

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

Note:

All proposed Planning Board changes to the existing Town of Kendall Zoning Ordinance text as amended July 16, 1996 are highlighted in bold enlarged text.

SECTION 210 DEFINITIONS

Original 1996 (Delete)

ACCESSORY BUILDING: A detached building which is of secondary importance to the principle structure of the parcel, and which is not used for human occupancy. This definition shall include private garages.

ACCESSORY USE OR STRUCTURE: Contributory use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure and may include alternate energy systems.

Proposed New Definitions

ACCESSORY BUILDING OR STRUCTURE: A detached building or structure which:

- 1. Is located on the same parcel as the principal building.**
- 2. Is customarily incidental and subordinate to, and serves a principal building.**
- 3. May not provide living space nor shall be used as a dwelling.**
- 4. Contributes to the comfort, convenience or necessity of occupants of the principal building use.**
- 5. This definition shall include detached decks and docks.**
- 6. This definition shall exclude devices previously used or intended for highway use, such as truck trailers.**

AGRICULTURE/ (FARMING): The use of land for agricultural production purposes including, tilling of the soil, dairying, pasture, animal and poultry husbandry, apiculture, arboriculture, horticulture, floriculture, viticulture, and accessory uses for packing, storing, processing and retail sales of agricultural products, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural production activities.

BUILDING: Any structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals, property or **the operation of a business.**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

BUILDING, FARM: Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operating of the farm as defined herein.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which it is located

BUSINESS: Includes the purchase, sale or any other transaction involving the handling, servicing or disposition of any article, substance, commodity, or service, tangible or intangible, and includes offices and commercial buildings, recreational and amusement enterprises and any operation where the above-described activities are conducted in return for remuneration or consideration of any type. For the purpose of this ordinance, "business" shall have the same meaning as "commercial," and reference to commercial districts or zones shall be interpreted as referring to business districts.

DRY DOCKING of BOATS: The process of moving a ship or boat from the water to dry land or removing water around a ship to enable work to be performed on the exterior part of the ship below the waterline. Dry docks are used for the construction, maintenance, and repair of ships, boats, and other watercraft.

FARM: See AGRICULTURE

FARM OPERATIONS: The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including commercial horse boarding operations, timber processing, compost, mulch or other biomass crops. A farm operation shall also include the production, management and harvesting of farm woodland. For purposes of this section a Farm Operation is defined in Article 25AA, Section 301 subdivision eleven and Section 301 subdivision two of the

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

New York State Agricultural and Markets Law. Farm operations may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

Original 1996 (Delete)

FENCE: An enclosure, barrier, or boundary made of posts, boards, wire, stakes, rails, plastic, chain link mesh or similar type materials.

FENCE: An enclosure or barrier, made of wooden or metal posts, boards, rails, plastic, chain link mesh or similar type materials, used as a boundary, decorative enclosure, means of protection or confinement.

LAKE ONTARIO HIGH WATER MARK:

The waterside boundary of the Town of Kendall that coincides with the mean high landward line along Lake Ontario as measured at 248.8 feet above sea level on the International Great Lakes Datum.

LAKE ONTARIO PROPERTY: Residential property located in the WR and WD districts that have setbacks, condition or requirements unique to the Lakeshore, and shall have the following classifications:

1. Lakeshore Property

Property that adjoins the Lake Ontario shoreline and is provided access by a Private or Town road that runs parallel to the shoreline.

2. Lakeview Property

Property whose front adjoins the Private or Town road that is shared and common with Lakeshore property.

3. Combined Lakeshore and Lakeview property

Lakeview property that is combined with Lakeshore property to increase the size of a Lakeshore lot. A Private or Town road generally goes through the middle of the combined lots and provides access to the property.

LOT AREA: The square footage or acreage contained within the boundaries of a lot determined by the latest official records or recordings. Any portion of the lot that includes a public or private road,

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

street or highway right-of-way shall not be included in calculating lot area. Due to continued Lake Ontario erosion, the Lakeshore property lot area used to determine accessory structure ground floor footage shall include only land up to the current embankment at the waters edge.

MARINA: A lot, building, structure, pier, dock or portion thereof located with shoreline frontage and access to navigable water and used for the launching, mooring, rental, sale, fueling and/or repair of watercraft and may include boat storage, boat launch facilities, and such sales of bait, tackle and marine supplies as may be necessary to such marinas. The term "marina" shall include "yacht club," but shall exclude non-commercial facilities that are accessory to a single or multiple-family residence.

SHED: See Utility Building

UTILITY BUILDING: A building, also called a shed or utility shed, made of wood, metal, masonry or man-made materials, used for the storage of personal property. Sheds and utility buildings do not require a wood or cement base or a foundation but must be anchored in such a manner as necessary to militate against wind damage. A utility building shall not be used as a garage for the purpose of parking automobiles and trucks.

WATERFRONT: Property that has a shoreline which physically touches public waterway or large bodies of water. Ponds shall be excluded from this definition.

SECTION 608 UTILITY SHEDS

A. Small Utility Shed

A small utility shed, not to exceed 10 feet in height or 144 square feet in horizontal area, shall be allowed and shall have the following requirements:

- 1. A building permit is not required for the construction or installation of a small shed.**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

2. **A small shed does not have to meet the setback requirements of this ordinance and may be erected no less than five (5) feet from the side or rear property line only upon the inspection and approval of the Zoning Enforcement Officer.**
3. **Small sheds do not require a wood or cement base or a foundation, but must be anchored to the satisfaction of the Zoning Enforcement Officer to mitigate against wind damage.**

B. Large or multiple small sheds.

Utility sheds having dimensions larger than 10 feet in height or 144 square feet in horizontal area or requests for more than one small shed not exceeding 10 feet in height or 144 square feet in horizontal area shall require the issuance of a standard building permit and must comply with all the provisions of this ordinance, including setback requirements, NYS building codes and all other local laws and statutory provisions.

SECTION 610 FENCES

- A.) Unless otherwise authorized in this Ordinance, fences shall be erected, altered or reconstructed under the following conditions:
- 1.) No fence shall be erected in any Rear Yard higher than six (6) feet above the highest point of ground directly below the fence.
 - 2.) No fence shall be erected in any Side Yard higher than six (6) feet above the highest point of ground directly below the fence.
 - 3.) No fence shall be erected in any Front Yard except for decorative open type fencing, and that to a maximum height of four (4) feet above the highest point of ground directly below the fence.
 - 4.) On corner lots, both yards fronting the joining streets shall be considered Front Yards and shall be subject to the fencing provisions specified in Section 610 A. of this ordinance.
 - 5.) The mounding of earth directly below any fence for the purpose of increasing the fence height shall not be permitted. (Amended 08.05.96)
- B.) Fences may be substituted for lot line landscaping during Site Plan Review upon the discretion of the Planning Board.
- C.) No fence shall cause obstruction of vision at street **and driveway** intersections **as determined by the Zoning Enforcement Officer.**
- D.) Fencing for farm purposes shall not exceed six (6) feet in height as measured

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

above the highest point of ground directly below the fence. Farm fencing shall be exempt from the yard and height provisions found in Section 610A. of this Ordinance. . (Amended 08.05.06)

- E.) Any fence erected along a lot line shall be erected wholly on the property of the owner and neither the fence itself nor any supporting accessory components thereof shall encroach upon the adjoining properties.
- F.) A finished side of any fencing shall front the neighboring properties.
- G.) Barbed wire, single strand wire or electrification of any fence is permitted for the containment of livestock only, subject to applicable sections of this Ordinance. Electrified fencing products such as "Invisible Fencing-" shall be excluded from this requirement. (Amended 08.05.96)
- H.) All fencing shall be placed on the property so the fence can be maintained on both sides by the fence owner. The ZEO shall determine a reasonable distance from the property line for fence maintenance. (Amended 08-05-9 6)
- I.) **Additional special fencing requirements for Lakeshore and Lakeview Property located within the Waterfront Residential (WR) and Waterfront Development (WD) Districts:**

1. General

- a. A building permit is required, showing the location of the fence on a tape map, or other map drawn to scale; and describing the length, height and material from which the fence is to be constructed.
- b. The mounding of earth directly below any fence for the purpose of increasing the fence height shall not be permitted. (Amended 08.05.96)
- c. **The height of a fence may be altered for the construction and operation of swimming pools within the Waterfront Residential (WR) and Waterfront Development (WD) Districts to allow a pool to conform to all applicable federal, state and local laws and codes, including but not limited to the rules of the state and county boards of health, the New York State Uniform Fire Prevention and Building Code and other applicable codes, rules and regulations.**
- d. **Decorative enclosures used to surround propane tanks, backup generating systems or other similar uses, shall be constructed to be minimal in nature and limited in height and**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

width to only block the view of enclosed items.

2. Lakeshore Property

a. **Fences, decorative enclosures, privacy vegetation, shrubbery type vegetation, trees and or natural buffers must be planted or constructed to retain views to the Lake Ontario Shoreline and must not affect or obstruct the views of the shoreline. No fence shall be allowed closer to the lake than 10 feet from the waters edge.**

b. **No fence shall be erected in any yard that adjoins the Lakeshore in the WR or WD Districts higher than three (3) feet above the highest point of ground directly below the fence.**

c. **No fence shall be erected in any Front Yard except for decorative open type fencing, and not to exceed a maximum height of three (3) feet above the highest point of ground directly below the fence.**

d. **Plantings and shrubbery used as a fence line shall not be allowed to grow higher than three (3) feet above the ground unless maintained in an open and decorative design.**

Open design shall mean the area covered by the plantings will be no more than a maximum of fifty (50%) percent opaque as viewed perpendicular to the length of the fence line.

e. **Tree planting are to be randomly spaced and are not to be planted as a fence line or clustered in such a way as to obstruct the lake views from neighboring properties.**

Trees in existence at the adoption of this ordinance shall be exempt.

3. Lakeview Property (Non-Lakeshore Property)

a. **Fences may be erected, altered or reconstructed to a maximum**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

height of six (6) feet in the side and rear yards, for residential uses. Property whose front lot line and rear lot line both adjoin a Private or Town road shall not erect a fence exceeding a maximum height of three (3) feet above the highest point of ground directly below the fence.

- b. No fence shall be erected in any Front Yard except for decorative open type fencing, and not to exceed a maximum height of four (4) feet above the highest point of ground directly below the fence.**
- c. Lots without a primary residence but adjoin a lot with a primary residence shall not be allowed to extend a side lot line six foot fence beyond the neighboring front yard.**

4. Combined Lakeshore and Lakeview Property

- a. The area of the lot from the lake shoreline to the Private or Town Road shall be in compliance with the fencing provisions specified in Section 610 I.2. of this ordinance.**
- b. The area of the lot from the Private or Town Road to the rear lot line of the combined lot shall be in compliance with the fencing provisions specified in Section 610 I.3. of this ordinance.**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

SECTION 500 RESIDENTIAL/HAMLET DISTRICT (RH)

SECTION 501 PURPOSE

The purpose of the Residential/Hamlet District is to recognize that the crossroads community is a unique area where residential and commercial businesses exist in harmony, providing necessary basic services **for the residences and businesses in and around the surrounding community**.

SECTION 502 PERMITTED USES

Day Care Home (Family)
Home Occupations
One and Two Family Dwellings
Business, Convenience
Professional Offices (Amended 08.05.96)

**SECTION 503 CONDITIONAL USES REQUIRING A SPECIAL PERMIT
ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT
REGULATIONS, ARE INCLUDED)**

Bed and Breakfast
Drive-In Business
Retail Fuel Outlet
Multiple Family Dwellings
Clubs
Home Business
Essential Services
Public & Semi-Public Buildings and Grounds
Motor Vehicle Repair Shop
Accessory Building Used For Animal Housing
Day Care Center

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

SECTION 504 PERMITTED ACCESSORY USES

- Accessory Structures
- Non-wind generated Alternative Energy Systems (Amended 08.28.08)
- Roadside Stands
- Temporary Structures
- Yard Sales
- Other Similar Type Uses

SECTION 505 SPECIFICATIONS

Minimum Setback Requirements	
Front (See Note 1):	35 Feet from Town roads 26.5 feet from County and State highways
Side:	15 feet
Rear:	20 feet (principal and accessory structures).
Lot Width:	100 feet
Road Frontage:	100 feet
Minimum Lot Size:	10,000 Square Feet with public sewer, or a lot size sufficient to provide Health Department specifications for adequate sewage/septic disposal.
Building Height:	35 Feet (except Agricultural Storage Facilities)

Note (1): Front setbacks are to be measured either from the right-of-way or measured from the center of the public roadway in existence at the time of the application. If measured from the center of the roadway, add 24.5 feet for Town roads, 33 feet for County highways and 33 feet for State highways.

SECTION 506 OTHER PROVISIONS AND REQUIREMENTS

- A. All accessory structures must be located at or behind the front main foundation on the same parcel as the principal building.**
- B. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises shall be allowed. The maximum allowed ground floor footage of an accessory building shall be determined by calculating the rate of 5% of the lot area in square feet, excluding**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

all right-of-ways, and shall not exceed a total of 1200 square feet in size.

C. Sheds used for the storage of personal property shall be allowed.

D. Buffer Strip. Commercial structures shall provide a natural buffer strip to be perpetually maintained so as to provide visual screening and separation between commercial and residential uses.

E. Refuse Containers. Commercial structures shall provide a commercial type refuse container on site. Such containers shall be placed on concrete or stone areas and visually screened, and shall provide rodent control.

SECTION 555 WATERFRONT RESIDENTIAL DISTRICT (WR)

SECTION 556 PURPOSE

The purpose of the Waterfront Residential District is to recognize the Lake Ontario Shoreline and its tributaries, as a unique resource and to control future growth in a manner which respects the environmental limitations of the waterfront and affords maximum public enjoyment of the area.

The Town of Kendall recognizes the changing needs of the residents along the Lake Ontario Shoreline with cottages turning into larger year round homes and a need for ever larger accessory structures. Property located along the lake shall be classified as:

1. Lakeshore Property

Property that adjoins the Lake Ontario shoreline and is provided access by a Private or Town road that runs parallel to the shoreline.

2. Lakeview Property

Property whose front adjoins the Private or Town road that is shared and common with Lakeshore property.

3. Combined Lakeshore and Lakeview property

Lakeshore property that is combined with Lakeview property to increase the size of a Lakeshore lot. A Private or Town road generally goes through the middle of the combined lots and provides access to the property.

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

The Town of Kendall recognizes and wishes to preserve and protect the unique scenic character of the Lake Ontario shoreline. The Town of Kendall also recognizes the importance of maintaining view lines to the lake from Lakeshore residences by ensuring that future development may not obstruct view lines.

Shoreline Vistas

In order to establish the importance of maintaining the view lines and vistas of residences with lakeshore property the following requirements shall be used to maintain shoreline vistas:

- a. *During a site plan review of a building permit application, the Zoning Enforcement Officer shall determine vista site lines. A vista site line shall be based on the set back of the front main foundations of principal structures, limited to three lot widths on each side of the new construction, and shall be used as a "shoreline three-lot-width vista".*
- b. *The placing of a principal structure, accessory structure, or building addition closer than the setback of neighboring properties that has the effect of reducing a three-lot-width vista site line shall not be allowed.*
- c. *Adding additions to existing primary or accessory structures must not affect nor obstruct the existing vistas as observed from the front main foundation of primary residence within the "shoreline three-lot-width vista".*
- d. *If setbacks, required to comply with the Lot Front Setback, New York State Coastal Erosion Hazard Area Act, New York State Building Codes or Orleans County Health Department are met and allow a structure to be placed closer to the shoreline than the "shoreline three-lot-width vista", the shoreline vista site line shall overrule and become the minimum setback requirement.*

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

- e. If setbacks required to comply with the Lot Front Setback, New York State Coastal Erosion Hazard Area Act, New York State Building Codes or Orleans County Health Department, require that the front setback be placed closer to the shoreline than the neighboring front foundations or “shoreline three-lot-width vista”, the mandated setbacks shall overrule the vista requirements .

SECTION 557 PERMITTED USES

One and Two Family Dwelling

SECTION 558 PERMITTED ACCESSORY USE

Accessory Structures
Temporary Structures
Other Similar Type Structure

**SECTION 559 CONDITIONAL USES REQUIRING A SPECIAL PERMIT
ISSUED BY
THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT REGULATIONS,
ARTICLE VII)**

Multiple Family Dwellings
Delete this from the 8.5.1996 adoption
Mobile/Manufactured Home Parks

Mobile/Manufactured Home Parks
Essential Services
Charter Boat Service
Bed and breakfast

SECTION 560 SPECIFICATIONS

For the purpose of this section:

Lakeshore Property shall be defined as property with:

- 1. Lot Line, Front: The linear distance along a lot line that adjoins the Lake Ontario shoreline.**
- 2. Lot Line, Rear: The lot line opposite and most distance from the**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

**front line and adjoins a Private or Town road
which provides access to the lot.**

- 3. Lot line, Side: Any lot line other than a front or rear lot line.**

**Lakeview Property (Non-Lakeshore Property) shall be defined as
property with:**

- 1. Lot Line, Front: The linear distance along a lot line which
adjoins a Private or Town road that is shared
and common with Lakeshore property and
provides access to the lot.**
- 2. Lot Line, Rear: The lot line opposite and most distance from
the front lot line.**
- 3. Lot line, Side: Any lot line other than a front or rear lot line.**

**Combined Lakeshore and Lakeview property shall be defined as
property with:**

- 1. Lot Line, Front: The linear distance along a lot line that
adjoins the Lake Ontario shoreline.**
- 2. Lot Line, Rear: The lot line opposite and most distance from
the front lot line and a Private or Town road.**
- 3. Lot line, Side: Any lot line other than a front or rear lot line**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

SPECIFICATIONS	
Lakeshore Property (Not Combined with Lakeview Property)	
Minimum Setback Requirements:	
Front Setback from mean high water mark:	Principal Structure: 60 feet, plus any setback required to comply with the New York State Coastal Erosion Hazard Area Act with the exception of flood and erosion protection structures. See also Section 556 - Vistas
Side Setback:	5 Feet (principle and accessory structures) See Section 561 subdivision F.
Rear Setback: (See Note 1):	20 feet (principle and accessory structures) from Private or Town Road.
Lakeview Property (Non-Lakeshore Property)	
Front Setback (roadside) See Note 1:	35 feet (principle and accessory structures) from Private or Town road. 90 feet from the center of a State or County Road. See Section 561 subdivision H.
Side Setback:	5 Feet (principal and accessory structures)
Rear Setback:	20 feet (principal and accessory structures)
Combined Lakeshore and Lakeview Property	
Minimum Setback Requirements:	
Front Setback from mean high water mark:	Principal Structure: 60 feet, plus any setback required to comply with the New York State Coastal Erosion Hazard Area Act with the exception of flood and erosion protection structures. See also Section 556 - Vistas
Side Setback:	5 feet (principle and accessory on Lakeshore side). If an accessory structure is located on the Lakeview side: See Section 561 subdivision G.
Rear Setback:	20 feet (principle and accessory structure) from rear lot line
Distance from Private or town Road (See Note 1):	20 feet (principle and accessory structures) from the lakeshore side of the right-of-way of a Private or Town Road. 35 feet (principle and accessory structures) from the lake view side of the right-of-way of a Private or Town Road.

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

All other properties	
Minimum Front Setback (non Lakeshore and Lakeview Property):	90 Feet
Side Setback (non Lakeshore and Lakeview Property):	25 Feet
Rear Setback:	25 feet
Minimum Road Frontage:	140feet
Maximum Building Height:	35 Feet
Minimum Lot Size:	20,000 square feet with public Sewer, 28,000 Square Feet with Septic Tank system or larger if necessary to meet Health Department specifications for adequate sewage/septic tank disposal.

Note 1:

Front or roadside setbacks are to be measured either from the right-of-way or measured from the center of the public or private roadway in existence at the time of the application. If measured from the center of the roadway, add one half the distance of the right-of-way for a private road, town road, county highway or State highway.

SECTION 561 OTHER PROVISIONS AND REQUIREMENTS

- A. Where applicable, the provisions of the Conservation Overlay District specified in Section 549 shall be maintained.
- B. Site plans for development in this district shall be designed to preserve the scenic qualities of the shoreline and vistas.
- C. The use of common easements and cluster development is encouraged to maximize public access to and enjoyment of the lakeshore.
- D. Roadways shall be planned to provide the most effective access to individual parcels and lots and the land area devoted to roadways should utilize the minimum land area required to provide such access.
- E. No new roadway or an extension of an existing roadway shall be permitted within three hundred (300) feet of Lake Ontario, except **to allow for a private road to be dedicated to the Town** or where extreme need is shown **or as permitted by law.**
- F. **Requirements for Lakeshore property (not combined with Lakeview property)**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

- 1. All accessory structures must be located at or behind the front main foundation on the same parcel as the principal building. For the purpose of this section an attached deck is not considered an accessory structure.**
- 2. In order to allow construction type vehicles access to the Lake Ontario shoreline for erosion control or repair and alteration of a structure the following standard shall apply:**
 - a. Where a lot has a width of 60 or more feet at the time of the enactment of this section, the side yard requirements shall be modified so that one side yard shall have a setback of not less than 5 feet and the other side yard shall have a continuous setback of not less than 12 feet. Where a lot has a width of less than 60 feet, at the time of the enactment of this chapter, the side yard requirements shall have a setback of not less than 5 feet. A minimum of ten feet clearance must be maintained between structures located on the same lot and between structures located on adjoining properties.**
- 3. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises shall be allowed. The maximum allowed ground floor footage of an accessory building shall be determined by calculating the rate of 5% of the lot area in square feet, excluding all right-of-ways. The ground floor footage shall not exceed a total of 1200 square feet in size.**
- 4. An attached private garage may provide living space on the second floor subject to all New York State building codes. A detached garage or other accessory building may not provide living space nor shall be used as a dwelling.**
- 5. Sheds and similar structures**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

Sheds, cabanas, gazebos and similar or other accessory structures are permitted, provided that such structures are incidental to the principal or primary residential use on the property and are subject to the following restrictions:

- a. Sheds, cabanas, gazebos or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on any lot. All roadside and side setback requirements shall be maintained.**

G. Requirements for accessory structures added to Combined Lakeshore and Lakeview property.

- 1. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises sited on the Lakeshore side of a Private or Town road shall be allowed. The accessory structure shall:
 - a. Have the maximum ground floor footage of an accessory building be determined by calculating the rate of 5% of the Lakeshore side of the lot area in square feet, excluding all right-of-ways. The ground floor footage shall not exceed a total of 1200 square feet in size.****
- 2. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises sited on the Lakeview side of a Private or Town road shall be allowed. The accessory structure shall:
 - a. Have the maximum ground floor footage of the accessory building be determined by calculating the rate of 5% of the combined lot area in square feet excluding all right-of-ways. The ground floor footage shall be limited in size to no more than 1200 square feet.**
 - b. Not be placed closer than 35 feet to the right-of-way of the Private or Town Road.**
 - c. Not be placed closer to a side property line than 15 feet. For each additional foot the height of such building exceeds 15 feet,****

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

the offset from the rear and side property line shall be increased by one foot. Where a lot has a width of less than 60 feet, at the time of the enactment of this chapter, the side yard requirements shall have a set back of not less than 5 feet. A minimum clearance of ten feet must be maintained between structures located on the same lot and between structures located on adjoining properties.

- d. Not be placed closer than 20 feet to the rear property line.
- e. Not be placed closer to a side street center line than 55 feet or $\frac{1}{2}$ the width of the lot, whichever is less.

3. Sheds and similar structures

Sheds and similar or other accessory structures are permitted, provided that such structures are incidental to the principal or primary residential use on the property and subject to the following restrictions:

- a. Sheds, cabanas, gazebos or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on a lot. All roadside and side setback requirements shall be maintained.

H. Requirements for lakeview property (not combined with Lakeshore property)

All accessory structures must be located at or behind the front main foundation on the same parcel as the principal building. For the purpose of this section an attached deck is not considered a structure.

- 2. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises shall be allowed. Maximum ground floor footage of the accessory building will be determined by calculating the rate of 5% of the square feet of the lot size excluding all right-of-ways. Maximum ground floor footage shall not exceed a total of 1200 square feet in size.

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

- 3. An attached private garage may provide living space on the second floor subject to all New York State building codes. A detached garage or other accessory building may not provide living space nor shall be used as a dwelling.**
- 4. Sheds and similar structures**

Sheds, cabanas, gazebos and similar or other accessory structures are permitted, provided that such structures are incidental to the principal or primary residential use on the property and subject to the following restrictions:

- a. All roadside setback requirements shall be maintained.**

SECTION 562 WATERFRONT DEVELOPMENT DISTRICT (WD)

SECTION 563 PURPOSE

The purpose in establishing a Waterfront Development (WD) District is to provide for mixed residential, recreational and commercial uses that relate directly to and complement water-dependent and water-enhanced uses, and to accommodate the planned uses of the Town's Local Waterfront Revitalization Program (LWRP).

The Town of Kendall recognizes the changing needs of the residents along the Lake Ontario Shoreline with cottages turning into larger year round homes and a need for ever larger accessory structures. Property located along the lake shall be classified as:

- 1. Lakeshore Property**
Property that adjoins the Lake Ontario shoreline and is provided access by a Private or Town road that runs parallel to the shoreline.
- 2. Lakeview Property**
Property whose front adjoins the Private or Town road that is shared and common with Lakeshore property.

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

3. Combined Lakeshore and Lakeview property

Lakeshore property that is combined with Lakeview property to increase the size of a Lakeshore lot. A Private or Town road generally goes through the middle of the combined lots and provides access to the property.

The Town of Kendall recognizes and wishes to preserve and protect the unique scenic character of the Lake Ontario shoreline. The Town of Kendall also recognizes the importance of maintaining view lines to the lake from Lakeshore residences by ensuring that future development may not obstruct view lines.

Shoreline Vistas

In order to establish the importance of maintaining the view lines and vistas of residences with lakeshore property the following requirements shall be used to maintain shoreline vistas:

- a. During a site plan review of a building permit application, the Zoning Enforcement Officer shall determine vista site lines. A vista site line shall be based on the set backs of the front main foundations of principal structures, limited to three lot widths on each side of the new construction, and shall be used as a "shoreline three-lot-width vista".
- b. The placing of a principal structure, accessory structure, or building addition closer than the setback of neighboring properties that has the effect of reducing a three-lot-width vista site line shall not be allowed.
- c. Adding additions to existing primary or accessory structures must not affect nor obstruct the existing vistas as observed from the front main foundation of primary residence within the "shoreline three-lot-width vista".
- d. If setbacks, required to comply with the Lot Front Setback, New York State Coastal Erosion Hazard Area Act, New York State Building Codes or Orleans County Health Department are met and

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

allow a structure to be placed closer to the shoreline than the “shoreline three-lot-width vista”, the shoreline vista site line shall govern and become the minimum setback requirement.

- e. If setbacks required to comply with the Lot Front Setback, New York State Coastal Erosion Hazard Area Act, New York State Building Codes or Orleans County Health Department, require that the front setback be placed closer to the shoreline than the neighboring front foundations or “shoreline three lot-width vista”, the mandated setbacks shall govern the vista requirements .**

SECTION 564 PERMITTED USES

1. Uses which depend on proximity, access and/or utilization of the water including, but not limited to, the following:
 - Marinas, boat launch and docks.
 - Boat service, repair, rental and accessories. (Amended 08.05.06)
 - Fishing and tackle equipment.
 - Public recreation and swimming.
 - Flood and erosion protection structures.
2. Uses which are enhanced by a waterfront location and proximity to water-dependent uses including, but not limited to, the following:
 - One and Two Family dwellings.
 - Restaurants and eating establishments.
 - Tourist facilities such as restrooms, snack bars, information area, public cultural and recreation facilities and places of public assembly. (Amended 08.05.06)
 - Retail and service facilities and professional offices that are complementary to the above uses provided that no manufacturing or processing shall take place anywhere on the premises.
 - Mixed uses and facilities that are consistent with the above uses, and which are approved by the Planning Board as being consistent with the Local Waterfront Revitalization Program (LWRP).

SECTION 565 PERMITTED ACCESSORY USES

- Accessory Structures
- Non-wind generated Alternative Energy Systems (Amended 08.28.08)
- Temporary Structures
- Other Similar Type Uses

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

**SECTION 566 CONDITIONAL USES REQUIRING A SPECIAL PERMIT
ISSUED BY THE PLANNING BOARD (SUBJECT TO SPECIAL PERMIT
REGULATIONS, ARTICLE VII)**

Campgrounds
Essential Services

Delete this from the 8.5.1996 adoption.

Mobile/Manufactured Home Park

Multiple Family Dwellings
Bed and Breakfast
Charter Boat Service
Public and Semi-Public Buildings and Grounds, excluding clubs whose activities include the maintenance, storage, takeoff or landing of aircraft.

SECTION 567 SPECIFICATIONS

For the purpose of this section:

Lakeshore Property shall be defined as property with:

- 1. Lot Line, Front:** The linear distance along a lot line that adjoins the Lake Ontario shoreline.
- 2. Lot Line, Rear:** The lot line opposite and most distance from the front line and adjoins a Private or Town road which provides access to the lot.
- 3. Lot line, Side:** Any lot line other than a front or rear lot line.

Lakeview Property (Non-Lakeshore Property) shall be defined as property with:

- 1. Lot Line, Front:** The linear distance along a lot line which adjoins a Private or Town road that is shared and common with Lakeshore property and provides access to the lot.
- 2. Lot Line, Rear:** The lot line opposite and most distance from the front lot line.
- 3. Lot line, Side:** Any lot line other than a front or rear lot line.

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

Combined Lakeshore and Lakeview property shall be defined as property with:

- 1. Lot Line, Front: The linear distance along a lot line that adjoins the Lake Ontario shoreline.**
- 2. Lot Line, Rear: The lot line opposite and most distance from the front lot line and a Private or Town road.**
- 3. Lot line, Side: Any lot line other than a front or rear lot line**

SPECIFICATIONS	
Lakeshore Property (Not Combined with Lakeview Property)	
Minimum Setback Requirements: (For Residential Buildings Only)	
Front Setback from mean high water mark	Principal Structure: 60 feet, plus any setback required to comply with the New York State Coastal Erosion Hazard Area Act with the exception of flood and erosion protection structures. See also Section 563 – Vistas.
Side Setback:	5 Feet (principle and accessory structures) See Section 568 subdivision A.
Rear Setback (See Note 1):	20 feet (principle and accessory structures) from Private or Town Road.
Lakeview Property (Not Lakeshore Property)	
Front Setback (roadsides) (See Note 1):	35 feet (principle and accessory structures) from Private or Town road. 90 feet from the center of a State or County Road. See Section 568 subdivision B.
Side Setback:	5 Feet (principal and accessory structures)
Rear Setback:	20 feet (principal and accessory structures)
Combined Lakeshore and Lakeview Property	
Minimum Setback Requirements:	
Front Setback from mean high water mark	Principal Structure: 60 feet, plus any setback required to comply with the New York State Coastal Erosion Hazard Area Act with the exception of flood and erosion protection structures. See also Section 563 – Vistas.
Side Setback:	5 feet (principle and accessory on Lakeshore side). If an accessory structure is located on the Lakeview side: See Section 568 subdivision C.
Rear Setback:	20 feet (principle and accessory structure) from rear lot line
Distance from Private or town Road (See Note 1):	20 feet (principle and accessory structures) from the lakeshore side of the right-of-way of a Private or Town Road. 35 feet (principle and accessory

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

	structures) from the lake view side of the right-of-way of a Private or Town Road.
All other properties	
Minimum Front Setback (non Lakeshore and Lakeview Property):	90 Feet
Side Setback (non Lakeshore and Lakeview Property):	25 Feet
Rear Setback:	25 Feet
Minimum Road Frontage:	140 feet
Maximum Building Height:	35 Feet
Minimum Lot Size:	20,000 square feet with Public Sewer, 28,000 Square Feet with Septic Tank System or larger if necessary to meet Health Department specifications for adequate sewage/ septic tank disposal.

Note 1:

Front or roadside setbacks are to be measured either from the right-of-way or measured from the center of the public or private roadway in existence at the time of the application. If measured from the center of the roadway, add one half the distance of the right-of-way for a private road, town road, county highway or State highway.

All other uses shall have no yard, area or height restrictions except as may be imposed by the Planning Board in accordance with the approved plans and programs for the Local Waterfront Revitalization Program (LWRP), and as approved through special permit and site development review procedures.

SECTION 568 OTHER PROVISIONS AND REQUIREMENTS

A. Requirements for Lakeshore property (not combined with Lakeview property)

- 1. All accessory structures must be located at or behind the front main foundation on the same parcel as the principal building. For the purpose of this section an attached deck is not considered an accessory structure.**

- 2. In order to allow construction type vehicles access to the Lake Ontario shoreline for erosion control or repair and alteration of a structure the following standard shall apply:**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

a. Where a lot has a width of 60 or more feet at the time of the enactment of this section, the side yard requirements shall be modified so that one side yard shall have a setback of not less than 5 feet and the other side yard shall have a continuous setback of not less than 12 feet. Where a lot has a width of less than 60 feet, at the time of the enactment of this chapter, the side yard requirements shall have a setback of not less than 5 feet. A minimum of ten feet clearance must be maintained between structures located on the same lot and between structures located on adjoining properties.

3. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises shall be allowed. The maximum allowed ground floor footage of an accessory building shall be determined by calculating the rate of 5% of the lot area in square feet, excluding all right-of-ways, and shall be limited in size to no more than 1200 square feet.

4. An attached private garage may provide living space on the second floor subject to all New York State building codes. A detached garage or other accessory building may not provide living space nor shall be used as a dwelling.

5. **Sheds and similar structures**

Sheds, cabanas, gazebos and similar or other accessory structures are permitted provided that such structures are incidental to the principal or primary residential use on the property and are subject to the following restrictions:

a. Sheds, cabanas, gazebos or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on any lot. All roadside and side setback requirements shall be maintained.

B. Requirements for accessory structures added to Combined Lakeshore and Lakeview property.

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

- 1. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises sited on the Lakeshore side of a Private or Town road shall be allowed. The accessory structure shall:**
 - a. Have the maximum ground floor footage of an accessory building be determined by calculating the rate of 5% of the Lakeshore side of the lot area in square feet, excluding all right-of-ways. The ground floor footage shall not exceed a total of 1200 square feet in size.**

- 2. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises sited on the Lakeview side of a Private or Town road shall be allowed. The accessory structure shall:**
 - a. Have the maximum ground floor footage of the accessory building be determined by calculating the rate of 5% of the combined lot area in square feet excluding all right-of-ways. The ground floor footage shall be limited in size to no more than 1200 square feet.**
 - b. Not be placed closer than 35 feet to the right-of-way of the Private or Town Road.**
 - c. Not be placed closer to a side property line than 15 feet. For each additional foot the height of such building exceeds 15 feet, the offset from the rear and side property line shall be increased by one foot. Where a lot has a width of less than 60 feet, at the time of the enactment of this chapter, the side yard requirements shall have a set back of not less than 5 feet. A minimum clearance of ten feet must be maintained between structures located on the same lot and between structures located on adjoining properties.**
 - d. Not be placed closer than 20 feet to the rear property line.**
 - e. Not be placed closer to a side street center line than 55 feet or $\frac{1}{2}$ the width of the lot, whichever is less.**

- 3. Sheds and similar structures**

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

Sheds and similar or other accessory structures are permitted, provided that such structures are incidental to the principal or primary residential use on the property and subject to the following restrictions:

- a. Sheds, cabanas, gazebos or similar accessory structure must be erected behind the front main foundation line of the principal dwelling on any lot. All roadside and side setback requirements shall be maintained.**

C. Requirements for Lakeview property (not combined with Lakeshore property)

- 1. All accessory structures must be located at or behind the front main foundation on the same parcel as the principal building. For the purpose of this section an attached deck is not considered a structure.**
- 2. One private detached garage, carport or barn for the parking of vehicles or storage of property belonging to residents on the premises shall be allowed. Maximum ground floor footage of the accessory building will be determined by calculating the rate of 5% of the square feet of the lot size excluding all right-of-ways. The ground floor footage shall not exceed a total of 1200 square feet in size.**
- 3. An attached private garage may provide living space on the second floor subject to all New York State building codes. A detached garage or other accessory building may not provide living space nor shall be used as a dwelling.**
- 4. Sheds and similar structures**

Sheds, cabanas, gazebos and similar or other accessory structures are permitted, provided that such structures are incidental to the

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

principal or primary residential use on the property and subject to the following restrictions:

a. All roadside setback requirements shall be maintained.

D. Conservation Overlay District:

Where applicable, the provisions of the Conservation Overlay District specified in Section 549 shall be maintained.

E. Site Plans:

Notwithstanding any other provisions of this Ordinance, development within the Waterfront Development (WD) District shall be prohibited except as provided for, and in accordance with Article IX, Special Permits. All applications for development within the WD District must be accompanied by a Coastal Assessment Form and a Site Plan indicating, in addition to the requirements of Article X, Site Plan Review, that development will not create erosion or flooding or damage and reduction of the aesthetic quality of the waterfront, and will preserve the scenic qualities and vistas of the shorelines within the adopted LWRP area. The application for a Special Permit to establish a use or reuse in the WD District shall be accompanied with three (3) copies of the Site Plan, drawn to scale and showing property lines, the location of the proposed building or buildings, entrances and exits, parking, landscaping, signs and other improvements, and indicating the relationship to the waterfront and adjacent uses and a completed Coastal Assessment Form evaluating the plan's consistency with the Local Waterfront Revitalization Program. The Site Plan, as approved and/or modified by conditions, shall become part of the record.

F. Cluster Development:

The use of common easements and cluster development shall be encouraged to maximize public access to and enjoyment of the lakeshore.

G. Access:

Roadways shall be planned to provide the most effective access to individual parcels and lots and the land area devoted to roadways should utilize the minimum land area required to provide such access.

H. New Roadways:

No new roadway or an extension of an existing roadway shall be permitted within three hundred (300) feet of Lake Ontario, except **to allow for a private road to be dedicated to the Town** or where extreme need is shown.

I Buffer Strip:

Commercial structures shall provide a natural buffer strip to be perpetually

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

maintained so as to provide visual screening and separation between commercial and residential uses.

J. Refuse Containers:

Commercial structures shall provide a commercial type refuse container on site. Such container shall be placed on concrete or stone areas and visually screened, and shall provide rodent control.

K. Residential Lot Line:

No commercial structure shall be permitted within fifty (50) feet of the nearest lot line of any resident or residential district.

L. Water's Edge:

All permanent structures, except docks, boathouses, and similar structures shall be located at least fifty feet from the water's edge.

M. Signs:

All signs shall conform to the standards given in this ordinance, Section 601. In addition, all signs shall meet the following standard(s):

- 1.) No brand-name sponsored signs shall be permitted.
- 2.) Sample signs shall be available for inspection in the Town Offices.
- 3.) These signs are indicative of preferred style to enhance the area's quiet fishing atmosphere and rustic quality.

DELETE

N. Dry-docked Boats:

Dry-docking of boats at a marina is allowed during off-season months and when repairs are needed. All repairs shall be completed in a timely manner. Any dry-docked boat not meeting these criteria is limited to 30 days of dry-dock storage per calendar year. All dry-docked boats shall be located in the rear of the property and shall be screened from neighboring views.

ADD

N. Storage of Boats at a marina:

Storage of boats at a marina is allowed and boats may be dry-docked when repairs are needed. All repairs shall be completed in a timely manner. All stored and dry-docked boats shall be located in areas as may be imposed by the Planning Board in accordance with the approved plans and programs for the Local Waterfront Revitalization Program (LWRP), and as approved through special permit and site development review procedures and shall be

**REVISIONS TO THE TOWN OF KENDALL ZONING REGULATIONS WITHIN
HAMLET, WATERFRONT DEVELOPMENT AND WATERFRONT
RESIDENTIAL ZONES**

screened from neighboring views as much as practical.

DRAFT