occupied or to be occupied by a building or buildings, together with such open spaces as are required under the provisions of this Chapter, having not less than the minimum area and width required by this Chapter for a lot in the district in which such land is located.

- LOT, CORNER – A parcel of land at the junction of and fronting on two or more intersecting streets.
- LOT DEPTH – The mean horizontal distance between the front and rear lot lines.
- LOT LINE – Any line dividing one lot from another or from any highway.
 - LOT LINE, FRONT – The line separating the lot from a highway. For lake-front property the front lot line is the line separating the lot from the lake.
 - LOT LINE, REAR – The lot line opposite and most distant from the front lot line.
 - LOT LINE, SIDE – Any lot line other than a front or rear lot line.
- LOT WIDTH – The distance between the two side lot lines measured at the required front setback line or at the proposed building line.

LOT, NONCONFORMING – Any lot which does not conform to the minimum width, depth and area dimensions specified for the district in which the 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.

LOWER ROAD – A public or private road which has a center line less than one-hundred-fifty (150) feet from the mean high water line on Seneca Lake.

MANUFACTURED HOME – A housing unit which is manufactured in a factory, constructed on a non-removable steel chassis and transported to the site on removable wheels. Manufactured homes conform to the Manufactured Home Construction and Safety Standards (HUD code) and not the local building code at the destination.

MANURE STORAGE FACILITY – Any farm related on-ground, above-ground or in-ground structure intended for the storage and containment of animal waste that is not regulated by the NYS Department of Environmental Conservation, NYS Department of Agriculture and Markets, or the USDA as a Confined Animal Feeding Operation (CAFO).

MEAN HIGH WATER LINE – The mean high water line of Seneca Lake is the contour adjoining the bed of Seneca Lake which has an elevation of 447.3 feet as referenced to the Barge Canal Survey Datum, New York Engineer's Survey of 1901.

MINING OPERATION – Any activity which involves breaking of the earth's surface to extract and remove raw natural materials for sale or off-premise use.

NONCONFORMING – A use, structure or lot that does not conform to or comply with the requirements of the Zoning Law.

OCCUPANCY – Occupancy shall mean the use of a dwelling unit for any residential purpose.

OPEN SPACE – An area not occupied by any structure, parking area, driveway, or any impervious surface.

PARKING SPACE – An off-street space available for the parking of one motor vehicle and having an area of not less than ten (10) feet by twenty (20) feet exclusive of adjacent passage ways and driveways and having direct access to a highway or alley.

PLANNED UNIT DEVELOPMENT – A site upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the municipal comprehensive plan.

PLANNING BOARD – The Planning Board of the Town of Torrey.

PRIVATE ROAD – Any road that is not constructed, owned, or maintained by a governmental agency.

RECLAMATION – The process of restoring mined land to make it suitable for any uses or purposes consistent with the provisions of the New York State Mined Land Reclamation Law or those specified in a Special Use Permit.

RECLAMATION PLAN – The description of the activity needed to reclaim mined land for other suitable purposes, including maps, plans, and the schedule of reclamation.

RECREATION, COMMERCIAL – A recreation facility either indoors or outdoors operated as a business (either for profit or not for profit) and open to the public for a fee. Examples include summer youth camps, campground, golf course, bowling alley, tennis club or similar business.

RECREATION, NONCOMMERCIAL – A recreational facility that is intended for the private use and enjoyment of the occupants of the property and is an accessory to the principal structure. Examples include swimming pools and tennis courts on private property.

RECREATIONAL VEHICLE – Any vehicle designed to be transported on its own wheels and intended to be used as temporary living quarters for travel, recreational or vacation purposes. The term recreational vehicle includes the terms truck-camper, tent-camper, travel trailer, and motorized home.

RESORT – A building or group of buildings in which there are twenty five (25) or more rental sleeping rooms and which may also include dining rooms, kitchens, ballrooms and other facilities and services intended primarily for the accommodation of its patrons. Recreational facilities, such as marinas, golf courses and other similar facilities may also be included.

ROADSIDE STAND, TEMPORARY – A temporary stall, booth, platform, trailer or other structure used for commercial purposes where farm or other products are offered for sale on a seasonal basis.

SALVAGE YARD, GENERAL – Any land or building used in part or whole for the collection, storage, reclamation, or sale of discarded materials such as wastepaper, rags, scrap metal, construction debris, and machine parts.

SALVAGE YARD, MOTOR VEHICLE – A place of open storage or deposit where two or more unregistered motor vehicles are held for reclaiming some or all of the vehicle parts for disposal or sale. The term shall include any place of open storage or deposit of used parts or waste materials from motor vehicles equal in bulk to two or more motor vehicles.

SEWAGE – The combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from other fixtures, equipment or machines.

SHORT-TERM-RENTAL UNIT – A dwelling which is rented or leased to individuals or families for overnight accommodations for a period of less than thirty (30) days. Motels, hotels and bed and breakfasts are not classified as short-term-rental units.

SIGN – A board, poster or placard displayed to advertise, impart information or to give directions. Any structure which shall display or include any letter, word model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement. The word “sign” does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable drive, movement, or event. The restrictions on signs do not apply to signs located completely within an enclosed building except for signs visible from outside the building.

- **Abandoned Sign** – Any on-premise sign located on property that becomes vacant and unoccupied for a period of ninety (90) days or more, or any off-premise sign which pertains to a place, business, service or product which no longer exists.
- **Nonconforming Sign** – A sign that does not conform to the regulations for signs established by this law.
- **Off-premise Sign** – A sign that advertises a business, place, service or product located or offered elsewhere than on the premises where the sign is located
- **Off-premise Directional Sign** – An off-premise sign placed along any road which provides information to the public about the location of places, businesses, services or products.
- **On-premise Sign** – A sign which is located on the property of the activity advertised.
- **Permanent Sign** – A sign that does or is intended to remain in place for six (6) months or longer.
- **Temporary Sign** – A sign intended to remain in place for a short period of time but not longer than six (6) months.

SIGN FACE – A sign face is the side of the sign on which information is presented. Sign has one sign face is only one side presents information and two sign faces if both present information. [**LL 01-14**]

SOLAR COLLECTION SYSTEM - A solar collection system is a series of photovoltaic modules electrically connected and mounted on a supporting structure. For the purpose of this law, the term solar collection system does not include other technologies for the collection of solar energy. [**LL 5-14**]

STEEP SLOPE – Ground areas with a slope of fifteen percent (15%) (1.8 inch vertical rise to 12 inch horizontal run) or greater.

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

TEMPORARY HOUSING UNIT – A temporary housing unit shall mean any motorized recreational vehicle, travel trailer, tent trailer, converted bus, converted truck trailer, tents, watercraft or a similar transportable unit or structure which is used as a temporary dwelling.

TRANSPORTABLE UNIT – Transportable unit shall mean any of the following:

- Vehicles designed or intended for use on a public highway;
- Roll-off or drop-off containers;
- Watercraft;
- Collapsible structures;
- Tents or canopies.

TOWN BOARD – The governing body of the Town of Torrey.

TOWN OFFICIAL – Any person elected or appointed to a position in the Town of Torrey.

USE –

- **ACCESSORY** – A use subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.
- **PRINCIPAL** – The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.
- **SPECIAL** – A use that because of its unique characteristics requires individual consideration by the Zoning Board of Appeals before it may be permitted in any district enumerated in this Chapter.

VARIANCE –

- **USE VARIANCE** – Authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.
- **AREA VARIANCE** – An authorization by the Zoning Board of Appeals for the use of land in a manner that is not allowed by the dimensional and physical requirements of the applicable zoning regulations.

WAREHOUSE –

- **COMMERCIAL** – A building or part of a building or premises for storage of goods, wares, and merchandise, whether for the owner or for others, prior to shipment to final retail sale.
- **MINI STORAGE UNIT** – A facility containing multiple storage units intended for rent to the general public.

YARD – Any open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as permitted by this Chapter.

- **YARD, FRONT** – An open unoccupied space on the same lot as the principal building between the front line of the building and the front lot line and extending the full width of the lot. (See definition of Lot Line, Front).
- **YARD, REAR** – An open unoccupied space on the same lot as the principal building between the rear line of the building and the rear lot line and extending the full width of the lot.
- **YARD, SIDE** – An open unoccupied space extending from the front yard to the rear yard between the side line of the building and the nearest side lot line.
- **YARD, REQUIRED** – That portion of the open space of a lot which lies between the principal building or group of buildings and the nearest lot line of the lot, with a depth or width as specified by the bulk regulation of the district in which the lot is located.

ZONING BOARD of APPEALS – The Town of Torrey Zoning Board of Appeals.

ZONING OFFICER – The administrative officer charged with the duty of enforcing the provisions of this Chapter.

Article III. Zoning Districts

§ 98.11 Districts

For the purposes of promoting the public health, safety, and general welfare of the Town of Torrey, the Town is hereby divided into the following districts:

| Abbreviation | District Title |
|---------------|---------------------------|
| Ag | Agricultural |
| Ag/Res | Agricultural/Residential |
| Rec | Recreation |
| C | Commercial |
| CC | Community Center |
| I | Industrial |
| LI | Light Industrial |
| LC-O | Land Conservation Overlay |

§ 98.12 Zoning Map Certification

Districts are bounded as shown on the map entitled “Zoning Map of the Town of Torrey, Yates County, New York,” December 8, 2010 and certified by the Town Clerk, which map with its explanatory matter is a part of this Chapter.

§ 98.13 District Boundaries

- A. Designation of district boundaries. The district boundary lines are intended to follow the center lines of highways, existing lot lines, the center line of streams and other waterways, or Town boundary lines, all as shown on the Zoning Map.
- B. Determination of locations of boundaries. In case of uncertainty as to the location of a district boundary line, the Zoning Officer shall request the Zoning Board of Appeals to render its determination.
- C. District boundary following water body. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Town of Torrey.

§ 98.14 Reserved for Future Use

Article IV. General Zoning Regulations

§ 98.15 Purpose

The purpose of this Article is to establish general standards designed to regulate performance and operation of land use activities and minimize negative impacts of such activities.

§ 98.16 Schedules of Regulations

The restrictions and controls intended to regulate development in each district are set forth in the following Articles and Appendices.

§ 98.17 Application of Regulations

Except as otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located. This Chapter shall not prohibit routine maintenance of any structure or modification of internal portions or rooms, provided use of the building or structure is not changed.
- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated for the district in which such building is located.
- C. No building shall be erected, no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area, and building location regulations designated for the district in which such building or open space is located.
- D. No yard or other open space provided around any building for the purpose of complying with the provisions of this Chapter 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.
- E. No more than one dwelling unit per lot is allowed.
- F. All water supply and sewage disposal installations shall conform with New York State Department of Health regulations. No plot plan shall be approved by the Zoning Officer in any zone unless such conformity is certified on the plan.
- G. Any alteration to the natural drainage must not adversely affect adjacent properties.

§ 98.18 General Lot Regulations

A. Lot Width. The minimum lot width will be measured along the minimum building setback line as required for the district in which the lot is located or if the principal building is to be set back further than the minimum, along the proposed building line.

B. Corner Lots. At all street intersections no obstruction to vision (other than existing building, post, column, or tree) higher than thirty (30) inches above the established grade of the street at the property line shall be erected within the triangle formed by the two (2) lot lines that intersect at the corner and the hypotenuse drawn through the point on each lot line thirty (30) feet distant from the lot lines' intersection.

C. Lot Area. The area or dimension of any lot, yard, or parking area shall not be reduced to less than the minimum required by this Chapter. If already less than the minimum required by this Chapter, said area or dimension may be continued but may not be further reduced.

D. Setbacks. Setbacks are measures from the lot line to the closest point of the structure including projections such as decks, porches and eaves.

E. Nonconforming Lots and Uses

See Article XX Nonconforming Lots, Structures, and Uses

§ 98.19 Yard Regulations

A. Every part of a required yard must be open to the sky unobstructed except for accessory buildings in a rear or side yard.

B. Side yard of corner lot. For new construction, the side yard of any corner lot of record at the time of the adoption of this Chapter 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 Chapter shall have a side yard equal in width to the minimum front yard setback of the adjoining lot fronting on the side street.

§ 98.20 Maximum Coverage

Land coverage by principal and accessory buildings or structures on each district lot shall not be greater than is permitted in the district where such principal and accessory buildings are located (see Tables of Bulk Regulations for each district).

§ 98.21 Accessory Structures- [Amended 14 by LL 01-14]

A. In all districts unattached accessory structures on building lots shall comply with the following requirements:

1. No accessory structure shall be higher than fourteen (14) feet;
2. An accessory structure shall conform to the front setback required for a principal building. For lots located on the lakefront (front yards towards the lake), an accessory structure shall be five (5) feet or more from the mean high water line.

3. No accessory structure shall be located less than fifteen (15) feet from the side lot line in a side yard and five (5) feet from the side lot line in the rear yard or less than five(5) feet from the rear lot line. For lots along the lakefront (rear yard towards the road), no accessory structure shall be located less than ten (10) feet from the surface of the road *or five (5) feet from the right a way, whichever is greater.* [Added by LL 01-14]

4. The combined areas of all accessory structures shall not occupy more that 30% of the yard in which they are located.

5. For corner lots, the setback from the side street shall be the same for the accessory structures as for principal building.

B. In all districts accessory structures attached to the principal building, shall comply in all respects to the yard requirements applicable to the principal building.

§ 98.22 Height Exceptions

The stated maximum height shall not apply to any of the following structures when lawfully existing or allowed in the district:

- A. Barns, equipment storage buildings, and other structures related to farm use;
- B. Chimneys, spires, belfries, cupolas, domes and silos;
- C. Flagpoles, radio or television antennas – located on a building and extending not more than twenty (20) feet above the roof of such building;
- D. Elevator and stair bulkheads – provided that such structures do not occupy more than ten (10) percent of the roof area;
- E. Solar energy systems not more than five (5) feet above the roof of such building;
- F. Wind Energy Conversion Systems to a height of one hundred (100) feet;
- G. Water towers and tanks;
- H. Observation towers;
- I. Clock towers;
- J. Church towers.

§ 98.23 Junk Storage

A. Purpose. The purpose of this section is to:

- Promote a clean, wholesome, and attractive environment;
- Protect the community from potential hazards to property and persons;
- Protect water resources;
- Preserve the aesthetic qualities of the town;
 - Prevent the depreciation of property on which the junk is located and the property of others in the neighborhood.

B. Definitions. For the purpose of this regulation the following words and phrases shall have the meaning ascribed to them as stated.

- 1. Junk. Any material as defined below that is stored outdoors shall be considered junk.
 - a. Junk Vehicles. Any vehicle, including parts of vehicles, designed for use on the public highway that meets any of the following conditions for a period of six (6) months.
 - The vehicle does not have a current state registration.
 - The vehicle does not have a current New York State inspection sticker.

- The vehicle is inoperable, abandoned, wrecked, discarded, dismantled or partly dismantled.

Antique, classic or historical vehicles which have been restored or are in the process of active restoration are not junk vehicles. Such vehicles must be at least twenty-five (25) years old.

- b. Uninhabitable mobile homes.
- c. Household items or appliances including but not limited to washing machines, clothes dryers, dishwashers, stoves, refrigerators, freezers, televisions, cabinets, bed frames, mattresses, chest of drawers, sofas, tables and chairs, excluding outdoor furniture.
- d. Junk Watercraft. Any boat or other craft designed for use as transportation on water that meets any of the following conditions:
 - The watercraft does not have a current state registration, if required.
 - The craft is inoperable, abandoned, wrecked, discarded, dismantled or partly dismantled.
 - The craft has not been used on any waterway for a period of twenty-four (24) months or more.

Antique, classic or historical watercraft which have been restored or are in the process of active restoration are not junk watercraft. Such watercraft must be at least twenty-five (25) years old.

- e. Farm or agricultural equipment not used for active agricultural operations or in an amount and type inconsistent with the needs and scope of the farm operations.
- f. The deposit or storage of any used material that taken together equals 100 cubic feet or more in bulk volume.
- g. Garbage and household waste including all packaging material.
- h. Inoperable, abandoned, discarded, dismantled or partly dismantled vehicles not primarily intended for use on public highways such as all-terrain vehicles, snowmobiles, lawn tractors, lawn equipment, construction equipment, bicycles, wagons, trailers or similar items.
- i. Litter and refuse. Ordinary household or commercial trash including but not limited to paper, paper products, cartons, barrels, boxes, cans, glass, bottles, metals, plastics, clothing, rags, crates, blankets, tires, used building materials, and other personal property no longer in condition for ordinary and customary use.

C. Storage of Junk. Junk, as defined in this Article, shall not be located so as to be visible from any public road or from any neighboring property. A temporary covering placed over the material does not affect visibility.

D. Exemptions. These regulations do not apply to:

1. Compost piles;
2. Storage of building materials on property where there is an ongoing construction project and for which a building permit has been issued;
3. Yard sales but not to exceed a period of three (3) days prior to the sale days and three (3) days after the sale days. The maximum number of yard sale days for one event shall not exceed three (3) days. No more than two (2) sales events may be held annually on any property.
4. Items displayed for sale, such as land and water vehicles, household goods, farm and other equipment, or wood and other material. No more than three (3) items may be displayed simultaneously, except during a yard sale. Items may be displayed for a maximum of sixty (60) days and may not be displayed again for six (6) months.
5. An unregistered boat trailer which is used to transport a boat owned by the owner of the trailer or a family member.

E. Applicability. The provisions of this regulation shall also be applicable to conditions existing at the time of enactment of this Chapter.

§ 98.24 General Landscaping Regulations

- A. Obstructions. Landscaping must be off the right-of-way and must not interfere with pedestrian and vehicular traffic.
- B. Unenclosed use. Any unenclosed use as may be required by this Chapter to be landscaped shall be fenced, screened, or landscaped sufficiently to obscure such use from view from abutting properties or from public highways.
- C. Maintenance. Any fencing or landscaping shall be maintained in good order. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this Chapter.

§ 98.25 Performance Standards

All uses shall conform to performance standards and shall be constructed, maintained and operated so as not to be injurious or offensive to occupants of adjacent properties, residents of the Town of Torrey or passersby. The following standards or conditions shall apply in all zoning districts unless otherwise indicated.

A. Outdoor Storage. The following conditions apply to the outdoor storage of waste or refuse material:

1. Outdoor storage of industrial or commercial waste products excluding nutrient management materials related to farm operations is prohibited;
2. Collection areas and containers for outdoor storage of refuse must be large enough to contain all refuse or garbage generated on site. All refuse or garbage must be stored in properly designed and maintained fully enclosed, impermeable, lidded collection areas or containers;
3. No property shall be used to accept, store or transfer any refuse, garbage, rubbish, debris or other waste materials generated off premises.

B. Storage Tanks.

1. Tanks up to eleven-hundred (1,100) gallons are permitted for the storage of propane or fuel oil used for residential heating purposes. One such tank is allowed for each residential property. The tank does not need to be screened from public view. Tanks should not be placed in front yards unless no feasible alternative exists. Storage tanks larger than eleven-hundred (1,100) gallons must comply with NYS Department of Conservation regulations.
2. Storage tanks for gasoline, diesel fuel and propane intended for farm operations must comply with NYS DEC regulations.
3. The placement of storage tanks must comply with the setback regulations for accessory buildings.

C. Noise. No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the following sound limits when measured at the adjoining property line:

- Between 7:00 a.m. and 9:00 p.m., seventy-two (72) dB
- Between 9:00 p.m. and 7:00 a.m., fifty (50) dB

These levels shall not apply to farm operations. These levels also shall not apply to mechanisms or devices used in the home and in the connection with real property maintenance, repair or improvement. Such devices include: lawn mowers, hedge clippers, power saws, leaf blowers, and rototillers so long as such mechanisms or devices are used between the hours of 7:00 a.m. and 9:00 p.m.

D. Vibration. No use or associated activity shall be operated so that ground vibration is perceptible without instruments at any point along the lot lines of such use.

E. Smoke. No use shall emit smoke in such quantity to become a nuisance or a health hazard to neighbors or passersby.

F. Dust, Dirt, Particulate Matter. No use shall emit into the air dust, dirt or other particulate matter in amounts that exceed the maximum standards of the New York State Board of Health or in such quantities to become a nuisance or health hazard.

G. Odor, Toxic Gases, Fumes. No use shall emit into the air objectionable or excessive odors, or noxious, toxic or corrosive fumes of any kind in amounts that exceed the maximum standards of the New York State Board of Health or that become a nuisance or health hazard. Normal odors from farm operations are exempt.

H. Fire and Safety. All uses must conform to the New York State Uniform Code and the National Fire Code standards.

I. Glare and Heat. No use shall emit glare or heat from day-to-day operations that is detectable beyond the lot line.

J. Sewage and Waste. No use shall discharge waste, sewage, or gray water into any stream, river or lake or onto the ground.

K. Radioactivity. No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for the Protection Against Radiation," dated October 1, 2007, or any subsequent revision or amendments.

§ 98.26 Reserved for Future Use

§ 98.27 Reserved for Future Use

§ 98.28 Reserved for Future Use

Article V. Ag – Agricultural Zoning District

§ 98.29 Purpose

The purpose of the Agricultural Zoning District is to:

- Protect and preserve agricultural land within the district;
 - Ensure that any new residential development is in keeping with the Town's rural and agrarian character and protect prime farmland from suburban sprawl;
- Preserve open space and scenic views.

§ 98.30 Permitted Uses and Structures

- A. Single unit dwelling related to farm operations (placed to minimize the impact on farm operations, preferably along an existing road)
- B. Farming
- C. Vineyards and winery (excluding tasting room)
- D. Agriculture business operations to service farms (excluding retail equipment sales)
- E. Playground, park, and associated structures, noncommercial
- F. Essential services
- G. Noncommercial alternative energy sources

§ 98.31 Accessory Uses and Structures

- A. Terraces, patios and decks
- B. Private garage
- C. Workshop or shed
- D. Noncommercial recreation
- E. Barns and storage buildings associated with farm operations

§ 98.32 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Home business or occupation
- C. Manufactured home
- D. Manure storage facility
- E. Off-street loading
- F. Off-street parking
- G. Short-term rental
- H. Signs
- I. Solid-fuel-fired outdoor heating device
- J. Temporary Housing
- K. Temporary roadside stands

§ 98.33 Special Permit Uses

The following uses are permitted subject to the Special Conditions of Article XV where applicable and to the Special Use Permit requirements of Article XVI.

- A. Bed and Breakfast
- B. Campground
- C. Club
- D. Commercial recreation
- E. Convenience or mini market
- F. Kennel
- G. Mining operations
- H. Micro-brewery or distillery including food services
- I. Motel/Hotel
- J. Retail sales associated with home businesses
- K. Retail sales, general
- L. Restaurant or tavern
- M. Winery tasting room and food services
- N. Commercial Solar Collection Systems [LL 4-14]
- O. Woodworking Shop [LL 4-14]
- P. Mini Storage [LL 4-14]

§ 98.34 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | | |
|--------------------|------------------------|------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area | Minimum Lot Area per Dwelling Unit | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| Ag Agricultural | 1 acre | 1 acre | 100 | 150 | 50 | 15 | 30 | 28 | 20% |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21 (Page 14)

§ 98.35 Reserved for Future Use

§ 98.36 Reserved for Future Use

Article VI. Ag/Res – Agricultural/Residential Zoning District

§ 98.37 Purpose

The purpose of the Agricultural/Residential District is to:

- Delineate the area best suited for residential development because of access, location, existing uses and natural features;
- Ensure that any new development or redevelopment is designed to have a positive environmental impact on Seneca Lake and the surrounding area;
- Afford protection to adjoining property from conflicting land uses;
- Preserve the scenic and natural resources associated with Seneca Lake and the existing waterfront uses;
- Preserve open space and maintain the rural character of the town.

§ 98.38 Permitted Uses and Structures

- A. Single unit dwelling
- B. Playground, park, and associated structures, noncommercial
- C. Farming
- D. Vineyards and winery (excluding tasting room)
- E. Agriculture business operations to service farms (excluding retail equipment sales)
- F. Essential Services
- G. Noncommercial alternative energy sources
- H. Mini Storage [LL 4-14]

§ 98.39 Accessory Uses and Structures

- A. Terraces, patios and decks
- B. Private garage
- C. Workshop or shed
- D. Noncommercial recreation
- E. Barns and storage buildings associated with farm operations

§ 98.40 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Home business or occupation
- C. Manufactured home
- D. Manure storage facility
- E. Off-street loading
- F. Off-street parking
- G. Short-term-rental
- H. Signs
- I. Solid-fuel-fired outdoor heating devices
- J. Temporary housing
- K. Temporary roadside stand

§ 98.41 Special Permit Uses

The following uses are permitted subject to the Special Conditions of Article XV where applicable and to the Special Use Permit requirements of Article XVI.

- A. Bed and Breakfast
- B. Campground
- C. Club
- D. Commercial recreation
- E. Convenience or mini market
- F. Kennel
- G. Micro-brewery or distillery including food services
- H. Mining operations
- I. Motel; hotel
- J. Nursing home; hospital, health-related clinic
- K. Restaurant or tavern
- L. Retail sales associated with home businesses
- M. Retail sales, general
- N. Winery tasting room and food services
- O. Commercial Solar Collection Systems [LL 4-14]
- P. Woodworking Shop [LL 4-14]

§ 98.42 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | | |
|----------------------------------|------------------------|------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area | Minimum Lot Area per Dwelling Unit | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| Ag/Res Agricultural /Residential | 1 acre | 1 acre | 100 | 150 | 50 | 15 | 30 | 28 | 20% |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21 (Page 14)

§ 98.43 Reserved for Future Use

§ 98.44 Reserved for Future Use

Article VII. Rec - Recreational Zoning District

§ 98.45 Purpose

The purpose of the Recreational Zoning District is to:

- Encourage and preserve the existing seasonal recreational uses in the district;
 - Ensure that any new development or redevelopment is designed to have a positive environmental impact on Seneca Lake and the surrounding area;
- Afford protection to adjoining properties from conflicting land uses;
 - Preserve the scenic and natural resources associated with Seneca Lake and the existing waterfront uses;
- Preserve open space and maintain the rural character of the town.

§ 98.46 Permitted Uses and Structures

- A. Seasonal dwelling
- B. Farming
- C. Vineyards and wineries (excluding tasting room)
- D. Playground, park, and associated structures, noncommercial
- E. Essential services
- F. Noncommercial alternative energy sources

§ 98.47 Accessory Uses and Structures

- A. Terraces, patios and decks
- B. Private garage
- C. Workshop or shed
- D. Noncommercial recreation

§ 98.48 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Off-street loading
- C. Off-street parking
- D. Short-term rental
- E. Signs
- F. Solid-fuel-fired outdoor heating devices
- G. Temporary Housing

§ 98.49 Special Permit Uses

The following uses are permitted subject to the Special Conditions of Article XV where applicable and to the Special Use Permit requirements of Article XVI.

- A. Campground
- B. Commercial recreation
- C. Mining operations

§ 98.50 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | | |
|---------------------|------------------------|------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area | Minimum Lot Area per Dwelling Unit | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| Rec Recreational | N/A | N/A | N/A | N/A | 50 | 25 | 50 | 28 | 20% |

NOTE: The regulations for accessory structures are provided in Article IV, § 98.21 (Page 14)

§ 98.51 Reserved for Future Use

§ 98.52 Reserved for Future Use

Article VIII. C- Commercial Zoning District

§ 98.53 Purpose

The purpose of the Commercial Zoning District is to identify those areas currently used for commercial purposes that lie outside of the Community Center Zoning District.

§ 98.54 Permitted Uses and Structures

- A. Uses existing at the time of adoption of this Chapter
- B. Essential services
- C. Noncommercial alternative energy sources

§ 98.55 Accessory Uses

Existing Uses Only

§ 98.56 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to the special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Off-street loading
- C. Off-street parking
- D. Signs
- E. Solid-fuel-fired outdoor heating device

§ 98.57 Special Permit Uses

The following uses are permitted subject to the Special Conditions of Article XV where applicable and to the Special Use Permit requirements of Article XVI.

- A. Only existing uses.

§ 98.58 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Yard Dimensions | | | | |
|--------------|----------------------------|------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Dwelling Unit | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| C Commercial | 20,000 | -- | 100 | 150 | 75 | 15 | 25 | 60 | 70% |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21 (Page 14)

§ 98.59 Reserved for Future Use

§ 98.60 Reserved for Future Use

Article IX. CC – Community Center Zoning District

§ 98.61 Purpose

The purpose of the Community Center Zoning District is to:

- Promote diverse commercial and residential development along the transportation corridors of New York State Routes 14 and 54;
- Support a dense mixture of uses such as housing, retail, and complementary uses that serve the adjacent neighborhood, community at large and visitors.

§ 98.62 Permitted Uses and Structures

- A. Dwelling, single unit
- B. Dwelling, two unit
- C. Dwelling, multiple unit
- D. Mixed residential/commercial development
- E. Playground, park, and associated structures, noncommercial
- F. Youth center, library, museum, theater and similar public uses
- G. Farming
- H. Vineyards and winery (excluding tasting room)
- I. Agriculture business operations to service farms (including retail equipment sales)
- J. Professional or business office
- K. Retail sales associated with home business
- L. Retail sales, general
- M. Mini commercial warehouse for self-storage
- N. Convenience or mini market
- O. Club
- P. Essential services
- Q. Noncommercial alternative energy sources

§ 98.63 Accessory Uses and Structures

- A. Terraces, patios and decks
- B. Private garage
- C. Workshop or shed
- D. Noncommercial recreation.
- E. Barns and storage buildings associated with farm operations

§ 98.64 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Home business or occupation
- C. Manufactured home
- D. Manure storage facility
- E. Off-street loading
- F. Off-street parking
- G. Short-term-rentals
- H. Signs
- I. Temporary housing
- J. Temporary roadside stands

§ 98.65 Special Permit Uses

The following uses are permitted subject to the Special Conditions of Article XV where applicable and to the Special Use Permit requirements of Article XVI.

- A. Bed and Breakfast
- B. Motel/Hotel
- C. Winery tasting room and food services
- D. Micro-brewery or distillery including food services
- E. Nursing home, hospital, health-related clinic
- F. Restaurant or tavern
- G. Commercial recreation
- H. Vehicular fuel and service
- I. New and used car sales, garage service and repair including body shop
- J. Warehouse for enclosed storage of goods and materials
- K. Commercial Solar Collection Systems [**LL 4-14**]
- L. Woodworking Shop [**LL 4-14**]

§ 98.66 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | | |
|---------------------|--------------------------------|--|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area (square feet) | Minimum Lot Area per Dwelling Unit (square feet) | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| CC Community Center | 15,000 | N/A | 100 | 150 | 50 | 15 | 25 | 60 | 70% |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21 (Page 14

§ 98.67 Reserved for Future Use

§ 98.68 Reserved for Future Use

Article X. I - Industrial Zoning District

§ 98.69 Purpose

To delineate areas best suited for industrial development because of location, topography, existing facilities and compatibility with other land uses.

§ 98.70 Permitted Uses and Structures

- A. Agriculture business operations to service farms (including retail equipment sales)
- B. Professional or business office
- C. Retail sales, general
- D. Manufacturing or other industrial or research operation
- E. Industrial park development
- F. General processing, light manufacturing, assembly
- G. Warehouses for the enclosed storage of goods and materials, distribution plants and wholesale businesses
- H. Noncommercial alternative energy sources
- I. Essential services
- J. Mini Storage

§ 98.71 Accessory Uses and Structures

Only uses and structures typically associated with Permitted Uses.

§ 98.72 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Off-street loading
- C. Off-street parking
- D. Signs
- E. Solid-fuel-fired outdoor heating device

§ 98.73 Special Permit Uses

The following uses are permitted subject to the Special Conditions of Article XV where applicable and to the Special Use Permit requirements of Article XVI.

- A. Mining operations
- B.. Commercial Solar Collection Systems [LL 4-14]
- C. Woodworking Shop [LL 4-14]

§ 98.74 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | | |
|--------------|------------------------|--|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area | Minimum Lot Area per Dwelling Unit (square feet) | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| I Industrial | 1 Acre | NA | 100 | 150 | 50 | 15 | 25 | 60 | 70% |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21 (Page 14)

§ 98.75 Reserved for Future Use

§ 98.76 Reserved for Future Use

Article XI. LI - Light Industrial District

§ 98.77 Purpose

To delineate an area where light industrial uses are desirable, due to proximity to highways and existing facilities, but heavy industry is not desirable.

§ 98.78 Permitted Uses and Structures

- A. Agriculture business operations to service farms (including retail equipment sales)
- B. Professional or business office
- C. Retail sales, general
- D. Manufacturing, assembly or other industrial or research operation
- E. Industrial park development
- F. General processing, light manufacturing, assembly or research operations
- G. Warehouses for the enclosed storage of goods and materials, distribution plants and wholesale businesses
- H. Mini commercial warehouse for self-storage
- I. Convenience or mini market
- J. Noncommercial alternative energy sources
- K. Essential services
- L. Mini Storage [LL 4-14]

§ 98.79 Accessory Uses and Structures

Only uses and structures typically associated with Permitted Uses.

§ 98.80 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Signs
- C. Off-street parking
- D. Off-street loading

§ 98.81 Special Permit Uses

The following uses are permitted subject to the Special Conditions of Article XV where applicable and to the Special Use Permit requirements of Article XVI.

- A. Motel/Hotel
- B. Winery tasting room and food services
- C. Micro-brewery or distillery including food services
- D. Nursing home, hospital, health-related clinic
- E. Restaurant or tavern
- F. Commercial recreation
- G. Vehicular fuel and service
- H. New and used car sales, garage service and repair including body shop
- I. Commercial Solar Collection Systems [LL 4-14]
- J. Woodworking Shop [LL 4-14]

§ 98.82 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | | |
|---------------------|------------------------|--|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area | Minimum Lot Area per Dwelling Unit (square feet) | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| LI Light Industrial | 1 Acre | -- | 100 | 150 | 50 | 15 | 25 | 35 | 50% |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21 (Page 14)

§ 98.83 Reserved for Future Use

Article XII. LC - Land Conservation Overlay District

§ 98.84 Purpose

The Land Conservation District is established to:

- Protect the unique environmental characteristics of the Keuka Lake Outlet, its major tributaries, and adjacent land in order to minimize any negative impact on the quality of the water flowing into Seneca Lake through the Outlet;
- Preserve the natural beauty of this exceptional recreational area.

§ 98.85 Permitted Uses and Structures

- A. Playground, park, and associated structures, noncommercial
- B. Farming
- C. Vineyards
- D. Essential services

§ 98.86 Accessory Uses and Structures

Only uses and structures typically associated with Permitted Uses.

§ 98.87 Permitted Uses Subject to Special Conditions

The following uses are permitted, subject to special conditions outlined in Article XV of this Chapter:

- A. Fences
- B. Signs
- C. Off-street parking
- D. Off-street loading

§ 98.88 Special Permit Uses

None.

§ 98.89 Lot, Area and Setback Requirements

Zoning Schedule and Bulk Coverage Controls

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | | |
|----------------------|----------------------------|--|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Dwelling Unit (square feet) | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | Maximum Building Height (feet) | Maximum Lot Coverage |
| LC Land Conservation | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21 (Page 14)

§ 98.90 Additional Regulations

- A. All development activity within the Land Conservation Overlay Zone shall require site plan approval by the Town of Torrey Planning Board.
- B. No building permit shall be issued for development which would or could impair or depreciate the natural, unique, and irreplaceable beauty and historic significance of the Keuka Lake Outlet, its major tributaries, and adjacent land.
- C. New structures and roads shall not be constructed within fifty (50) feet of the top of the bank setback. This natural buffer strip will serve to provide protection from flooding and erosion as well as to preserve the stream corridor aesthetics.
- D. The harvesting, cutting, removal or thinning of vegetation that would increase the erosion of the bank is prohibited.
- E. The above cutting standard shall not prevent the regular mowing of weeds or grass, the removal of diseased vegetation or of rotten and damaged trees or of vegetation that presents a safety, environmental or health hazard. The planting and promotion of vegetation to inhibit erosion is encouraged. If the creek bank is excavated in any way, a NYS DEC permit is required.

§ 98.91 Reserved for Future Use

Article XIII. Supplementary Regulations

§ 98.92 Purpose

The purpose of this article is to set forth specific regulations and procedures for certain special land uses and activities that could have large impacts on their surroundings, and on the value of adjacent property, and that require review and the application of standards to minimize adverse impacts. The local laws identified below have been adopted by the Town of Torrey to supplement the Zoning Law in achieving the stated purpose and are included as separate Chapters of the Town Code.

§ 98.93 Flood Damage Prevention

Local Law 01-10,
April 28, 2010.

§ 98.94 Procedures for Creating a Planned Unit Development

Local Law 04-08,
December 15, 2008

§ 98.95 Regulations for Steep Slopes

Local Law 04-09,
August 26, 2009

§ 98.96 Subdivision Regulations

Pending

§ 98.97 Adult Entertainment Regulations

Pending

§ 98.98 Solar Energy System Regulations

Local Law 01-18
September 11, 2018

§ 98.99 Reserved for Future Use

Article XIV. Site Plan Review

§ 98.100 Purpose

The purpose of this Article is to:

- Define construction activities that require a site plan review and the requirements and approval procedures for a site plan review;
- Mitigate potentially negative impacts resulting from the development of sensitive areas including farmland, the shore of Seneca Lake and lake escarpment, floodplains, wetlands, the Outlet Trail, and other areas as may be designated;
- Mitigate potentially negative impacts of new development on adjacent land, the surrounding neighborhood and the Town of Torrey;
- Control storm water runoff and flooding;
- Preserve farmland, open space, scenic views, wildlife habitat and the water quality of Seneca Lake.

§ 98.101 Regulation and Authority

A. It shall be unlawful to initiate a regulated activity (see §98.102) until a site plan has been reviewed and approved by the Planning Board pursuant to the requirements of this article and a building permit has been issued.

B. Subject to the procedures, standards and limitations set forth in this article, the Planning Board shall approve, approve with conditions and/or modifications or disapprove site plans following its review pursuant to this article.

§ 98.102 Regulated Activities

The following activities shall require Site Plan Review:

- A. Construction of new buildings, structures or impervious surfaces for nonresidential use;
- B. Expansion of existing nonresidential buildings, structures or impervious surfaces that increase the floor or surface area by twenty (20) percent or more;
- B. A proposed change in the use of an existing residential building to a nonresidential use; D. Construction of new multifamily housing or expansion of existing multifamily housing. E. Campgrounds and other commercial recreational development;

F. All alternative energy sources.

§ 98.103 Exempt Uses

The following uses do not require a Site Plan Review:

- A. Construction of single family dwellings and related accessory buildings that are not part nor anticipated to become part of a larger development of single family dwellings or subdivision.
- B. Construction of buildings and structures that are solely related to farm operations and agricultural purposes.

§ 98.104 Permit Application Requirements

- A. The Planning Board may waive one or more of the requirements or design details ordinarily required under this Section if the Board determines that such requirements are not necessary in the interest of the public health, safety or general welfare or inappropriate in the consideration of a particular site plan.
- B. Applications for a building permit which requires Site Plan Review shall be made on forms available from the Town of Torrey Clerk. Ten (10) copies of the site plan drawn at a scale of not less than one (1) inch equals thirty (30) feet shall be provided by the applicant showing the area to be developed and shall include the following information:
 - 1. A written narrative explaining the nature of the proposal, including phasing, time frames and a description of any anticipated future development proposals;
 - 2. All existing and proposed drainage courses, streams, ponds, lakes, wetlands or other bodies of water on or adjacent to the site;
 - 3. The proposed location and dimensions of all structures and buildings including but not limited to drainage systems, septic/sewage systems, wells, waterlines, driveways, means of access, parking lots, walkways and other impervious surfaces;
 - 4. The location of the proposed area of disturbance and its relation to adjacent properties, together with any buildings, structures, roads, and affected trees within fifty (50) feet of the boundaries of said area. Any State and Federal wetlands within one hundred (100) feet of the boundaries of the affected area shall be shown;
 - 5. Erosion control plan showing the proposed area of disturbance with temporary and permanent erosion control measures. All erosion control practices shall comply with the New York State "Standards and Specifications for Erosion and Sediment Control" or other State or Federal standards which may supersede this document;
 - 6. Storm water management plan including the details of any surface or subsurface management system proposed together with calculated volume and velocity of runoff for sizing of the management system;
 - 7. All property lines including metes and bounds, rights-of-way and easements;
 - 8. The location of any floodplain area as designated by the National Flood Insurance Program within five hundred (500) feet of the site;

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9. The location, identification and height of existing vegetation on the site and a description of the proposed excavation, grading, filling, and final landscaping;
 10. The size, height, and location of all signs, if any, and a description of any exterior lighting;
 11. An Environmental Assessment Form as required by the New York State Environmental Quality Review Act;
 12. An aerial view of the project site and adjacent properties.
- C. The Planning Board may require additional information related to the proposal, including but not limited to:
1. Any additional reports or studies deemed necessary to evaluate the application, including but not limited to, geologic or hydrologic evaluations, land use capacity studies, and historic and cultural resources studies completed to standards set forth by the State Historic Preservation Office;
 2. A map showing existing roads adjacent to the project site and including any Town Zoning District boundaries or Overlay District boundaries (as shown on the Town of Torrey Official Zoning Map) located within five hundred (500) feet of the site perimeter;
 3. A separate elevation plan for all exterior facades of the proposed structure and/or existing facades, plus additions showing design features and indicating the type and color of materials to be used;
 4. Identification of any federal, state or county permits required for the project.
- E. The application shall be accompanied by a fee as stated in the Town of Torrey Fees and Fines Schedule.
- F. The application shall not be complete until it is accepted by motion and majority vote of the Planning Board.

§ 98.105 Review Criteria

A. In reviewing a site plan as part of the application for a building permit, the Planning Board shall determine that the following conditions have been met:

1. The proposed use complies with this Chapter and any other applicable Town laws;
2. The proposed use will not adversely impact adjacent properties, existing infrastructure or environmentally sensitive features on or near the site such as steep slopes, Seneca Lake or other bodies of water, water courses, the Outlet Trail, mature woodlands, or wetlands;
3. The proposed use will not adversely impact adjacent properties with regard to excessive or unreasonable disturbance such as noise, light, glare, vibration, shadow, vapors, smoke, fumes, dust, particulate emissions or odors.

B. The Planning Board shall also consider the following:

1. The location, size, design, the arrangement of structures and the compatibility of the proposed structure(s) on the site and with the neighborhood;
2. The potential effect of the proposed development on the drainage patterns on and off the site, especially the impact of storm water runoff from cleared areas, fields, steep slopes, roofs, parking areas, driveways, walkways, and other impervious surfaces;
3. The location, size, design and adequacy of off-street parking, open spaces, landscaping, lighting, signs, buffers, outdoor waste facilities, water supply, sewage facilities, accessory structures, pedestrian walkways, recreation areas and utilities;
4. The traffic patterns on the site and the impact of additional vehicular traffic in the neighborhood.

§ 98.106 Site Plan Review Process

A. Planning Board Review

1. The Planning Board shall request the recommendations of the Zoning Officer regarding the application.
2. The Planning Board shall notify the Town Highway Supervisor if the Board determines that the issuance of a building/construction permit will result in heavy loads moved over town roads and obtain his recommendation on the need for a performance bond and on how to minimize any damage to the roads.
3. The Planning Board may refer an application for a permit to the Yates County Soil and Water Conservation District and/or to a New York State certified professional or other qualified persons for review and submission of a written report. If such a review is deemed necessary, the applicant shall deposit with the Torrey Town Clerk the amount estimated by the Planning Board to reimburse the Town of Torrey for the cost of such service. Any amount remaining after payment of the costs shall be returned to the applicant.

The report shall contain:

- a) A statement on whether or not the application is complete and contains sufficient information upon which the Planning Board can base a proper decision;
- b) A recommendation on whether the application should be approved, approved with conditions and/or modifications, or denied and the reason for the recommendation.

- 4. The Planning Board may hold a public hearing on the site plan.
- 5. The Planning Board may require the posting of a performance bond or request a letter of credit or other security as a condition of approval.

B. Timeline

- 1. If no public hearing is held on the site plan, the Planning Board will approve, approve with conditions or modifications, or deny the application within sixty two (62) days of receiving a complete application, as determined by the Planning Board, unless the Planning Board and the applicant agree on an extension.
- 2. If a public hearing is held on the site plan, it must take place within sixty-two (62) days of receipt of a complete application, as determined by the Planning Board. The Board will mail notice of the hearing to the applicant at least ten (10) days before the hearing and give public notice of the hearing in a news paper of general circulation in the town at least five (5) days prior to the date of the hearing. The Planning Board shall make its decision within sixty-two (62) days following the public hearing, unless the Planning Board and the applicant agree on an extension.
- 3. The Planning Board decision will be filed with the Torrey Town Clerk within five (5) business days. The Town Clerk will immediately provide a copy of the Planning Board decision to the Zoning Officer.

C. Notification

The Zoning Officer shall notify the applicant of the Planning Board decision as follows:

- 1. Approval. – The Zoning Officer will issue a building/construction permit in the usual manner and in accord with Article XVIII;
- 2. Approval with conditions or modifications. – The Zoning Officer will notify the applicant of the Planning Board's decision and request that the applicant submit a final site plan which incorporates the required conditions or modifications in accord with §98.107. A building/construction permit will be issued by the Zoning Officer upon verification of the final site plan. Conformance with the conditions or modifications will be considered a condition of approval.
- 3. Disapproval. – The Zoning Officer will deny a permit to the applicant. The Planning Board will also notify the applicant in writing of its decision and the reasons for disapproval. A copy of such notice will be filed with the Town Clerk.

D. Approval Conditions.

Approval of every site plan shall include the following general conditions:

1. The permit holder shall notify the Zoning Officer at least five (5) days prior to the start of construction;
2. The Zoning Officer, other town officials and/or consultant(s) retained by the town have the right to inspect the project at any time;
3. The constructed project shall not deviate from the plan as approved by the Planning Board, except for allowed modifications handled by the Zoning Officer as set forth in §98.108;
4. The permit and the approved site plan shall be prominently displayed at the construction site during the time of construction.

§ 98.107 Final Site Plan

A. If the Planning Board issues a conditional or modified approval, the applicant must submit a final site plan to the Zoning Officer for verification prior to the issuance of a building/construction permit. If more than six (6) months have elapsed between the time of the Planning Board decision and submission of the final site plan, the Planning Board may require resubmission of the proposal.

B. The final site plan shall comply with the approved proposal and include all conditions and/or modifications approved by the Planning Board. All such conditions and/or modifications shall be clearly indicated on the final site plan.

C. The following additional information shall accompany a final site plan:

1. Record of application for and approvals of all necessary permits from federal, state and county agencies.
2. An estimated project construction schedule.

§ 98.108 Modifications to Approved Site Plans

A. If an applicant or owner desires to modify a previously approved site plan, a new application must be submitted to the Planning Board, except for those modifications which the Zoning Officer is authorized to approve.

B. If the proposed modification is not in violation of any condition imposed by the Planning Board in its original approval of the site plan and does not involve a steep slope, the Zoning Officer is authorized to approve the following modifications to approved site plans:

1. A change in the location of a structure on a site not to exceed twenty (20) feet in any direction as shown on the approved site plan, provided such change does not result in encroachment on any required yard setback or buffer, change the ingress or egress from the site or change the traffic pattern on the site;

2. Construction of or alteration to less than five hundred (500) sq. ft. of building area, or which alters 10% of the structure, whichever is less;
3. Changes to the exterior of a structure which do not alter the structure's primary design elements, footprint, roofline, or the location or size of doors and windows;
4. Changes necessitated by the NYS Uniform Code and the National Fire Code;
5. Changes in landscaping which involve 10% or less of the project

C. The Zoning Officer shall document all approved modifications.

§ 98.109 Project Completion

- A. A building /construction permit shall be valid for one year from the date of issue, unless indicated otherwise. The Planning Board may grant extensions of this time period.
- B. A building/construction permit shall expire upon completion of the work. The applicant shall submit a certification by a NYS certified professional that the work meets the requirements of the permit and same shall be verified by the Zoning Officer. In the event that a certified professional is not available to the applicant, the Zoning Officer may certify that the work meets the requirements of the permit.
- C. Any security held by the Town of Torrey as required by the Planning Board under §98.106 shall be returned to the applicant upon certification that the work has been completed in accord with the requirements of the permit. Security may also be returned to the applicant in stages if same was previously agreed upon and the work has been completed in stages as required.

§ 98.110 Reserved for Future Use

§ 98.111 Reserved for Future Use

§ 98.112 Reserved for Future Use

§ 98.113 Reserved for Future Use

Article XV. Special Conditions

§ 98.114 Purpose

The purpose of this Article is to:

- Set forth conditions that apply to specific land uses;
 - Mitigate any adverse impacts of such activities on adjacent property and the neighborhood.

§ 98.115 Applicability

A. Special Conditions. Land uses that are listed in the “Permitted Uses Subject to Special Conditions” section of Articles V through XII must meet the special conditions defined in this Article. Permits for some uses are required as defined in the individual sections of this Article. Uses that do not require a permit may be implemented by the property owner as long as the special conditions for such use and all other applicable regulations set forth in this Chapter are met.

B. Special Use Permit. Land use activities that are listed in the “Special Use Permit” section of Articles V through XII must comply with any applicable special conditions defined in this Article and a Special Use Permit as defined in Article XVI also must be obtained.

§ 98.116 Bed and Breakfasts

A residential dwelling operated as a bed and breakfast must comply with the Special Conditions set forth in this Section and all other applicable regulations in this Chapter.

A. Permit Required. A Special Use Permit must be obtained to operate a bed and breakfast in the Town of Torrey (see Article XVI). In addition to the requirements of Article XVI, the applicant must provide a floor plan of the existing structure and a proposed floor plan if any conversion work is planned.

B. Location. Bed and Breakfasts are allowed in the Agricultural, Agricultural/Residential, and Community Center zoning districts.

C. In addition to the requirements set forth in Article XVI, the following conditions must be met:

1. Operator’s Residence. The owner or operator of a bed and breakfast must reside in the dwelling for which the Special Use is granted and must be on site when a guest is present.
2. Appearance. The exterior of the building operated as a bed and breakfast must maintain the residential character of the property.
3. Capacity. The maximum number of guest rooms is four (4). Guest rooms and associated bathrooms must be maintained separate and apart from the space occupied by the owner or operator.

4. Off-Street Parking. The property must have two (2) parking spaces or a garage for use of the owner or operator of the bed and breakfast plus one (1) parking space for each guest room. Whenever possible the guest parking spaces should be located in the rear yard and screened from view of neighbors or passersby. All guest vehicles must have access without being blocked by other vehicles. See §98.126 for additional requirements for off-street parking.
5. Food Service. A bed and breakfast may provide breakfast and light fare to overnight guests only.
6. Signs. One (1) permanent sign may be placed on the property. Off-premise directional signs are allowed in accord with the requirements of §98.129. Temporary signs which advertise the bed and breakfast or any activities at the bed and breakfast are not allowed.
7. The applicant must abide by all applicable state, county and local fire, safety and health codes.

§ 98.117 Campground/Camp

A. Permit Required. No person, partnership, association or corporation owning or legally occupying land within the Town of Torrey shall use or allow the use of said land for a campground or camp without a Special Use Permit issued by the Town of Torrey.

B. Permit Application. In addition to the requirements of Article XVI, Special Use Permits, the applicant shall also submit the following:

1. The proposed management rules including provisions for safety of campers, visitors and staff, pet control, noise control and quiet time;
2. The proposed number of camping units and/or sites for camping units listed by type of unit;
3. The proposed method to record and/or register campers, visitors and staff.;
4. Proof of compliance with all applicable regulations promulgated by the New York State Dept. of Health.

C. Right to Inspect. Any peace officer, health officer, the Town of Torrey Zoning Officer or other authorized representative appointed or retained by the Town Board, shall have the right, during normal Town business hours, to enter the campground/camp for the purpose of inspecting to insure compliance with the permit and this law. Said persons shall have the authority to inspect all parts of the campground/camp, including all common areas, except camping units owned or currently rented to others. Said persons shall also have the authority to inspect the registration records maintained by the campground/camp of all campers, visitors and staff.

§ 98.118 Fences

Fences may be erected in any zoning district subject to the following regulations.

- A. No Building Permit Required. A building permit is not required provided the fence meets the following regulations:
1. Height. Fence height is measured from grade on the lowest side to top of fence.
 - a. In front yards open fences shall not exceed six (6) feet and solid fences shall not exceed two-and-one-half (2 1/2) feet.
 - b. Fences both open and solid in side and rear yards shall not exceed six (6) feet.
 - c. Fences erected for agricultural purposes on farms shall have no height restrictions.
 2. Sight Lines for Corner Lots and Driveways. Fences must be installed to preserve sight lines at road intersections and driveways as follows:
 - a. Fences within thirty (30) feet of an intersection right-of-way shall not exceed two-and-one-half (2 1/2) feet unless all segments higher than 2 1/2 feet are at least 75% open;
 - b. Fences parallel to a driveway and within fifteen (15) feet of an intersection with a sidewalk or road shall not exceed two-and-one-half (2 1/2) feet unless all segments higher than 2 1/2 feet are at least 75% open
 3. Prohibited Materials.
 - a. Fences shall not be composed of scrap materials or materials such as tires, canvas or cloth.
 - b. Barbed wire, razor wire, single strand wire, wire mesh, wire grid, chicken wire, any similar wire or electric fences, except invisible electric fences used to control pets, shall not be used to enclose a required front, rear or side yard of a structure used for residential purposes.
 4. Appearance. If a fence has a finished and an unfinished side, the finished or more decorative side shall face outward toward adjoining property or the road, except fences erected to control livestock.
 5. Location.
 - a. A fence may be erected along a property line (no setback required) provided the fence can be properly maintained without trespassing on adjoining property.
 - b. No fence shall be erected or maintained within an existing right-of-way.

c. A fence which parallels a public sidewalk or walkway shall be set back a minimum of three (3) feet from the sidewalk or walkway.

6. Maintenance.

a. Fences shall be maintained in good condition, free of significant rust, peeling paint or other damage.

b. Property owners are responsible for maintenance and repair and for removal of any fence which falls into disrepair.

C. Building Permit Required. A building permit is required for the following applications. The Zoning Officer shall determine prior to the issuance of a permit that the proposed fence will not adversely impact adjacent property or the Town and that the fence will not pose a risk to public health or safety.

1. Recreational Facilities. A fence erected to enclose a playground, tennis court, golf course or similar facility may exceed the height requirement specified in the General Requirements above but may not exceed twelve (12) feet and may be an open or solid fence.

2. Temporary Construction Fence. A fence used to enclose a site at which construction activity is underway may exceed the height requirements set forth in the General regulations, may be open or solid and may be made of any material approved by the Zoning Officer. Such fence may remain in place for the duration of construction and shall be removed when construction has been completed or suspended for ninety (90) days or the building permit has expired provided there is no continuing risk to public health and safety.

D. Nonconforming Fences.

1. Sight-line Infringement. Nonconforming fences existing prior to the adoption of this Chapter must be made to comply with the sight-line regulations in this Section.

2. Safety. The Zoning Officer shall determine whether any existing fence constitutes a risk to public safety and may order the fence removed or rebuilt to conform to the provisions of this Section.

3. Other Existing Fences. Any fence not included in 1. or 2., existing prior to the adoption of this Chapter, that does not conform to the regulations of this Section may be retained and repaired. However, it shall not be moved or replaced to an extent of 25% or more unless made to conform to the provisions of this Section.

§ 98.119 Home Occupations

A. No Permit Required. A home occupation may be operated without a permit in any dwelling unit if it complies with all of the following conditions:

3/08/2011

1. Where Allowed. A home occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit by the occupant or occupants.
2. Evidence of Use. The home occupation must not display or create any evidence outside the building of the home occupation.
3. Extent of Use. The home occupation must not use more than 30% of the floor area of the dwelling unit.
4. Parking. If the home occupation generates vehicular traffic coming to the home, off- street parking must be provided in accordance with §98.126 Off-Street Parking.

B. Exceptions. The following business activities are not covered by the Home Occupation regulations. They are covered in separate Sections of this Article.

1. Temporary Roadside Stands, §98.127
2. Bed and Breakfast, §98.116
3. Short-term-rentals, §98.128.

C. Prohibited Business Activities. Business activities which do not meet the requirements of this section are not considered Home Occupations and require a Special Use Permit.

§ 98.120 Kennels

A. Purpose. The purpose of this section is to set forth regulations for dog kennels and to identify the location where kennels will be allowed.

B. Special Use Permit Required. Prior to the establishment of any kennel, the landowner is required to:

1. Obtain a Special Use Permit from the Town of Torrey.
2. Obtain any license required by New York State and comply with Section 26A of the New York State Agriculture and Markets Law.

C. Location. Kennels are allowed in the Agricultural and Agriculture/Residential Districts.

D. Standards.

1. Kennels must be located on a parcel having at least five acres.
2. Setback – All kennel buildings and structures housing animals and all pens and runs for said animals shall be located no closer than five-hundred (500) feet from any adjoining residence other than that of the property owner.
3. All dogs shall be in an enclosed building between the hours of 8:00 p.m. and 8:00 a.m. each day.
4. Kennel waste may be applied to the ground using standard agricultural practices or disposed of in a manner that is not detrimental to the environment or an annoyance to neighbors.

§ 98.121 Manure Storage Facility

A. Purpose. The purpose of this section is to:

- Protect groundwater resources and water bodies within the Town;
- Protect the health, welfare and safety of the public.

B. Permit Required. A building permit issued by the Zoning Officer is required prior to construction of a manure storage facility for long or short term storage and/or containment of animal waste.

C. Location. A manure storage facility is only allowed on a farm.

D. Bulk Site Requirements. Manure storage facilities shall be:

1. Located a minimum of one-hundred (100) feet from a road right-of-way;
2. Located a minimum of one-hundred (100) feet from a residential or non-agricultural structure, well, wetland, watercourse or water body.

E. Procedure.

1. Upon receipt of an application for a permit, the Zoning Officer will request the assistance of the Yates County Soil and Water District unless the property owner has retained the services of a licensed professional engineer.
2. The Zoning Officer shall obtain written recommendations from Yates County Soil and Water Conservation District or the professional engineer. The applicant shall submit a plan which incorporates the recommendations with respect to design, placement and materials to be used for construction.
3. The Zoning Officer may then issue a building permit listing any additional special conditions with which the applicant must comply.

§ 98.122 Manufactured Home

Manufactured homes are subject to the following requirements in addition to all other applicable regulations of this Chapter.

A. Used as a Single Unit Dwelling. A manufactured home used as a single unit dwelling is allowed in all zoning districts which allow single unit dwellings and must meet all of the following additional requirements unless otherwise indicated in this Section.

The unit shall

1. Be placed on and securely attached to a permanent foundation with the hitch and running gear removed;
2. Be located on its own building lot and conform with all bulk regulations of the district in which it is located;
3. Have the perimeter between the base of the unit and the ground completely enclosed by a durable exterior material.

B. Used as Temporary Housing or Construction Field Office.

1. The Zoning Officer may issue a Temporary Housing Permit for use of a manufactured home as an interim dwelling during construction of a permanent dwelling unit or as a temporary field office during any permitted construction activity. The requirements of §98.123 A. do not apply; however, such units must be stabilized to prevent overturn from wind.
2. The Temporary Housing Permit shall expire when the construction is complete or the building permit expires. The manufactured home must be removed from the site within thirty (30) days from the date the permit expires.

C. Used as farm-worker housing.

1. Manufactured homes used for housing of temporary farm workers do not require a separate building lot.
2. When the unit is not used as living quarters for farm workers for two consecutive years, it must be removed from the property.

§ 98.123 Mining Operations

A. Purpose. The purpose of this section is to:

- Regulate in an environmentally sound manner the commercial extraction of earth materials;
- Ensure that the extraction of resources and reclamation of the mining site are done in a manner compatible with other land uses and in conformance with the goal of maintaining the rural character and scenic vistas in the town;
- Protect the quality of groundwater and other water bodies;
- Control erosion;
 - Regulate access to excavations to and from public roads and protect against unwarranted damage to public roads;
- Protect the health and safety of the public.

B. Special Use Permit Required. Prior to the commencement of any mining operation, the landowner, agent of the landowner or lessee of the premises shall obtain a Special Use Permit in accord with the provisions of Article XVI and additional requirements set forth in this Section.

C. Location. Mining operations are allowed in the Agricultural and Agricultural/Residential Zoning Districts.

D. Application. The applicant must comply with the requirements set forth in Article XVI (Special Use Permits) and submit the following additional information:

1. A copy of the application for a permit, if any, submitted to the NYS Department of Environmental Conservation as required by the NYS Mined Land Reclamation Law (MLRL) and a copy of the permit, if any, issued by the NYS Department of Environmental Conservation;
2. The proposed hours of operation;
3. The proposed scope and intensity of the mining activity, i.e., whether it will be ongoing on a daily basis or sporadic, the number of acres involved and a description of any material processing operation;
4. A reclamation plan for those operations not subject to the requirements of MLRL including a schedule of reclamation and the proposed completion date.

E. Mining Operations not Subject to the Permit Requirements of the Mined Land Reclamation Law (excavations and other mining activities from which less than 1,000 tons or 750 cubic yards, whichever is less, of earth material is removed during twelve successive calendar months).

1. In considering an application for a Special Use Permit, the Zoning Board of Appeals shall apply the requirements set forth in Article XVI and also insure that the proposed activity will:
 - a. Not contaminate ground water;
 - b. Not impose an inordinate impact upon the environment;
 - c. Not cause inordinate damage to town roads;
 - d. Not adversely affect natural drainage or alter the course of any natural waterway.
2. The Zoning Board of Appeals, in granting a Special Use Permit for a mining operation, shall establish the following conditions:
 - a. Restriction of mining activity on land closer than three-hundred (300) feet to any public road or adjacent property line unless all property owners within three-hundred (300) feet are in signed agreement;
 - b. Restriction of grading activity to the minimum area necessary to provide reasonable access to the property and/or to implement an approved reclamation plan;
 - c. Hours of operation;
 - d. An approved schedule/timeline for initiation and completion of the reclamation plan;
 - e. Ingress and egress to public roads;
 - f. Routing of material transport vehicles on town roads;
 - g. Posting of a performance bond or other security if the Zoning Board of Appeals determines that such is necessary in order to guarantee completion of the reclamation plan or to repair damage to town roads caused by material transport vehicles;
 - h. Reclamation requirements and enforcement provisions for these requirements.

F. Mining Operations that Require a Mined Land Reclamation Permit from the NYS Department of Conservation (excavations and other mining activities from which more than 1,000 tons or 750 cubic yards, whichever is less, of earth material is removed during twelve successive calendar months).

1. The Zoning Board of Appeals review of a Special Use Permit application for a mining operation that is also subject to the permit requirements of Article 23, Title 27 of the NYS Environmental Conservation Law – Mined Land Reclamation Law

(MLRL) shall consider the requirements of this Section and the requirements set forth in Article XVI only to the extent that those requirements are not preempted by the provisions of the MLRL.

2. The Zoning Board of Appeals, in granting a Special Use Permit for a mining operation, shall establish the following conditions:
 - a. Restriction of mining activity from land closer than 300 feet to any public road or adjacent property line unless all property owners within 300 feet are in signed agreement;
 - b. Restriction of grading activity to the minimum area necessary to provide reasonable access to the property and/or to implement an approved reclamation plan;
 - c. Hours of operation;
 - d. An approved schedule/timeline for initiation and completion of the reclamation plan;
 - e. Ingress and egress to public roads;
 - f. Routing of material transport vehicles on town roads;
 - g. Posting of a performance bond or other security if the Zoning Board of Appeals determines that such is necessary in order to guarantee completion of the reclamation plan or to repair damage caused by material transport vehicles to town roads;
 - h. Enforcement provisions for reclamation requirements contained in the Mined Land Reclamation Permit issued by the NYS Department of Conservation.

G. Renewal. All mining operations shall be subject to annual site inspection by the Zoning Officer and/or any other agent designated by the Town. Special Use Permits expire on December 31 unless the Zoning Board of Appeals has specified another date or unless a Mined Land Reclamation Permit has a different expiration date, in which case the Special Use Permit expires concurrently with the Mined Land Reclamation Permit. If the Zoning Officer finds no violation, the Zoning Officer will issue a renewal permit upon receipt of a renewal application and renewal fee.

H. Preexisting Mining Operation. Mining operations which exist at the time this Chapter becomes effective may be continued without a Special Use Permit until the Mined Land Reclamation Permit expires. The owner, lessee or operator of such existing mining operation shall thereafter apply for a Special Use Permit if a renewal of the Mined Land Reclamation Permit is requested from the NYS Department of Conservation.

§ 98.124 Off-Street Loading

In any district, in connection with every building or building group having a gross floor area of 4,000 square feet or more that is to be occupied by manufacturing or commercial uses or other uses requiring the receipt or distribution by vehicles of material or merchandise, sufficient off-street loading shall be provided and maintained to allow loading and unloading of vehicles off the public streets.

§ 98.125 Off-Street Parking

In all districts there shall be provided, at the time any new building or structure is erected, off-street parking spaces which met the following requirements:

- A. Size and access. Each off-street parking space shall measure ten (10) feet by twenty (20) feet exclusive of access drives or aisles.
- B. Number of parking spaces required. The Off-Street Parking Schedule below specifies by use the number of spaces of off-street parking required. For uses not on the Schedule, the Planning Board will determine as part of the Site Plan Review the number of off-street Parking spaces required.

Off-Street Parking Schedule

| <u>Uses</u> | <u>Minimum Required Parking Spaces</u> |
|---|--|
| 1. Churches or synagogues | 1 for each 3.5 seats |
| 2. Community buildings and social halls, not including banquet or reception hall or conference center | 1 for each 200 square feet of gross floor area, or 1 for each 3.5 seats, whichever is greater |
| 3. Motels, hotels, resorts, boarding and rooming houses, bed-and-breakfasts | 1 for each bedroom, guest room or dwelling unit plus spaces for employees |
| 4. Manufacturing plants, research or testing laboratories | 1 for each employee in the maximum working shift |
| 5. Restaurants, bars and nightclubs, country inns | 1 for each 50 square feet of patron space |
| 6. Retail stores, store groups, shops, etc. | 1 for each 200 square feet of floor space, plus 1 for each employee |
| 7. Wholesale establishments or warehouses | 1 for each employee in maximum shift |
| 8. Offices, general | 1 for each 200 square feet of first-floor area and each 300 square feet of floor area on the second floor and above |
| 9. Doctor or dentist office | 5 for each doctor |
| 10. Roadside stands | 3 |
| 11. Banquet or reception hall; conference center | 1 for every 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes |

§ 98.126 Roadside Stands, Temporary

Temporary roadside stands for the sale of produce and farm related products are allowed in all zoning districts. Temporary stands do not require a permit but must comply with the following regulations:

A temporary roadside stand shall:

- A. Be no larger than 200 square feet;
- B. Be off the right-of-way of any public road;
- C. Have at least three parking spaces which are at least fifteen (15) feet from the traveled surface of any road;
- D. Be used for no more than eight (8) months annually;
- E. Be removed from view of any public road when not used for the sale of produce or farm related products for two (2) years.

§ 98.127 Short-Term Rental

- A. Purpose. The purpose of this regulation is to:
 - Protect the residents and neighborhoods in which rental units are located from excess noise and lighting, disruption of normal traffic patterns, overcrowding, and trash accumulation.
 - Assure that the rental units meet minimum safety and regulatory requirements thereby protecting property owners, occupants, the neighborhood and the water quality of Seneca Lake.
- B. Short-Term Rental Permit Required. All property owners are required to obtain a Short-Term Rental Permit to operate a dwelling in the Town of Torrey as a short-term rental unit and must comply with the regulations set forth in this Section. However, nothing in this Section shall alter, affect or supersede any applicable regulations of this Chapter or any regulations imposed by the County of Yates, the State of New York, or the Federal Government.
- C. Application Forms. Application forms are available from the Zoning Officer or the Torrey Town Clerk.
- D. Permit Expiration. Short-Term-Rental Permits shall expire annually on December 31.
- E. Fees. An initial application or a renewal application for a permit to operate a short-term rental unit must be accompanied by the appropriate fee as indicated in the Town of Torrey Fees and Fines Schedule.
- F. Authorization. The Zoning Officer is authorized to issue Short-Term Rental Permits according to the provisions of this Section and other applicable requirements of this Chapter.

G. General Requirements. Unless otherwise stated, the following shall apply to short-term rental units.

1. Occupancy. The total number of persons over the age of twelve (12) years that may occupy the short-term rental unit is twice the number of bedrooms used to establish the capacity of the wastewater treatment system. The Zoning Officer may limit occupancy to fewer based on the number, size, configuration, and furnishings of the bedrooms and/or sleeping rooms and according to provisions of New York State statutes.
2. Separately Housed Persons. A person or persons may be separately housed outside the short-term rental unit in a tent, camper, trailer, recreation vehicle or other habitable structure on the same property only if the total permitted occupancy of the property is not exceeded.
3. Parking Spaces. Off-street parking spaces must be provided for all vehicles parked at short term rentals. A parking space is an area at least ten (10) feet by twenty (20) feet with direct access or legal right-of-way to a public street.
On street parking at short term rentals is prohibited. [LL 01-14]
4. Garbage and Trash Removal. The property owner must provide a means for removal of garbage and trash weekly and at the end of each rental period.
5. Water and Septic. The rental unit must have a potable water supply and a septic system approved for the number of bedrooms. The Zoning Officer may require documentation from a licensed engineer, licensed home inspector, or other qualified individual to prove the potability of the water and/or that the septic system is functioning properly.
6. Display of Permit and Property Specific Information. The property owner must display the Short-Term Rental Permit and property-specific information including:
 - a. Name, address and phone number of the local manager;
 - b. The manner and method of trash and garbage removal;
 - c. The prohibition of noise audible outside of the rental unit after 10pm and 7am;
 - d. The maximum occupancy of the property;
 - e. A tax map or similar map clearly showing the property boundaries;
 - f. Emergency phone numbers for police, fire and ambulance.

H.. Local Manager. Every short-term rental unit must have a local manager who is responsible for the day-to-day operation of the short-term rental and who may be contacted day or night. The local manager may be the property owner or an agent of the property owner and must reside within Yates County or within thirty (30) miles of the Torrey Town Hall. If the local manager is not the property owner, the local manager must be designated as the agent of the property owner for service of process.

I. Initial Application Process. The completed application with the fee must be returned to the Zoning Officer. Within twenty days the Zoning Officer shall notify the local manager indicated on the application whether additional information is required and request an appointment at the rental unit for the purpose of an inspection. Within seven (7) working days after the inspection, the Zoning Officer shall provide the local manager with a permit to operate a short-term rental unit or with written notification of a permit denial and the reasons for the denial.

J. Re-inspections. Short-term rental units may be re-inspected by the Zoning Officer at the application renewal or in response to a complaint.

K. Revocation of Permit. A permit to operate a short-term rental shall be revoked if:

1. The Zoning/Code Enforcement Officer determines that the health or safety of the occupants or others is at risk.
3. The property owner has violated regulations as set forth in this section on three (3) separate occasions in a period of one (1) year. In the event the property owner thereafter re-applies for a permit, such application shall be referred to the Town Board for review and determination. The Town Board may request additional information and may schedule a public hearing on the application.

§ 98.128 Signs

Signs shall be allowed in all Zoning Districts subject to the following restrictions:

A. Permanent Signs: Building Permit required.

1. On-Premise Signs [Amended 2/11/14 by LL 01-14]

- a. Two sign face areas with a combined maximum of 64 sq. ft. are allowed
 - a. for any single lot, parcel or use.
- b. Free-standing signs shall not exceed the following dimensions:
 - i. Sign face area – 32 sq. ft. per side
 - ii. Height from lowest point of grade to top of sign – 10 ft.
 - iii. Width including support – 8 ft.
- c. Signs attached to or displayed on buildings shall not exceed the following dimensions:
 - i. Sign face area – 32 sq. ft. per side
 - ii. Height – signs may not extend above the roof line nor shall the vertical sign face exceed 8 ft.
 - iii. Width – 16 ft

d. Signs attached to or displayed on other objects shall not exceed the following dimensions:

- i. Sign face area – 32 sq. ft. per side
- ii. Height from lowest point of grade to top of sign – 10 ft.
- iii. Width – 16 ft.

e. The face area of a sign composed of individual letters without background shall include the area enclosed by a series of lines joined to form a perimeter bounding all parts of the display including all lettering, logo, graphics and trademarks.

f. Lighted signs must be shielded to prevent impairment of drivers' vision.

2. Off-Premise Directional Signs.

a. Directional Signs shall not exceed the following dimensions unless otherwise provided in this law:

- i. Sign face area - 6 sq. ft. per side.
- ii. Height from grade to top of sign - 6 ft.

b. Directional signs must be placed within three (3) miles of the advertised location. No more than four (4) directional signs for any advertised location are allowed.

3. Alterations. Permanent signs, whether pre-existing conforming, pre-existing nonconforming or those for which a permit has been issued shall not be moved to a different location or changed in content unless a permit has been issued for such alteration.

C. Temporary Signs. No Building Permit required.

Temporary signs shall not be placed in the right-of-way of any public road or highway and shall not exceed the following dimensions:

- Sign face area – 6 sq. ft.
- Height from grade to top of sign – 4 ft.

1. Real Estate signs include any sign which offers real property for sale, lease or rent and are regulated as follows:

- a. One sign may be placed on the building, lot or parcel offered for sale, lease or rent;
- b. One off-premise sign may be placed at the nearest primary intersection;
- c. Signs may remain in place as long as the property remains unsold or
 - a. available for rent;
- d. Signs must be removed within ten (10) days of final sale;

- e. “Open House” or “Open for Inspection” signs may be displayed as follows:
 - i. One sign may be displayed on the building, lot or parcel offered for sale;
 - ii. One sign may be displayed at each of the two road intersections nearest the building, lot or parcel offered for sale;
 - iii. The signs may be displayed up to seven (7) days prior and during the hours of the open house and must be removed that same day at the end of the event.
- 2. Political Signs:
 - a. Shall not be displayed more than sixty (60) days before any election day;
 - b. Must be removed within seventy-two (72) hours after any election day.
- 3. Event Signs/Posters:
 - a. Shall not be displayed more than thirty (30) days before the event;
 - b. Must be removed within seventy-two (72) hours after the event.
- 4. Yard Sale Signs/Garage Sale Signs. Signs advertising a sale of personal property at a private residence are regulated as follows:
 - a. Signs shall not be displayed more than seven (7) days before the sale;
 - b. One sign may be displayed at each of the two road intersections nearest the location of the sale;
 - c. Signs must be removed at the end of the sale.
- 5. Auction Signs:
 - a. One sign may be displayed at the location of the auction not more than seven (7) days prior to the auction and must be removed at the end of the auction day;
 - b. One sign may be displayed on the day of the auction at each of the two (2) road intersections nearest the site of the auction and must be removed at the end of the auction day.
- 6. Seasonal Holiday Decorations. Holiday decorations may be displayed for not more than sixty (60) days per season.
- 7. On-Site Construction Signs. On-site construction or renovation signs may be displayed on a property where the work is being done until the work is completed or the building permit expires. One off-premise sign may be placed at the nearest primary road intersection and must be removed at the completion of the work or at the expiration of the permit.
- 8. Relocation Signs. Upon relocation of a business or service, a temporary sign may be displayed at the original location of the business or service advertising the new location for a period not to exceed six (6) months.

- C. Permanent signs that do not require a permit:
1. Signs displayed by the State of NY, County of Yates, Town of Torrey, any municipality within the Town of Torrey and signs registered with the New York State Sign Program;
 2. No-trespassing signs and posted signs;
 3. Name and/or address signs affixed to mailboxes;
 4. Signs displaying the names and addresses of the residents of the road;
 5. Neon window signs where they are compatible with the buildings use, historic and/or architectural character as determined by the Zoning Officer.
- D. Prohibited Signs:
1. Permanent Off-Premise Signs, except for Off-Premise Directional Signs for which a permit has been issued, unless otherwise provided in this law;
 2. Signs with flashing, moving, rotating or intermittent lights except holiday lighting;
 3. Signs that encroach on the right-of-way of any public highway except signs displayed by the State of NY, County of Yates, Town of Torrey, any municipality within the Town of Torrey or signs registered with the New York State Sign Program. Improperly placed signs shall be removed and discarded by the Town Highway Department;
 4. Signs that are placed near an intersection of any streets in such a manner as to cause a traffic hazard or that by reason of position, shape, or color may interfere with, obstruct the view of, or be confused with any authorized sign, signal or device;
 5. Signs that are painted on, mounted on or in any other manner displayed on any motorized vehicle, trailer, movable platform or stationary platform that is parked or placed on any property for the purpose of advertising.
- E. Nonconforming Signs:
- A pre-existing nonconforming permanent sign may be continued with the following provisions.
1. A nonconforming sign shall not be
 - a. Changed or altered in any manner which would increase the degree of non- conformity;
 - b. Changed in size or content;
 - c. Moved in whole or in part to any other location where nonconformity would continue.
 2. All preexisting nonconforming signs shall be maintained pursuant to the conditions of this Section.
 3. Nonconforming signs shall be removed by the property owner when:
 - a. The sign is abandoned for a period of ninety (90) days;

- b. The use of the premises changes and the purpose for maintaining the sign is rendered obsolete;
 - c. The sign is damaged or destroyed to the extent of 35% or more of its replacement cost;
 - d. The sign is not maintained in accord with this section.
- 4). A change in ownership of a preexisting permanent nonconforming sign shall not terminate its status.

F. Maintenance

All signs displayed in the Town of Torrey must be maintained in good condition, remain structurally sound and not become illegible or dilapidated.

§ 98.129 Solid-fuel-fired Outdoor Heating Devices

- A. Building Permit required
- B. Solid-fuel-fired outdoor heating devices must meet Environmental Protection Agency (EPA) emission standards.
- C. Solid-fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations of this section. In the event of a conflict, the regulations of this section shall apply unless the manufacturer's instructions are more strict, in which case the manufacturer's instructions shall apply.
- D. Requirements. All outdoor solid-fuel-fired heating devices shall be installed, operated and maintained pursuant to the following conditions:
 - 1. Fuel shall be only natural untreated wood, corn products, and other fuel specifically permitted by the manufacturer.
 - 2. The following fuels are prohibited:
 - a. Plywood, particle board and similar processed materials other than products specifically manufactured for use in solid-fuel-fired heating devices;
 - b. Garbage;
 - c. Painted or treated wood;
 - d. Tires, rubber, or plastics;
 - e. Any other item not specifically allowed by the manufacturer or this provision.
 - 3. Device Location:
 - a. No outdoor solid-fuel-fired heating device shall be installed in a front yard;
 - b. All outdoor solid-fuel-fired heating devices shall be installed a minimum of 30 feet from the nearest side or rear property line;
 - c. All outdoor solid-fuel-fired heating devices shall be installed a minimum of two-hundred (200) feet from the nearest inhabited structure not being supplied by the device.

d. All exterior storage of fuel for outdoor solid-fuel-fired heating devices shall be provided in a rear or side yard and shall be stored in a manner to prevent rodent harborage.

§ 98.130 Temporary Housing

A. Purpose. The purpose of this section is to:

- Regulate the use of transportable vehicles or structures as temporary housing and limit the long-term occupancy of such units;
- Protect the health and safety of the occupants and the residents of the Town of Torrey;
- Protect the water quality of Seneca Lake and other bodies of water;
- Preserve the scenic quality of neighborhoods.

B. Applicability. This regulation shall apply in all zoning districts.

C Prohibited Uses. No temporary housing unit shall be used, erected or maintained for residential purposes, except as provided for in this Section.

D. Permissible Uses on Lots with No Primary Dwelling

1. No Permit Required. A temporary housing unit may be occupied for a maximum of thirty (30) days in any calendar year without a permit.

2. Permit Required. Occupancy of a temporary housing unit for more than thirty (30) days in any calendar year requires a Temporary Housing Permit. Permits will be issued only to the property owner.

a. An application for a permit can be obtained from the Zoning Officer or the Town Clerk. A fee as indicated in the Town of Torrey Fees and Fines Schedule must accompany submission of an application. The Zoning Officer may require additional information and may require an inspection of the property to insure all regulations in this Chapter have been met.

b. A Temporary-Housing Permit shall expire on December 31.

c. A property owner may obtain up to three (3) permits for use of a temporary housing unit. Thereafter, occupancy of a temporary housing unit shall be regulated as if there were a primary dwelling on the lot. (See E., below).

3. Bulk regulations regarding setbacks and all other regulations of this Chapter shall apply. In establishing setbacks, Temporary Housing Units shall be treated as a principal structure.

E. Permissible Uses on Lots with a Primary Dwelling-

No Permit Required. Occupancy of temporary housing units on lots which have a primary dwelling is limited to

1. A maximum continuous period of fourteen (14) days;
2. A maximum of thirty (30) days in any calendar year.

F. General Regulations. The following regulations shall apply to the occupancy of all temporary housing units:

1. One (1) temporary housing unit is permitted if there is a primary dwelling unit on the lot.
2. Two (2) temporary housing units are permitted if there is no primary dwelling unit on the lot.
3. Electric generators shall not be used except between the hours of 10am and 6pm.
4. Black or grey water shall not be discharged onto the ground.

G. Expanded Use. The following additional uses of temporary housing units are permitted:

1. Construction. If a temporary housing unit is used as living quarters during a construction activity, the Temporary Housing Permit shall remain current as long as the building permit is current. Such units may be connected to a septic system, sewer line, water line, or electric line until the building permit expires. Bulk regulations regarding setbacks do not apply.
2. Tents. A property owner does not need a Temporary-housing Permit in order to allow use of a tent(s) by minor children and such use is exempt from regulation under this Section.
3. Family Celebrations. A seven (7) day permit may be obtained by a property owner to host a greater number of temporary housing units provided the lot will accommodate the expected number of units and the septic system is adequate or other appropriate arrangements are made for effluent disposal. Up to three (3) such permits may be issued to a property owner in a calendar year. Normally the three (3) annual permits shall not be consecutive; however, exceptions may be made at the discretion of the Zoning Officer.
4. Recreational District. The permitted use of temporary housing units in this district is further regulated as follows:
 - a. A Temporary Housing Permit is not required provided the property owner has a Special Use Permit which allows the occupancy of temporary housing units;
 - b. The number of units permitted and the length of occupancy is governed by the Special Use Permit;
 - c. Units may be permanently connected to a septic system, sewer line, water line, or electric line;
 - d. Preexisting nonconforming temporary housing units will be allowed to continue, however such nonconformity shall be documented on the Special Use Permit;

e. All other regulations in this Section and Chapter shall apply.

H. Existing Nonconforming Use. Existing occupancy of temporary housing units may continue subject to the Temporary Housing Permit requirements of this Section.

§ 98.131 Cottage Industry (This is a Special Condition)

A cottage industry must comply with the Special Conditions set forth in this section and all other applicable regulations in this Chapter.

- A. A Special Use Permit is required
- B. Location: Cottage industries are allowed in the Ag., Ag./Res., and Community Center districts.
- C. Operator residence: The owner/operator of the cottage industry must reside on the property. The residence and manufacturing/sales facility may be in different buildings on the same property.
- D. Appearance: The exterior of the manufacture/sales building or buildings must maintain the character of the neighborhood.
- E. Off-street parking: The property must have sufficient parking spaces for all employees, customers and suppliers. In addition, there must be sufficient space for cars to turn around so they do not back out onto the road.
- F. The Performance Standards found in Section 98.25 must be strictly observed.
- G. Employees: The cottage industry may not have more than six (6) paid employees.
- H. Signs: One permanent sign may be placed on the property. Off-premise directional signs are allowed in accordance with the requirements of section 98.129.
- I. The owner must comply with OSHA and NYS, Yates County and Town of Torrey fire, safety and health codes.

Article XVI. Special Use Permits

§ 98.132 Purpose

The purpose of this Article is to:

- Allow uses in the Town which are suitable only on certain conditions and at appropriate locations;
- Establish a review process to determine those uses that may or may not be appropriate in a particular location;
- Set standards and procedures for the issuance of Special Use Permits.

§ 98.133 Authorization

The special uses listed in this Chapter may be allowed, denied, enlarged or otherwise altered by authorization of the Zoning Board of Appeals in accord with the standards and procedures set forth in this Article and additional standards that may be reasonably applied to special uses set forth elsewhere in this Chapter.

§ 98.134 Application

An application for a Special Use Permit shall be referred to the Zoning Board of Appeals within five (5) business days of receipt of the application at the Town office. The application must be accompanied by:

1. A written narrative explaining the proposed use and how the standards set forth in §98.136 below are satisfied;
2. A map or sketch of the property and all properties within 500 feet of the property boundaries;
3. The location, size and layout of the site and other drawings or information necessary to understand the proposed use and its relationship to surrounding properties;
4. A fee as indicated in the Town of Torrey Fees and Fines Schedule.
5. Environmental Assessment Form (EAF) as required by SEQRA.

§ 98.135 Standards

A. Prior to granting a Special Use Permit, the Zoning Board of Appeals shall determine that the following conditions have been met:

1. The application is complete. The Zoning Board of Appeals may request additional information as is necessary to understand the proposed use.
2. The proposed use is compatible with the provisions of this Chapter and the Town of Torrey Comprehensive Plan.
3. The proposed use will not adversely impact adjacent properties or the neighborhood, existing infrastructure or environmentally sensitive features on or near the site such as steep slopes, Seneca Lake, wetlands, water courses or the Outlet Trail.

4. The proposed use will not create an excessive or unreasonable disturbance such as noise, light, glare, vibration, shadow, vapors, smoke, fumes, dust, particulate emissions, odors, pollution of air or water, including ground water or similar conditions.
5. The proposed use will not be detrimental to the health, safety, or general welfare of people living or working nearby.
6. The location and size of the use, the nature and intensity of the proposed operations involved, the size of the site and the location of the site with respect to the existing or future roads providing access are in harmony with the orderly development of the district. The location, nature and height of buildings, walls and fences shall not discourage appropriate development and use or diminish the value of adjacent land and buildings.
7. No violation of this Chapter exists on the property.

B. In reaching a decision, the Zoning Board shall also consider:

1. The location, size, design, and adequacy of off-street parking, driveways, landscaping, lighting, signs, fences, buffers, or other facilities to protect adjacent property and the neighborhood;
2. The potential effect of the proposed use on the drainage patterns on and off the site, especially the impact of storm water runoff from cleared areas, parking areas, or other impervious surfaces;
3. The traffic patterns on the site and the impact of additional vehicular traffic on the neighborhood;
4. The application of any special conditions for the proposed use as set forth in Article XV.

C. In authorizing a special use or the modification of a special use, The Zoning Board of Appeals may impose, in addition to those standards and requirements specified in this Article, any other conditions which the Board considers necessary to protect adjacent property, the neighborhood and the Town of Torrey. Such conditions shall be expressly set forth in the resolution authorizing the Special Use Permit. The applicant must comply with all additional conditions. Failure to do so is a violation of this Chapter and will render the special use permit null and void.

- E. In authorizing a special use, the Zoning Board of Appeals may waive any requirements in this Chapter when they are found not to be requisite in the interest of public health, safety or general welfare or inappropriate for a particular special use permit.

§ 98.136 Permit Determination Procedure

Procedures governing Special Use Permit applications are covered in Article XIX, Review Authority and Procedures; §98.155 Procedures.

§ 98.137 Annual Renewal

A. Special Use Permits, including all permits existing at the time of the adoption of this Chapter, shall expire on December 31 of each year unless the Zoning Board of Appeals has specified another time period. The permit holder must apply annually for a renewal of the permit. If the use has been operated in accord with the permit and the applicant demonstrates compliance with all conditions required under the terms of the previous permit, a renewal permit shall be issued by the Zoning Officer upon payment of a fee as specified in the Town of Torrey Fees and Fines Schedule.

B. When a permit expires and is not renewed within twelve (12) months, it is considered abandoned and shall not be renewed. If an applicant wishes to re-establish an abandoned use, a new application must be filed and authorization obtained from the Zoning Board of Appeals.

§ 98.138 Reserved for Future Use

§ 98.139 Reserved for Future Use

§ 98.140 Reserved for Future Use

Article XVII. Variances

Variances are covered in Article XIX, Review Authority and Procedures; §98.154, Powers and Duties of the Zoning Board of Appeals, B. Variances.

Article XVIII. Administration and Enforcement

§ 98.141 Zoning Officer

A. This Chapter shall be enforced by the Zoning Officer appointed by the Town Board. The Zoning Officer shall issue a building permit or Certificate of Occupancy or Compliance only when all the provisions of this Chapter have been met.

B. Under the terms of this Chapter the Zoning Officer may issue permits under the following conditions:

1. Permitted Uses. A Building Permit for a listed permitted use not requiring a Site Plan Review may be issued by the Zoning Officer on the authority of the officer;
2. Site Plan Review. A Building Permit for a use requiring a Site Plan Review may be issued by the Zoning Officer after approval of the site plan by the Planning Board;
3. Special Uses. A Building Permit for a special use may be issued by the Zoning Officer after approval of a Special Use Permit by the Zoning Board of Appeals and the Zoning Officer may issue renewal Special use Permits upon verification that the applicant has complied with all conditions required for the Special Use;
4. Appeal or Variance. A Building Permit may be issued by the Zoning Officer after the Zoning Board of Appeals grants an appeal or request for a variance.
5. Special Conditions. Short-Term Rentals and Temporary Housing require permits which the Zoning Officer is authorized to issue after the applicant has demonstrated to the Zoning Officer that the special conditions have been met.

§ 98.142 Permit Applications

A. Applications for the various permits may be obtained from the town office.

1. If the construction activity requires Site Plan Review, the applicant shall be instructed to follow those requirements set forth in Article XIV of this Chapter and to submit the application to the Zoning Officer for referral to the Planning Board.
2. If the construction activity does not require a Site Plan Review, the applicant shall submit two (2) copies of a layout or plot plan drawn to scale showing the dimensions of the parcel or lot where the construction activity will take place, the location and size of all existing and proposed buildings or structures and such other information requested by the Zoning Officer as may be necessary to determine and provide for the enforcement of this Chapter.
3. Applications for Special Use Permits shall be submitted to the Zoning Officer who will refer them to the Zoning Board of Appeals for consideration.

B. Permit Issuance.

1. The Zoning officer will issue a permit when the proposed construction activity or use conforms to the requirements of this Chapter and all approvals required by this Chapter have been obtained or when directed by written order of the Zoning Board of Appeals.

2. Permits shall be issued in triplicate. One copy shall be prominently displayed at the site of the construction activity or use, one shall be retained with the application and supporting documentation as public record and one shall be sent to the town assessor.

C. Permit Denial

1. The Zoning Officer will not issue a permit unless all of the requirements of this Chapter have been met.
2. The applicant may appeal the denial of a permit to the Zoning Board of Appeals for the purpose of interpretation of the law or to apply for a variance.

D. Expiration of Permit

1. Building Permits shall expire one year from date of issue unless otherwise extended by authority of the Planning Board or the Zoning Board of Appeals.
2. Special Use Permits shall expire annually on December 31, unless the Zoning Board of Appeals has specified another date, and shall not be renewed if the permit was revoked for noncompliance or when the use has been abandoned for one (1) year.
3. Temporary-Housing Permits shall expire annually on December 31 or as otherwise specified on the permit.
4. Short-Term-Rental Permits shall expire annually on December 31.

E. Public Record. The original permit application form, all supporting documentation and any issued Certificates of Occupancy/Compliance shall constitute the application and shall become public record whether a permit or a certificate was issued or denied.

§ 98.143 Certificates of Occupancy

A. General. A building, structure, or use which requires a building or special use permit under this Chapter shall not be used until a Certificate of Occupancy/Compliance has been issued by the Zoning Officer stating that the building, structure or use complies with the provisions of this Chapter. Land on or near a steep slope which requires a Steep Slope Permit shall not be used until a Certificate of Occupancy/Compliance has been issued by the Zoning Officer.

B. Application. Certificates of Occupancy/Compliance shall be applied for coincident with the application for a permit.

Certificate Issuance. When the construction activity is complete, the permit holder or his representative must notify the Zoning Officer and request issuance of the Certificate of Occupancy/Compliance. The Zoning Officer shall issue the certificate within ten (10) days of such notice, provided the permit holder has complied with all of the provisions of this Chapter, and any conditions provided in any permit issued pursuant to this Chapter.

§ 98.144 Enforcement

A. Enforcement. On behalf of the Town of Torrey, the Zoning Officer may take any one or more of the following actions in response to a violation of this Chapter:

1. Withhold any approvals, permits or certificates required by this Chapter;
2. Issue a written notice of noncompliance;
3. Issue a stop-work order;
4. Issue a citation for fines and/or penalties and pursue prosecution;
5. Bring legal action, with approval of the Town Board, to correct a violation.

B. The Zoning Officer may make on-site visits to enforce the provisions of this Chapter.

C. Penalties and Fines. Violation of any provision of this Chapter shall be punishable by a fine or by imprisonment not to exceed six (6) months or by both a fine and imprisonment. Fines shall be levied in accord with the Town of Torrey Fees and Fines Schedule. The imposition of any fine or penalty shall not excuse the violation nor permit its continuance. Each day of noncompliance with a provision of this Chapter shall constitute a separate offense and shall be subject to additional penalty under the Town of Torrey Fees and Fines schedule unless the violation is actively being remedied pursuant to a plan, including a clear time frame and deadline, accepted by the Zoning Officer. Nothing contained in this Section shall prevent the Town of Torrey from taking other lawful action to prevent or remedy a violation.

D. Damage to Persons or Property. Any damage caused to persons or property through a violation of this Chapter must be remedied by the party responsible for that damage. Any soil, water, or other material deposited on the property of others, on a right-of-way, water course or in any body of water must be removed by the responsible party. On-going construction shall be shut down by a stop-work order until the violation is corrected. Should the responsible party fail to take corrective action, the Town of Torrey may affect the necessary remedy. The Town will bill the responsible party for the cost of the remedy. Such costs shall be in addition to any existing performance guarantee.

E. Notice of Noncompliance.

1. For a violation of any provision of this Chapter, the Zoning Officer shall give, to the property owner and others responsible, written notice of the violation and of the required remedial action. This notice shall also advise the property owner of the right to appeal the decision of the Zoning Officer to the Zoning Board of Appeals within thirty (30) days. In addition to serving written notice, the Zoning Officer may suspend the existing permit, if any.

2. If no appeal is made, the violation must be corrected within thirty (30) days of the service of written notice. If an appeal is made and the Zoning Board of Appeals upholds the Zoning Officer's decision, the violation must be corrected within thirty (30) days of the Zoning Board of Appeals denial of the appeal. If the violation is not corrected within the stipulated time, the Zoning Officer shall revoke the existing permit if any and issue a citation for penalties unless the Zoning Officer determines that good faith efforts have been made to remedy the violation and extends the deadline for compliance.

F. Revocation of Permit.

1. The Zoning Officer will revoke a permit if the Officer determines that the application was false or misleading, that the work being done differs materially from the work specified in the application, or that the work creates imminent danger to persons or property. The permit holder must surrender the permit to the Zoning Officer. If there is no imminent danger, work on the site must cease immediately. If there is imminent danger, work must continue until the Zoning Officer determines that the dangerous situation is remedied, at which time work must stop.
2. Before a new permit is issued, the Town Board may require the applicant to provide a letter of credit or other security sufficient to cover the cost of bringing the construction activity into compliance with this Chapter.

§ 98.145 Complaints

Any person who believes that any regulation under this Chapter has been violated may file a written complaint with the Zoning Officer. The Zoning Officer shall advise the complainant in writing of the findings and, if any noncompliance of this Chapter is found, the action that must be taken to remedy such noncompliance.

§ 98.146 Appeals

Appeal from a decision of the Zoning Officer.

A. Procedure for appellant.

1. An appeal to the Zoning Board of Appeals from any ruling of the Zoning Officer administering any portion of this Chapter may be made by any aggrieved person.
2. All appeals made to the Zoning Board of Appeals shall be in writing on forms obtained from the Zoning Officer. Every appeal shall refer to the specific provision of this Chapter and shall exactly set forth the interpretation that is claimed.
3. An appeal must be filed within sixty (60) days after notice of such action denying the permit has been mailed to the applicant.

B. Procedure for Zoning Officer.

1. The Zoning Officer shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed was taken or certified copies of said papers within five (5) business days of receiving an appeal.
2. The Zoning Officer shall recommend to the Zoning Board of Appeals a modification or reversal of the action in cases where the Zoning Officer believes substantial justice requires the same but where the Zoning Officer has not sufficient authority to grant the relief sought.

C. Procedure for the Zoning Board of Appeals.

See Article XIX, Review Authority and Procedures.

- 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 act upon the decision within six (6) months from the date of authorization unless the parties mutually agree that an extension of time is necessary.

§ 98.147 Fees

Fees shall be paid to the Town of Torrey at the office of the Town Clerk upon application and in accordance with the schedule of fees established by the Town Board.

§ 98.148 Refunds

There shall be no refund for fee(s) paid for a permit which has been issued, denied or revoked.

§ 98.149 Reserved for Future Use

§ 98.150 Reserved for Future Use

§ 98.151 Reserved for Future Use

Article XIX. Review Authorities and Procedures

§ 98.152 Zoning Board of Appeals

- A. Pursuant to the provisions of the New York State Town Law, a Zoning Board of Appeals has been established in the Town of Torrey.
- B. Appointment. The Board consists of five (5) members appointed by the Town Board. Board members, including alternate members appointed by the Town Board, shall be appointed for staggered terms of five (5) years.
- C. Appointment to fill vacancies. Appointments to fill vacancies shall be for the remainder of the term for the member being replaced.
- D. General grant of power. The Board shall perform all the duties and have all the powers prescribed by the laws of the State of New York and as described in this Chapter.
- E. Votes necessary for a decision. The affirmative vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer or to decide in favor of the appellant any matter upon which the Board is required to act under the terms of this Chapter or to effect any variation of this Chapter. The affirmative vote of four (4) Board members shall be necessary to reject any recommendation from the Planning Board on matters on which the Planning Board is authorized by this Chapter to act.

§ 98.153 Powers and duties of Zoning Board of Appeals

The Board shall have the following powers pursuant to the provisions of the laws of the State of New York:

- A. Appeals. The Board shall hear and decide appeals of any order, requirement, decision or determination made by the Zoning Officer administering this Chapter.
- B. Variances.
 - 1. The Board may vary or adapt the strict application of any of the requirements of this Chapter when such strict application would result in unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No variance in the strict application of any provision of this Chapter shall be granted by the Board unless the Board determines and documents:
 - a. That there are special circumstances or conditions, applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of such land or buildings.
 - b. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
 - c. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. In granting a variance, the Board shall prescribe any conditions that it deems to be necessary or desirable.

C. Interpretation. The Board shall decide any question involving the interpretation of any provision of this Chapter, including determination of the exact location of any district boundary.

D. Special Uses. The Board may issue a Special Use Permit for any of the uses which require a permit, pursuant to Article XVI of this chapter.

E. It shall also hear and decide all other matters referred to it or upon which it is required to act under the provisions of this Chapter.

§ 98.154 Procedures

A. The Zoning Board of Appeals shall act in strict accordance with the procedure specified by New York State statutes and by this Chapter.

B. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the Special Use Permit is sought and the grounds on which it is claimed such permit should be granted, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.

C. The Zoning Board of Appeals shall fix a reasonable time for the hearing of an application, appeal or other matter referred to it but in no event shall a hearing be scheduled more than sixty-two (62) days from receipt of an application.

D. In case of an appeal alleging error or misinterpretation of any order or other action by the Zoning Officer, the Town Clerk shall notify the following persons by mail within ten (10) days of the hearing: the appellant and the person or persons who were granted the order, requirement, regulation or determination.

E. In case of an appeal for a variance, or in the case of an application for a special use, as provided for in Article XVI of this Chapter:

1. A public hearing is required and the Zoning Board of Appeals shall give public notice by publication in the official newspaper at least five (5) days prior to the date of the hearing.,

2. The applicant shall notify all owners of property within five-hundred (500) feet of the nearest line of the property for which the variance or special use is sought, and to such other property owners as the Chairman of the Zoning Board of Appeals may direct. Such notice must be provided at least ten (10) days before the hearing. Proof of service must be provided before the hearing will be opened.

F. When the Zoning Board of Appeals denies an application or appeal, the Board shall not hear the same or a similar appeal from the original applicant or appellant or designated successors for one (1) year. Should the Board find, however, in the request for a hearing, information about changed conditions relevant to public safety, health or welfare, the Board may rehear the question sooner. Such a rehearing must be initiated by a motion from a Board member and adopted by the unanimous vote of the members present.

G. Within five (5) days of receiving a completed application or appeal, the Secretary of Zoning Board of Appeals shall transmit to the Planning Board a copy of the application or appeal, together with a copy of the notice of the public hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on the application or appeal. The Planning Board shall submit a written report of such advisory opinion including recommendations and any special conditions prior to the date of the hearing. Upon failure to submit a report within thirty (30) days, the Planning Board shall be deemed to have issued a positive recommendation on the application or appeal.

H. At least ten (10) days before the public hearing the Zoning Board of Appeals shall submit an application, appeal or variance to the Yates County Planning Board as required by Section

239-m of the General Municipal law. No action may be taken on any application, appeal or variance required to be referred to the Yates County Planning Board until thirty (30) days have passed from the date of the referral.

I. Every decision of the Zoning Board of Appeals shall be by resolution; every decision shall contain a full record of the findings of the Board.

J. The Zoning Board of Appeals will approve, approve with conditions or modifications or deny the application, appeal or variance within sixty-two (62) days of the public hearing unless an extension is agreed upon by the Board and the applicant.

K. The Zoning Board of Appeals shall notify the applicant in writing within five (5) days after a decision has been rendered. If the permit is approved, the Zoning Officer shall issue a permit and include any conditions required by the Zoning Board of Appeals. If a permit has been denied, the Zoning Board of Appeals must state the reasons for the denial in the notification to the applicant.

L. Every decision by the Board shall be filed in the office of the Town Clerk within five (5) business days.

§ 98.155 Reserved for Future Use

§ 98.156 Reserved for Future Use

§ 98.157 Reserved for Future Use

Article XX. Nonconforming Lots, Structures and Uses

§ 98.158 Purpose

This Article regulates and limits the continued existence of lots, structures and uses established prior to the effective date of this Law that do not conform to the regulations of this Chapter.

§ 98.159 Applicability

Nothing contained in this Article shall be construed to render lawful any existing building, structure or use not conforming to the provisions of the Town of Torrey Zoning Ordinance enacted on 3/27/1977. Any unlawful use commencing after enactment of the zoning ordinance in 1977 and prior to the enactment of this Chapter shall be held in violation of this Chapter. Such use shall not be considered a pre-existing nonconforming use under this Chapter and the enforcement provisions of this Chapter shall apply.

§ 98.160 Nonconforming Lots

Existing Lots of Record. A single unit dwelling or accessory structure may be constructed on any nonconforming lot of record in existence at the time of adoption of this Chapter in any district where single unit dwellings are permitted, provided the following conditions are met:

- A. Side setbacks. Any structure constructed on a lot with a nonconforming width shall have a minimum side setback of ten (10) feet. On a corner lot, a minimum side setback of one-half (1/2) the required front setback of the adjoining lot on the side street shall be provided.
- B. Front and rear setbacks. Any structure constructed on a lot with a nonconforming depth shall have a front and rear setback which conform to at least one-half (1/2) of the minimums required for the district in which it is located.
- C. Lake front. Structures on conforming and nonconforming lots which front directly on Seneca Lake and which have a reduced or restricted buildable area due to the proximity of steep slopes, and/or the lower roads which run along the lake, and/or railroad tracks are subject to the following alternative bulk regulations. Principal structures must be set back a minimum of:
 - Ten (10) feet from the mean high water line;
 - Thirty (30) feet from the center of the lower roads;
 - Thirty (30) feet from the railroad right-of-way
 - Ten (10) feet from the side yard lot lines.
- E. All other bulk regulations for the district in question are met.

§ 98.161 Nonconforming Buildings and Structures

Any nonconforming building or structure devoted to a use that is permitted in the zoning district in which it is located may be continued so long as the use remains otherwise lawful, subject to the following regulations:

- A. Repair or Alteration. A nonconforming building or structure may be repaired, maintained, rebuilt or restored to a safe condition provided such does not increase the nonconformity and provided all other regulations in this Section are met.
- B. Enlargement. A nonconforming building or structure shall not be enlarged unless such enlargement would not increase the nonconformity.
- B. Moving. A nonconforming building or structure shall not be moved in whole or part to another location on the same or different lot unless the entire structure conforms to all regulations in the zoning district to which it is moved.

§ 98.162 Nonconforming Use

Any nonconforming use lawfully existing when this law was adopted may be continued so long as it remains otherwise lawful, subject to the following regulations:

- A. All uses must comply with the regulations imposed by this Chapter regarding the storage of junk and any applicable Special Conditions in Article XV.
- B. Structural Alteration or Enlargement. No structure shall be altered or enlarged unless its use conforms to the regulations of the zoning district in which it is located. Ordinary repair and maintenance, installation or relocation of nonbearing walls or partitions, replacement or installation of plumbing or electrical fixtures, or installation or repair of wiring or plumbing devices is permitted.
- C. Damage or Destruction. When a structure which contains a nonconforming use is damaged or destroyed, by any means, to the extent of fifty (50) percent or more of the cost of replacement of the structure, the structure shall not be restored unless its use conforms to the regulations of the zoning district in which it is located.
- D. Moving. A structure shall not be moved in whole or in part to another location on the same or different lot unless the use conforms to the regulations of the zoning district to which it is moved.
- E. Expansion of Use. A nonconforming use shall not be expanded or enlarged or increased in intensity. Such prohibited expansion shall include, but not be limited to:
 - 1. Expansion of such use within a building or to any structure or to any land area other than that occupied by such nonconforming use on the effective date of this Chapter or any amendment hereto which causes such use to become nonconforming;
 - 2. Extension of the hours of operation.
- E. Change in Use.
 - 1. A nonconforming use shall not be changed to any use other than to a use permitted in the zoning district in which the property is located.
 - 2. Once a nonconforming use is changed to an allowed use in the zoning district in which the property is located, the use shall not be changed back to the prior nonconforming use or to any other nonconforming use.

F. Discontinuance.

1. When the active operation of a nonconforming use is discontinued for a period of one (1) year, regardless of any intent to resume the use, the use shall not be reestablished or resumed. The evidence of active operation of a use shall be the typical or normal activities of the use. Any subsequent use of such structure or land shall comply with the use regulations of the zoning district in which it is located.
2. Any suspension of a use caused by a foreclosure action shall not be included in determining the length of discontinuance.
3. Any of the following circumstances shall contribute towards evidence of discontinuance of the use:
 - a. Failure to maintain regular business hours, typical or normal for the use;
 - b. Failure to maintain equipment, supplies, or stock in trade;
 - c. Failure to maintain utilities which would be necessary for the active operation of the use;
 - d. Failure to pay taxes, including but not limited to sales taxes, workers compensation taxes or premiums, corporate taxes, etc., that would be required for the active operation of the use;
 - e. Failure to maintain required local, state, or federal licenses or other approvals that would be necessary for the active operation of the use.
4. The continuance of one or more nonconforming uses located on a property shall not affect the determination that another nonconforming use on the same property has been discontinued.

G. Nonconforming Accessory Uses and Structures. No use or structure that is accessory to a principal nonconforming use shall continue after the principal use has ceased or been terminated, unless it conforms to the regulations of the zoning district in which it is located.

§ 98.163 Reserved for Future Use

§ 98.164 Reserved for Future Use

§ 98.165 Reserved for Future Use

Article XXI. Amendments

§ 98.166 Town Board May Amend

- A. The Town Board may on its own motion amend, supplement, repeal or change the regulations and district boundaries established by this Chapter.
- B. Property owners within the Town may petition the Town Board to consider changes or amendments to the Zoning Law. Whenever fifty percent or more of the property owners included in a proposed change present a duly signed and certified petition to the Town Board requesting an amendment or change, the Town Board shall consider and vote on whether to propose legislation to amend, supplement, repeal or change the zoning law as requested in said petition within sixty-two (62) days after the petition is filed with the Town Clerk.
- C. The Planning Board may, by resolution, propose to the Town Board an amendment recommending a change to or repeal of specific portions of this Chapter. Within sixty-two (62) days from the time such resolution is filed with the Town Clerk, it shall be the duty of the Town Board to vote on whether to propose legislation to amend, supplement, repeal or change the zoning law as requested by the Planning Board.

§ 98.167 Review by Planning Board

- A. All proposed amendments, supplements or changes originating by petition or by motion of the Town Board shall be referred to the Town Planning Board for a report and recommendation. The Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be a favorable recommendation of the proposed amendment.
- B. Whenever any zoning law or amendment would change the district classification or a regulation applying to real property within a distance of five-hundred (500) feet of any boundary line of a neighboring municipality or county or state property as described in Section 239-1 and 239-m of the General Municipal Law, said zoning regulation or amendment shall be referred to the Yates County Planning Board, which will be asked to report its recommendations to the Town Board. Failure of the County Planning Board to report within thirty (30) days of receiving the referral shall be construed to be a favorable recommendation by the Board.

§ 98.168 Public notice and hearing

- A. Before any amendment, supplement or change in the regulations or district boundaries is considered by the Board, there shall be a public notice and hearing.
- B. All property owners within a distance of five-hundred (500) feet of any proposed change or amendment shall be notified by certified mail; the costs incurred for said notification shall be paid for by the applicant, if the change or amendment was proposed by a petition of property owners.
- C. The notice of hearing shall be published in the official paper once a week for three successive weeks and shall be posted in public places in the Town.

§ 98.169 Adoption of Amendment

After the public hearing and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the Zoning Law, except as described in §98.171, Protest Petitions.

§ 98.170 Protest Petitions

Landowners may protest a proposed amendment, supplement or change to the Zoning Law by submitting a duly signed and certified petition to the Town Board. When a protest petition is signed by:

- Owners of twenty (20) percent or more of the area of land included in such change or,
- Owners of twenty (20) percent or more of the area of land immediately adjacent to that land included in such proposed change, extending one-hundred (100) feet there from or,
- Owners of twenty (20) percent or more of the area of the land directly opposite that land included in such proposed change, extending one-hundred (100) feet from the street frontage of such opposite land,

a three-fourths (3/4) majority of four (4) votes is necessary for the Town Board to pass the amendment, supplement, or change.

§ 98.171 Reserved for Future Use

§ 98.172 Reserved for Future Use

§ 98.173 Reserved for Future Use

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Appendix I: Zoning Schedule and Bulk Coverage Controls

sq.ft.

| District | Minimum Lot Dimensions | | | | Minimum Setback Dimensions | | | Maximum Building Height (feet) | Maximum Lot Coverage |
|---|------------------------|------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|-----------------------------|--------------------------------|----------------------|
| | Minimum Lot Area | Minimum Lot Area per Dwelling Unit | Minimum Lot Width (feet) | Minimum Lot Depth (feet) | Minimum Front Setback (feet) | Minimum Side Setback (feet) | Minimum Rear Setback (feet) | | |
| Ag Agricultural | 1 acre | 1 acre | 100 | 150 | 50 | 15 | 30 | 28 | 20% |
| Ag/Res Agricultural/ Residential | 1 acre | 1 acre | 100 | 150 | 50 | 15 | 30 | 28 | 20% |
| REC Recreational | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 28 | 20% |
| C Commercial | 20,000 | N/A | 100 | 150 | 75 | 15 | 25 | 60 | 70% |
| CC Community Center | 15,000 sq. ft. | N/A | 100 | 150 | 50 | 15 | 25 | 60 | 70% |
| I Industrial | 1 acre | N/A | 100 | 150 | 50 | 15 | 25 | 60 | 70% |
| LI Light Industrial | 1 acre | N/A | 100 | 150 | 50 | 15 | 25 | 35 | 50% |
| LC Land Conservation | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

NOTE: The regulations for accessory structures are provided in Article IV, §98.21.

Appendix II: Zoning Schedule of Land Use Activities

| | | | | | | | | |
|---|-----------------------|-------------------------------------|---------------------|---------------------|---------------------------|---------------------|---------------------------|------------------------------------|
| Blank = Not Permitted P = Permitted Principal Uses A = Permitted Accessory Uses SC = Special conditions apply SP = Special Use Permit Required additional requirements for specific uses E = existing uses only <i>Land Use or Activity</i> <u>A. RESIDENTIAL USES</u> | Agricultural District | Agricultural / Residential District | Recreation District | Commercial District | Community Center District | Industrial District | Light Industrial District | Land Conservation Overlay District |
| | Ag | Ag/Res | Rec | C | CC | I | II | LC |
| | | | | | | | | |
| 1. Dwelling, Single Unit | P | P | | E | P | | | |
| 2. Dwelling, Two Unit | | | | E | P | | | |
| 3. Dwelling, Multiple Unit | | | | E | P | | | |
| 4. Dwelling, Seasonal | | | P | E | | | | |
| 5. Mixed Residential/Commercial Development | | | | E | P | | | |
| 6. Temporary Housing | SC | SC | SC | E | SC | | | |
| 7. Manufactured Home | SC | SC | | E | SC | | | |
| | | | | E | | | | |
| <u>B. ACCESSORY USES</u> | E | | | | | | | |
| 1. Terraces, Patios and decks | A | A | A | E | A | | | |
| 2. Private Garage | A | A | A | E | A | | | |
| 3. Workshop or Shed | A | A | A | E | A | | | |
| 4. Non-commercial recreation | A | A | A | E | A | | | |
| 5. Barns and storage buildings associated with farming | A | A | | E | A | | | |
| 6. Fences | SC | SC | SC | SC | SC | SC | SC | SC |
| 7. Solid-fuel-fired Outdoor Heating Device | SC | SC | SC | SC | | SC | | |

| | | | | | | | | |
|--|-----------------------|-------------------------------------|---------------------|---------------------|---------------------------|---------------------|---------------------------|------------------------------------|
| Blank = Not Permitted P = Permitted Principal Uses A = Permitted Accessory Uses SC = Special conditions apply SP = Special Use Permit Required additional requirements for specific uses E = existing uses only Land Use or Activity <u>C. COMMUNITY USES</u> | Agricultural District | Agricultural / Residential District | Recreation District | Commercial District | Community Center District | Industrial District | Light Industrial District | Land Conservation Overlay District |
| | Ag | Ag/Res | Rec | C | CC | I | II | LC |
| | | | | | | | | |
| 1. Playground, park, and associated structures, noncommercial | P | P | P | E | P | | | P |
| 2. Youth center, library, museum, theater and similar quasi-public use | | | | E | P | | | |
| 3. Clubs | SP | SP | | E | P | | | |
| <u>D. BUSINESS USES</u> | | | | | | | | |
| 1. Farming | P | P | P | E | P | | | P |
| 2. Manure storage facility | SC | SC | | E | SC | | | |
| 3. Vineyards and wineries | P | P | P | E | P | | | P |
| 4. Agriculture business operations to service farms (excluding retail equipment sales) | P | P | | E | | | | |
| 5. Agriculture business operations to service farms (including retail equipment sales) | | | | E | P | P | P | |
| 6. Temporary Roadside Stand | SC | SC | | E | SC | | | |
| 7. Bed and Breakfast | SP | SP | | E | SP | | | |
| 8. Motel; hotel, | SP | SP | | E | SP | | SP | |
| 9. Winery tasting room and food services | SP | SP | | E | SP | | SP | |

| Blank = Not Permitted P = Permitted Principal Uses A = Permitted Accessory Uses SC = Special conditions apply SP = Special Use Permit Required additional requirements for specific uses E = existing uses only <i>Land Use or Activity</i> | Agricultural District | Agricultural / Residential District | Recreation District | Commercial District | Community Center District | Industrial District | Light Industrial District | Land Conservation Overlay District |
|---|-----------------------|-------------------------------------|---------------------|---------------------|---------------------------|---------------------|---------------------------|------------------------------------|
| | Ag | Ag/Res | Re c | C | CC | I | II | LC |
| 10. Micro-brewery or distillery | SP | SP | | E | SP | | SP | |
| 11. Nursing home; hospital; health related clinic | | SP | | E | SP | | SP | |
| 12. Home business or occupation | SC | SC | | E | SC | | | |
| 13. Kennel | SP | SP | | E | | | | |
| 14. Professional or business office | | | | E | P | P | P | |
| 15. Retail sales associated with home businesses | SP | SP | | E | P | | | |
| 16. Retail sales, general | SP | SP | | E | P | P | P | |
| 17. Restaurant or tavern (not including a drive-through) | SP | SP | | E | SP | | SP | |
| 18. Commercial recreation (outdoor or indoor) | SP | SP | SP | E | SP | | SP | |
| 19. Campground | SP | SP | SP | E | | | | |
| 20. "Mini" commercial warehouse for self-storage | | | | E | P | | P | |
| 21. Convenience or mini market | SP | SP | | E | P | | P | |
| 22. Vehicular fuel and service (excluding body work) | | | | E | SP | | SP | |
| 23. New and used car sales, garage service and repair, body shop | | | | E | SP | | SP | |

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| Blank = Not Permitted P = Permitted Principal Uses A = Permitted Accessory Uses SC = Special conditions apply SP = Special Use Permit Required additional requirements for specific uses E = existing uses only Land Use or Activity | Agricultural District | Agricultural / Residential District | Recreation District | Commercial District | Community Center District | Industrial District | Light Industrial District | Land Conservation Overlay District |
|---|-----------------------|-------------------------------------|---------------------|---------------------|---------------------------|---------------------|---------------------------|------------------------------------|
| | Ag | Ag/Res | Re c | C | CC | I | II | LC |
| 24. Short-term rental | SC | SC | SC | E | SC | | | |
| | | | | | | | | |
| 1. Manufacturing, assembly or other industrial or research operation | | | | E | | P | P | |
| 2. Industrial park development | | | | E | | P | P | |
| 3. General processing, light manufacturing, assembly | | | | E | | P | P | |
| 4. Warehouses for the enclosed storage of goods and materials, distribution plants and wholesale businesses | | | | E | SP | P | P | |
| 5. Mining operations | SP | SP | SP | E | | SP | | |
| | | | | E | | | | |
| <u>F. UTILITY AND MISCELLANEOUS USES</u> | | | | <u>E</u> | | | | |
| 1. Essential services | P | P | P | P | P | P | P | P |
| 2. Non Commercial alternative energy source | P | P | P | P | P | P | P | |
| 3. Signs | SC | SC | SC | SC | SC | SC | SC | SC |
| 4. Off-street parking | SC | SC | SC | SC | SC | SC | SC | SC |
| 6. Off-street loading | SC | SC | SC | SC | SC | SC | SC | SC |

Appendix III: Zoning District Map

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