

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

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

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

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

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

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

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

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

**Section 504 Table of Use Regulations**

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

**“Section 504 Table of Use Regulations**

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

**Section 504 Table of Use Regulations**

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

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

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

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

**CRITERIA FOR CERTAIN SPECIFIED USES**

**Section 504.1 Attached and Unattached Accessory Buildings and Accessory Uses.**

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

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

by this Law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 504.8 Home Occupation.**

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

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

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

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

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

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

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

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

**Section 504.9 Stables, Private and Public.**

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

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

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

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

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

B. Additional conditions for private stables.

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

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

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

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

C. Additional conditions for public stables.

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

**Section 504.10 Swimming Pools and Ponds.**

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

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

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

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

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

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

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

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

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

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

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

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

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