



## § 175-7 Terms defined.

### **AGRICULTURAL ACTIVITY**

The activities of an active farm, including grazing, and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products and cutting timber for sale, silviculture, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities. This definition shall also not include the ownership of domestic chickens.

### **AGRICULTURAL USE**

The management of any land for agriculture; raising livestock; horticulture or orchards, including the sale of products grown or raised directly on such land; silviculture and including agricultural roads, agricultural drainage systems and farm ponds. This definition shall also not include the ownership of domestic chickens.

### **GENERAL COMMERCIAL**

Any general commercial use or places of general business or other business where activities carried out on the property are developed for commerce or trade, which is not considered as a retail use, professional office, restaurant or any other specific commercial use already defined in the use table.

## § 175-14 Planned Unit Developments.

E. Planned Unit Developments. The purpose of a Planned Unit Development (PUD) is generally to allow greater flexibility in the configuration of buildings and/or uses on a site than is allowed in the dimensional requirements of this chapter in order to create the opportunity for a public benefit, which could include the general replenishment of the housing stock, office space, or other publicly beneficial uses identified in this section, including but not limited to healthcare, institutional or childcare facilities. A major goal of PUDs is to encourage unified plans that provide a more complete and integrated package of uses (hopefully including special amenities) over piecemeal development. All PUDs are required to obtain site plan review approval by the Planning Board.

2) Uses. The mixing of residential and commercial uses is highly encouraged and preferred ~~required~~, although under certain

circumstances the Planning Board may accept a PUD application submission with the primary and sole use being multi-family residential dwellings, or institutional uses such as healthcare and medical facilities or educational facilities. Such circumstances would include but not be limited to inadequate access to major thoroughfares, lack of road frontage, and site development limitations.

- a) Single family dwellings are not allowed as part of a PUD.
- b) Hotels and Motels (Tourist Accommodations) are not allowed as part of a PUD.
- c) All general retail, commercial and professional office “uses” will be allowed as part of a PUD. For a PUD with both retail/commercial/office and residential uses, the first floor shall be comprised of only retail/commercial/office uses.
- d) No heavy industrial, light industrial or public/private utility “uses” are allowed as part of a PUD.
- e) No “short-term residential rentals”, or multi-family dwelling units that are individually owned (townhouses/condominiums), as defined in this chapter, are allowed at PUD sites. Multi-family dwellings that are non-owner occupied, such as apartments, are required as part of a PUD.

## § 175-29 **Yards.**

**D.** Yard for corner lots. On a corner lot, each side which abuts a street will be deemed a front yard, and the required yard along each street shall be the required front yard. The owner-Zoning Officer shall decide (when the owner is applying for a land use and development permit or other approval) which of the remaining yards shall be the required side yard and the required rear yard.

## § 175-30 **Detached accessory uses and structures.**

### D. “Domestic” Chickens

- (1) For the purposes of this chapter, “domestic” chickens shall mean the ownership of chickens for domesticated purposes, including as for pets or for private egg production (not to be sold or advertised as a business where eggs are for sale to the general public or others).
- (2) Ownership of domestic chickens will be allowed as an accessory use to residential uses in the LC, RR, RM, RH, RCH, RCM-1 and RCM-

S2 zoning districts, provided they adhere to the following requirements:

- (a) No roosters are allowed, except within the RR zoning districts.
- (b) Chickens shall be enclosed in a coop and/or within fenced in areas on the private property, except within the LC and RR zoning districts. In the RM, RH, RCH, and RCM zoning districts, no free range chickens shall trespass on adjacent properties.

### § 175-47 **Multiple-family dwellings.**

[Amended 10-19-2020 by L.L. No. 4-2020; 6-13-2022 by L.L. No. X-2022.]

**B.** Provided that the following standards can be met, the minimum lot area necessary per each individual dwelling unit can be half the minimum lot area in Schedule II of Article **IV** hereof for the **RH**, RCH, and TC-A Zoning Districts, only if within the APA Hamlet Land Use Classification. In addition, provided that the following standards can be met, in the RCH-LS Zoning District the minimum lot area per unit can be 150,000 square feet. This subsection shall not apply to the **RH**, RM-1, RM-2, RCM-1 and RCM-S2 Zoning Districts.

- (1)** Each side yard shall be 30 feet or the height of the building, whichever is greater.
- (2)** Reduction of maximum lot coverage by 15% from the required maximum lot coverage of the underlying zoning district.
- (3)** The lot to be developed with multiple-family dwellings must have the required minimum lot size of the underlying zoning district. No substandard lots can utilize this increased density allowance.
- (4)** Low-impact development and green infrastructure principles are encouraged for stormwater control systems.
- (5)** Enhanced treatment septic systems shall be required for those properties not connected to public sewer.
- (6) The multi-family dwellings cannot be used as “short-term residential rentals” as defined by this chapter.**

(7) Some level of public benefit is required from the use of double density provisions. That could include, but not be limited to, workforce housing, elderly housing or assisted living, a 50% unit proportionality of market rate housing, dedicated public infrastructure extensions or other similar public benefits identified and approved of by the Planning Board.

**D.** Lots for individually owned townhomes and condominiums. Lots that are created through subdivision of land intended for townhomes and/or condominium use, where each unit and/or building is separately owned, must proceed through the subdivision process and adhere to all provisions identified in Chapter **175**, Zoning. ~~One exception~~Exceptions to this provision ~~is~~ are for subdivisions creating lot lines surrounding individually owned townhome/condominium units for sale, in which case the (a) yard setback requirements, (b) minimum lot size requirements, and (c) lot coverage requirements in Schedule II shall not apply to those individual unit ~~lot lines~~lots. Setbacks from the overall common parcel to the building envelopes and overall lot coverage for the development must be adhered to, as well as the zoning district's density requirements as mentioned in Subsection **A** or B above.

## § 175-52 **Tourist accommodations and residential rentals.**

**B.** Use of residences for short-term rentals. The ability to obtain a short-term residential rental permit is a privilege and not a right. Residential property owners may use their dwellings for short-term rentals (30 days or less) after applying for and obtaining a "residential rental" permit from the Planning and Zoning Office for a fee ~~of \$50~~ identified in the Fee Schedule, Chapter 75. Residential property owners who want to rent their dwellings out for a period longer than one month at a time may do so without a residential rental permit. The residential rental permit must be renewed with the Planning and Zoning Office on an annual basis and are due by June 1<sup>st</sup> of each calendar year. Late renewals accepted past June 1<sup>st</sup> will be charged double the cost of the renewal fee identified in Chapter 75. Short-term residential rentals shall be prohibited in the RS-1, RSH, RM-1, RM-2, RH, RR and LC Districts.  
[Amended 2-10-2020 by L.L. No. 1-2020; 11-16-2020 by L.L. No. 6-2020; Amended 6-13-2022 by L.L. No. X-2022]

**(3)** The rental premises must have adequate parking, garbage facilities, occupancy, septic capacity, and a local emergency contact, as determined by the provisions in this Code and by determination of the Zoning Officer. If the Zoning Officer determines any of these requirements are not adequately addressed, or that the residential rental is in a location that may pose adverse impacts, site plan review may be required.

**(b)** Septic systems. All on-site septic systems shall be clearly identified to prevent damage from cars parking or installation of equipment. Additionally, short-term rentals with inadequate septic systems, as determined by the Zoning Officer, will have reduced occupancy limitations set by the Zoning Officer and based on the capacity of the septic system that services the short-term rental, based on bedroom count and two (2) people per bedroom.

[1] Septic Noncompliance Sunset Clause. Any permits issued to short-term residential rentals prior to the adoption of Local Law 1-2020 with occupancy higher than the identified septic capacity will have occupancy limits recalculated based on 175-52(B)3(b) within one calendar year of the adoption of this subsection [Amended 6-13-2022 by L.L. No. X-2022].

**(6)** Grandfathering of preexisting, nonconforming short-term residential rentals. Short-term residential rentals located in zoning districts where the use is no longer allowed but that were in existence and known (recorded) to the Planning and Zoning Office on or before the date of the adoption of this section shall be grandfathered and allowed to continue as a short-term residential rental, only if:

**(a)** The owner of said residential rental follows the same process for permitting of the short-term residential rental as described in this section.

~~**(b)** The property is located on a major thoroughfare street or other highly traveled road that is not conducive to privacy from vehicles or noise from traffic. These rentals in existence on or before the date of the adoption of this section that are located on dead-end~~

~~residential streets or cul-de-sac streets are not to be grandfathered due to the private nature and residential character of said streets.~~

**(be)** Any grandfathered short-term residential rental shall only be allowed to continue under the same property ownership as of the date of this section when the residential rental was grandfathered, or a trust or estate in the name of the original application holder held by direct descendents of the original application holder. Any change of ownership or changes in deeds to reflect new owners shall constitute a cancellation of the grandfathered short-term residential rental status.

**(cd)** If the property to be grandfathered as a short-term rental is allowed to continue based on the above standards, said rental shall not accumulate more than three legitimate complaints on the property due to said rental, "legitimate" meaning a complaint that garners a violation of the Town Code or a follow-up response (not just a complaint) to the rental property from a police agency. Any grandfathered short-term residential rental that accumulates more than three legitimate complaints on the operation of the short-term residential rental shall have their grandfathered status withdrawn and the short-term residential rental shall cease.

**(7) Violations.** If any of the following situations arise at a permitted property for short-term rentals, it will constitute a violation.

**(a)** Overcrowding; excess number of people above and beyond what Warren County and/or the Planning and Zoning Office has determined is allowed or excess number of vehicles which was stated and agreed upon on the short-term rental permit. Advertising online for occupancy above and beyond what the approved occupancy limit was established at, will also constitute a violation.

**(g)** Operating (renting, short-term) without a valid/current "residential rental" permit.

(8) Notice of violation; revocation of permit. The ability to obtain a short-term residential rental permit is a privilege and not a right. Upon a finding by the Zoning Officer or Code Enforcement Officer (CEO) that an applicant has violated any provisions of this chapter, the Zoning Officer or CEO shall give notice to the applicant to correct said operational violation within 24 hours of receipt of said notice by the applicant. Upon failure to correct said operational violation within 24 hours, or if three violations occur during a ~~six-month~~two years period, the Zoning Officer or CEO may revoke the applicant's permit issued pursuant to this chapter. The Zoning Officer or CEO shall, in his/her sole judgment, give a violator reasonable time to repair any structural damage or physical violation of any provision of this chapter.

(9) Penalties for offenses; effect on eligibility for permit. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding ~~\$350-1000~~ and/or revocation of the applicant's permit issued pursuant to this chapter. Each day that such violation continues shall constitute a separate violation.

### **175-97 Penalties for offenses; complaint.**

#### **A.** Penalties and notice.

(1) Any person or other legal entity, including private contractors, who fails to comply with or who violates this chapter or who shall refuse a reasonable request to inspect any premises or who shall have aided or abetted the commission of any such violation shall each be guilty of a separate offense and, upon the conviction thereof, shall be liable to a fine of not more than ~~\$750~~350 or to imprisonment for not more than six months, or both. Upon conviction of a second offense, both of which were committed within a period of five years, said person or other legal entity shall be liable for a fine not less than ~~\$750~~350 nor more than ~~\$1500~~700 or imprisonment for a period not to exceed six months, or both. Upon conviction for a third or subsequent offense, all of which were committed within a period of five years, said person or other legal entity shall be liable for a fine not less than ~~\$700~~1500 nor more than ~~\$24,000~~ or imprisonment for a period not to exceed six months, or both. Each week's continued violation of the offense shall constitute a separate offense. Additionally, contractors who amass three or more violations or convictions of such violations within a period of three years are eligible to have their business licenses revoked by the Town Board at the request of the Zoning

Officer, and upon revocation of said valid business license, shall no longer be allowed to provide contractual services within the Town.

**E.** Stop-work orders.

**(3)** Relief from the stop-work order can be realized as follows:

**(a)** If all provisions of this chapter, together with other conditions specified by the Zoning Administrator, are met, then the Town Board may authorize the termination of the stop-work order. Additionally, based on the egregiousness of the actions that caused the stop work order, and said actions' impact on the environment, the landscape or health, safety and welfare of the community, the Town Board may impose a civil penalty in the form of a "consent agreement" while lifting the Stop Work Order, for any amount between \$500 and \$15,000, to be suggested by the Zoning Administrator, and set by the Town Board, and agreed upon by the violator.