

LOCAL LAW __ OF 2023

TOWN BOARD

TOWN OF SAUGERTIES

LOCAL LAW AMENDING CHAPTER 245, ZONING TO ADD LODGING AND EVENT REGULATIONS

BE IT ENACTED by the TOWN BOARD of the TOWN OF SAUGERTIES, ULSTER COUNTY, NEW YORK as follows:

SECTION I. TITLE.

This Local Law Shall be known as the “Lodging and Event Regulations Law” enacting supplemental requirements for special uses falling within this use category.

SECTION II. AUTHORITY.

This local law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town Law. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town Law, The Town Board hereby asserts its intent to supersede Section 278 pursuant to Home Rule Law.

SECTION III. PURPOSE AND FINDINGS.

The purpose of this Local Law is to amend Chapter 245, Zoning, to apply clear special use requirements to lodging and event uses which have grown in popularity in the Town and “strike a balance between open space conservation and economic development” as recommended in the 2021 Town and Village Comprehensive Plan. In addition, this local law includes provisions for expedited site plan review for certain agritourism uses in order to “preserve and maintain agricultural lands and support the economic viability of agriculture” and to allow... “special events on farms as a means to sustain farmland and bring in needed revenue to family farms” as recommended in the 2021 Comprehensive Plan.

In order to protect the health, safety and welfare of the Town and its residents, the Town Board finds that it is necessary to regulate the commercial use of land, particularly in rural residential areas, to ensure safe access for visitors and emergency personnel, and ensure they do not cause detriment to surrounding residences or natural areas.

SECTION IV. REVISIONS TO CHAPTER 245

§245-11, Standards for certain uses requiring special use permits shall be amended as follows:

- A. §245-11.G. “Eating and drinking places, resorts, bed and breakfasts, and inns” shall be revised to read “Eating and drinking places.”**
- B. §245-11.G(3) the phrase “This requirement shall not apply to bed and breakfast inns” shall be removed.**
- C. The following section shall be added to §245-16, Agricultural uses and riding stables, following subsection D:**
 - E. The following agritourism uses shall be deemed to be permitted components of farm operations in any zoning district in the Town where they meet the requirements of paragraph F hereafter.**

- 1) Farm retail outlets;
- 2) Farm stands;
- 3) Farm breweries, farm cideries, farm distilleries, farm meaderies, farm wineries;
- 4) Farm-to-table restaurants;
- 5) Farm vacations including no more than 10 demised units of overnight accommodations;
- 6) Harvest events;
- 7) Farm events for up to 300 people;
- 8) Farm assembly venue with a maximum capacity of up to 300 people;
- 9) Farm education;

F. The following restrictions shall apply to agritourism uses permitted pursuant to these provisions. These restrictions shall not be construed to apply to those portions of the farm operation not used for agritourism or in support of the agritourism (such as parking areas and outdoor assembly spaces) nor shall such areas of the farm operation be subjected to site plan review by the Town Board or Planning Board as described hereafter.

- a. The principal use of the lot shall be for a farm operation, and the farm operation and agritourism use shall be located on land meeting the definition of farmland and located within an agricultural district. The agritourism use shall be subordinate to the farm operation.
- b. All agritourism uses shall meet the requirements of the Building Codes of the State of New York. No structures shall be constructed, nor sites cleared, graded or improved in support of an agritourism use before issuance of a building permit by the Building Inspector.
- c. Agritourism uses involving less than 10,000 square feet of permanent enclosed interior floor area and/or parking areas for less than 150 vehicles shall be subject to expedited site plan review by the Planning Board in accordance with the provisions of paragraph H.
- d. Where any use proposes more than 10,000 square feet of interior floor area, such use shall be subject to full site plan review in accordance with the provisions of §245-33.
- e. No more than one farm event per day is permitted.
- f. The minimum lot size for the farm operation and agritourism use is 10 acres.
- g. Any new structure shall meet the yard and height requirements of the zoning district in which the agritourism use is proposed to be located.
- h. No outdoor areas available for public access shall be located closer than 200 feet from a neighboring residence.
- i. The use shall be available for inspection annually and at any time upon reasonable advance notification by the building department to ensure continuing compliance with these provisions.
- j. All permits shall be secured from the New York State Department of Health (or other delegated authority) as required by law including but not limited to any permits for public gatherings, public water supply, food service facilities, sanitary sewer, lodging, etc.
- k. With the exception of overnight accommodations and setup and clean-up of events, agritourism uses shall only be open to the public between the hours of 8:00 AM and 10:00 PM Monday through Thursday, 8:00 AM and 11 PM on Friday, 9:00 AM and 11 PM on Saturday, and 10:00 AM and 10:00 PM on Sunday and any holiday on which the Town Clerk's office is closed. Where site plan approval is required, the Planning

Board may modify the terms of these restrictions for good cause shown.

- I. Agritourism uses shall be subject to the provisions of Article XI and XII (Administration and Enforcement) except that the time to remedy a violation shall be extended to 60 days, unless the Building Inspector determines an emergency situation exists. The time to remedy shall only be so extended for violations arising from noncompliance with the conditions outlined in §245-16.(F) or imposed as a requirement of site plan approval of the agritourism use.
- m. The Town Board may revoke the right to an agritourism use that it finds to be chronically in violation of its approval for a term of up to three years.

G. Expedited Site Plan.

- a. A sketched general plan for the site shall be provided on a tax parcel map or other sufficient available base map showing the boundaries and dimensions of the parcel of land involved, and identifying continuous properties and any known easements or rights-of-way and roadways. The sketch plan shall also include the approximate location of the following:
 - i. Existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site shall be indicated on the sketch plan.
 - ii. The proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
 - iii. The proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas or manure storage / manure composting sites.
 - iv. Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
- b. Provide a description of the farm operation (existing and / or proposed) and a narrative of the intended use and / or location of proposed buildings, structures, or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- c. If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
- d. The Planning Board shall review the submissions in order to determine that the following limited standards are met:
 - i. Vehicular site ingress and egress are appropriate in number and location and provide adequate sight distance and such turning lanes as are necessary to provide safe vehicular access to the site.
 - ii. Adequate parking is provided so as to prevent parking on public roads. Any parking or loading standard of the zoning code may be waived where the Planning Board believes that adequate alternative facilities are provided to meet the practical needs of the proposed facility.
 - iii. Adequate emergency service access is provided to protect life and property.
 - iv. Adequate site lighting is provided to provide safe access by the public, but without resulting in excessive glare or impacts to the night sky.
 - v. Buildings, entrances, walkways, utilities, and other proposed site features

are laid out in a manner that does not endanger life or property or result in significant impacts to the environment or create unreasonable nuisances to neighboring residences.

- e. No cost for review by professionals shall be charged to the applicant. Where the Planning Board or Town Board retains professionals to review the proposed agritourism use, the fees of such professionals shall be paid by the Town. Other standard Planning Board and Building Department fees may be charged to the applicant and the Planning Board may request review and opinion by the Building Inspector.
- f. No public hearing shall be required for an expedited site plan review. The Planning Board shall render its decision upon an expedited site plan review within 60 days of a determination by the Building Inspector that a complete application has been submitted.

D. §245-11.I shall be replaced by the following:

I. Lodging Places

(1) General Requirements for Lodging Places.

- (a) Lodging places are a category of hospitality and overnight accommodation uses listed in the table of uses, §245-10, including campgrounds, inns, hotels and motels and rural resorts.
- (b) Access. Access to lodging places shall demonstrate safe ingress and egress, and shall not substantially degrade the shared use of private roadways. For private roadways, a minimum unobstructed width of 20 feet, exclusive of shoulders, must be provided, pursuant to New York State Fire Code, and deemed acceptable by the local fire department chief. Any maintenance agreements on record shall be amended to provide that the cost and expense related to the added use and maintenance shall be borne and paid for solely by the applicant or landowner conducting or operating the proposed lodging use. Any project involving a subdivision of land shall upgrade access roadways pursuant to Town of Saugerties Chapter 215.
- (c) Landscaping and Lighting. Any principal or accessory structure associated with a lodging place, apart from signage, shall be suitably screened from the view of adjacent properties by means of plant materials or fencing. No additional screening is required where a natural vegetative buffer is retained along the property lines that provides adequate screening of the site as determined by the Planning Board. Lighting shall be full cutoff, downward facing and adhere to International Dark Sky best practices.
- (d) Quiet hours shall be instituted for lodging places between 10:00 pm to 7:00 am. More than one complaint of violation of this section will constitute a violation of the special use permit pursuant to §245-34, §245-54 and any other applicable section of this Chapter.

(2) Campgrounds.

(a) Residential Campgrounds

- [1] Residential campgrounds shall be located on a lot with a minimum area of two (2) acres, or the minimum lot size required by the zoning district, whichever is greater. In no case shall the density of camp sites exceed one per acre and in no case shall the total number of campsites exceed four (4).
- [2] A resident, property owner or designated host, shall be available 24 hours a day to promptly deal with emergencies and operational compliance.
- [3] Residential Campground accessory uses or facilities shall be limited to: grills, fire pits, picnic areas, outdoor recreation including pool, and shower/bathroom facilities

(b) Commercial Campgrounds

- [1] Commercial Campgrounds shall be located on a lot with a minimum area of ten (10) acres.
- [2] No more than 10 percent of camping units or campsites may contain dedicated, in-unit cooking facilities, sinks, showers, laundry or toilet facilities. This shall not include owner-operated recreational vehicles for transient use.
- [3] A property manager or superintendent shall be on-site when commercial campgrounds are in operation.
- [4] Commercial campground accessory uses or facilities shall be limited to retail and concessions limited to serve the needs of campground visitors, office or reception area, outdoor gathering area such as an amphitheater, pavilion or fire pit, pool, trails or similar outdoor recreational amenities, restroom and shower facilities.

(c) Setbacks. All campgrounds, including individual sites, parking lots and all associated buildings, facilities and infrastructure, shall maintain a minimum setback of 100 feet from the property line.

- [1] For residential campgrounds where a 100-foot setback renders the lot unusable, the Planning Board may reduce the setback to no less than 50 feet if one of the following conditions are met:
 - i. Proposed campsites are no closer than 150 feet to the nearest residential structure on an adjacent lot;
 - ii. Individual fire pits are not proposed for campsites that are closer than 100 feet from a lot line.

(d) Where possible, campsites shall be clustered and located away from property lines.

(e) The location of fire pits shall be designated on site plans. Fire pits should be located internally to the site, such that camping units are situated between the fire

pit and the nearest parcel boundary. The use of shared fire pits between multiple campsites are preferred where practicable as determined by the Planning Board.

(f) Water supply. The campground shall be serviced by a municipal or private water supply system. An adequate supply of potable water shall be provided within 250 feet of all campsites.

[1] At least one water spigot with soakage pit or other adequate greywater disposal facilities shall be provided.

(g) Sewage disposal. At least one toilet shall be provided for exclusive use by residential campsites. A minimum of two toilet facilities shall be provided for a commercial campground.

[1] Flush toilets shall be connected to municipal or other approved sanitary sewage disposal system which meets all Town, County and/or State regulations for said systems.

[2] Composting Toilets which are certified by the National Sanitation Foundation Standard 41 or equivalent may be permitted. Information shall be provided to the Planning Board which demonstrates system conformance with NYS Office of General Services EO4 Specification for Composting Toilets. A use and maintenance narrative shall be provided.

[3] Portable toilets are be permitted as part of a campground use at the discretion of the Planning Board.

(h) Campsite size and spacing. Each campsite shall be a minimum of 1,250 square feet, inclusive of vehicle parking. No more than one RV shall be permitted on any designated campsite.

[1] Camping cabins shall contain no more than 400 square feet of gross floor area.

[2] Each campsite shall be limited to a maximum of 6 persons or one family. Designated "group sites" intended for more than 6 persons shall require an additional 150 square feet per person and shall not be located closer than 250 feet from the nearest residential structure.

(i) Operations and maintenance.

[1] The owner or resident manager shall keep a register of all visitors to the facility. The register shall specifically contain the name of a contact person for each camping party, the home address, and a phone number where they may be reached.

[2] Provisions for waste collection, including dumpster locations, screening and protections against animals shall be detailed on site plans and described in an operations and maintenance narrative provided to the

Planning Board.

- [3] Emergency Response. Each campground shall have at least one public phone available for use by guests in case of emergency.

(3) Inns.

- (a) Minimum lot size for Inns shall be determined in all districts by using the density requirements per bedroom for multifamily uses in the HDR district, as outlined in the district schedule of use regulations, except for the following:
 - [1] The minimum lot size shall be no less than two (2) acres, except where the Sensitive Area Overlay may require a four (4) acre minimum lot size.
 - [2] Where an existing building is proposed to be adaptively reused as an Inn, the minimum lot size shall meet that of the underlying zoning district, provided adequate parking and setbacks are provided to limit impacts to neighbors, as determined by the Planning Board.
- (b) Guest rooms for an Inn shall be located within one or more principal buildings, and rooms shall not contain a kitchen or kitchenette. Accessory buildings with a floor area of 400 square feet or larger, in existence prior to the adoption of this section, may contain guest units through adaptive reuse. In no case shall the total number of units associated with an inn exceed 25.
- (c) The total gross square footage of the floor space devoted to indoor accessory uses shall not exceed 50% of the total gross square footage of the inn. Accessory uses integral to the inn shall generally be limited to the following:
 - [1] Meeting rooms;
 - [2] Restaurant or dining facilities serving either guests exclusively or the general public;
 - [3] Indoor and outdoor recreation facilities for use only by guests;
 - [4] Retail shop fully within the Inn building which may sell personal service items, gifts and/or local artisan goods;
 - [5] Caretaker accommodations;
 - [6] Fitness center, business center, lounge.
- (d) Rear and side yard setbacks shall be a minimum of 100 feet when adjacent to a residential use or district.
- (e) A caretaker, inn keeper or similar employee shall staff the Inn when in use.

(4) Hotels and Motels

- (a) The minimum lot size for a hotel or motel shall be 1 acre. No more than 100 guest units are permitted in a hotel or motel facility.
- (b) No more than 10 percent of guest units may contain a kitchen facility.
- (c) Accessory facilities shall be limited to no more than 50 percent of the gross floor area of the facility and may include the following:

- [1] Meeting rooms, conference rooms or other gathering spaces;
- [2] Restaurant or dining facility serving either guests exclusively or the general public;
- [3] Indoor and outdoor recreation facilities such as a pool or tennis courts;
- [4] Health and fitness facilities including a gym or spa;
- [5] Off-street parking and loading facilities.

(5) Rural Resorts

- (a) A rural resort provides commercial hospitality lodgings in spacious settings that are principally intended for vacationing, group retreats, and conferences. Permitted structures include, but are not limited to, principal structures containing guest units, cabins, cottages or campsites; meeting and/or conference rooms; a banquet or on-site catering facility; and commonly incidental recreation-oriented uses, including spa facilities, horseback riding, swimming, tennis, and other similar outdoor activities.
- (b) In the LDR and MDR zoning districts, minimum lot size shall be 50 acres.
- (c) In the HDR, HB and RB districts minimum lot size shall be 25 acres.
- (d) All structures and facilities associated with rural resorts in the MDR, LDR and HDR, including parking lots and all associated buildings and infrastructure, shall maintain a minimum setback of 100 feet from the property line and 200 feet from any neighboring residence.
- (e) Rural resorts in the LDR and MDR districts shall maintain 75% of the land area as open space. Open space shall mean that portion of land which is set aside for conservation or passive recreation such as walking or biking trails, and which is not proposed to be cleared for principal or accessory structures, parking areas or roadways associated with the rural resort.
- (f) The maximum density of guest units in all districts shall not exceed two (2) per acre, or 100 units total, whichever is less.
 - [1] Accessory workforce housing necessary to the operation of the resort shall not count toward allowable guest units. These must be located in a structure separate from guest units.
- (g) A rural resort shall protect open space and other site features having aesthetic, historic, scenic, or environmental sensitivity by clustering any buildings or structures to the maximum extent practicable.

E. §245-11 shall add section “W” as follows:

W. Rural Event Venue

- (1) A special use permit and site plan review shall be required for any property or use which hosts two (2) or more events per calendar year and is not associated with an agritourism use, as regulated in §245-16.
- (2) Lot Requirements. Minimum lot size for Rural Event Venues shall be 10 acres.
- (3) Access shall demonstrate safe ingress and egress, and shall not substantially degrade the shared use of private roadways. For private roadways, a minimum unobstructed width of 20 feet, exclusive of shoulders, must be provided, pursuant to New York State Fire Code, and deemed acceptable by the local fire department chief. Any maintenance agreements on record shall be amended to provide that the cost and expense related to the added use and maintenance shall be borne and paid for solely by the applicant or landowner conducting or operating the proposed lodging use. Any project involving a subdivision of land shall upgrade access roadways pursuant to Town of Saugerties Chapter 215.
- (4) The Planning Board shall establish the maximum number of events permitted in any calendar year as part of the special use permit. The Planning Board shall also determine the permitted hours of operation of a rural event venue. In determining the number, duration and size of events that shall be allowed, the Planning Board shall consider the following:
 - (a) The site can accommodate the capacity and frequency of the events without impacts to the community character, privacy of neighbors, ambient noise levels, traffic patterns, and other characteristics of the neighborhood.
 - (b) Activities will be accommodated within indoor building space, especially those that generate significant noise, such as amplified sounds from bands.
 - (c) The streets giving access thereto can readily accommodate traffic that will occur on a regular basis and will not result in any queuing of vehicles on the road or present a nuisance to motorists accessing properties along the same or adjacent roads.
 - (d) The events will not be of such a scale or at a frequency to require the use of local security/law enforcement.
 - (e) Septic generation and water supply demand can be accommodated.
 - (f) The impact of the rural event venue on fire and police protection and ambulance service to the areas contiguous to the event and to the Town in general shall be de minimis.
 - (g) Whether the owner/operator has violated a previously issued special use permit for an event venue.
 - (h) Any other findings related to the health, safety, and welfare of the general public.
 - (i) The rural event venue meets the Uniform Fire Code where applicable.
- (5) Quiet hours shall be instituted for rural event venues between 10 pm to 8:00 am Monday through Thursday; 11pm to 8am on Friday; 11pm and 9am on Saturday; and 10pm and 10am on Sunday. More than one complaint of violation of this section will constitute a violation of the special use permit pursuant to §245-34, §245-54 and any other applicable section of this Chapter.

- (6) Events shall not require or result in the installation of event tents, portable restrooms, and restroom trailers for longer than one week, unless the Planning Board makes a finding that the installation of said facilities for a longer time period will not result in any detrimental sanitary conditions and meets all applicable regulations.
- (7) All required parking shall be accommodated on-site. This requirement shall not preclude a rural event venue from utilizing shuttle buses or other methods of transportation, provided adequate and safe access is demonstrated, including adequate turnaround and accommodation of two-way traffic patterns.
- (8) No parking areas, structures, gathering locations, or other facilities or structures being used in connection with the rural event venue, other than a driveway(s), shall be located within 100 feet of any property line. The Planning Board shall require appropriate buffers between the rural event venue and adjoining properties, given the size of parcel, the natural topography, and vegetative cover.
- (9) The use of fabric structures such as tents shall be allowed accessory to a principal event structure. Nothing herein shall allow the establishment of a rural event venue that solely utilizes fabric structures. Locations for proposed temporary fabric structures must be included on the site plan.
- (10) An event management plan shall be prepared and submitted to the Planning Board for review as part of the special use permit and site plan application. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary facilities and maximum number of guests. The plan shall also include a list of contacts for specific distress or emergency situations to be used by the guests which shall be provided for each event, and the legal name and address of an emergency contact person at the site shall be provided. The event management plan shall be incorporated into the special use permit and site plan approval.
- (11) An event coordinator or manager associated with the property or owner must be present for all events.
- (12) Upon approval, the applicant shall notify the Building Department in advance of all scheduled events. Failure to notify the Building Department will result in a violation of the special use permit.

F. The following definitions shall be added to §245-56, General Definitions:

AGRICULTURAL PRODUCTS- Those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:

- a. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.
- f. Maple sap and sugar products.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Short rotation woody crops raised for bioenergy.
- j. Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood

AGRITOURISM - Activities conducted on a parcel located within an Agricultural District not related to the direct production of agricultural products, but supportive of a farm operation by providing accommodations, facilities, tours, events and activities designed to attract people to the farm operation to promote the sales, education and enjoyment of agricultural products grown and manufactured on site or locally. Agritourism includes, but is not limited to, farm retail outlets, public farm markets, farm stands, farm breweries, farm cideries, farm distilleries, farm wineries, farm-to-table restaurants, farm vacations, farm events, farm assembly venue and farm education, harvest event, weddings & catering halls.

FARM ASSEMBLY VENUE - An agritourism use comprised of an arena, assembly hall, catering hall, conference center, or similar indoor or outdoor facility designed to support public assembly on a regular basis.

FARM BREWERY, CIDERY, WINERY, MEADERY OR DISTILLERY - An agritourism use comprised of a brewery, cidery, winery, meadery or distillery, licensed to produce New York State labelled product and required by license to utilize New York State agricultural products as a minimum percentage of ingredients by weight.

FARM EDUCATION - An agritourism use comprised of the touring of farms for the purpose of teaching people about agriculture. Farm education may include the transport of groups to and from a farm and may include one or more structures or portions of structures used as classrooms, museums, lecture halls or exhibit space.

FARM EVENT - A transient agritourism use comprised of public assembly.

FARM MARKET, PUBLIC- A temporary agritourism use comprised of an event held indoors or outdoors for the buying or sale of farm and food products.

FARM OPERATION - the land and on-farm buildings, equipment, facilities, and agricultural practices which contribute to the production, preparation and marketing of agricultural products, as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of Article 25-AA of the Agricultural Districts Law and "timber processing" as defined in subdivision fourteen of Article 25-AA. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FARM RETAIL OUTLET, PRIVATE — An agritourism use comprised of one or more permanent structures or portions thereof, operated on a seasonal or year-round basis, that allows for farmers to retail agricultural products directly to consumers. Farm retail outlets may sell products other than agricultural products, but such sales shall be subordinate to the retail of local and/or New York State agricultural products.

FARM STAND — An agritourism use comprised of a direct farm marketing operation without a permanent structure and only offering outdoor shopping on the farm premises. Such an operation is seasonal in nature and features on-farm produce as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.

FARM-TO-TABLE RESTAURANT — An agritourism use comprised of a restaurant which prepares and sells dishes which significantly feature local or New York State agricultural products as ingredients.

FARM VACATION — An agritourism use comprised of temporary residency on the premises of a farm operation, by paying, transient guests, for the purpose of observing and/or participating in the ongoing activities of an agricultural operation and learning about agricultural life.

FARMER — any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock

FARMLAND -- Land within an agricultural district created pursuant to Section 303 or land used in agricultural production subject to an agricultural assessment pursuant to Section 306 of Article 25-AA of the New York Agriculture and Markets Law, used primarily for bona fide agricultural production, for commercial purposes, of all those items and products defined in the New York Agriculture and Markets Law, Section 301.

HARVEST EVENT — A farm event where the public is invited at harvest time to pick fruits or vegetables grown on-site and optionally supplemented with local or New York State produce grown off-site. Farm events may include traditionally attendant activities such as corn mazes, Christmas tree harvesting, cooking contests, eating contests, petting zoos, sale of prepared foods, live music and similar activities. Harvest events may extend over the span of several weeks.

BED-AND-BREAKFAST DWELLING - An owner-occupied residence resulting from a conversion of a one-family detached dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient guests, and containing not more than five guest units. Guest units shall not have kitchen facilities.

CAMPGROUND, COMMERCIAL- Any buildable lot on which campsites are available for transient, overnight accommodation, where each campsite may contain a camping unit as defined herein.

CAMPGROUND, RESIDENTIAL- Any buildable lot on which four or fewer campsites are available for transient, overnight accommodation, where each campsite may contain a camping unit as defined herein.

CAMPING CABIN- A hard sided tent or shelter 400 square feet or less in area which is on skids or otherwise designed to be readily moveable and which does not have cooking facilities, sinks, showers, laundry or toilet facilities.

CAMPING UNIT - A tent, camping cabin, recreational vehicle or other type of portable shelter, intended, designed or used for transient overnight accommodation.

CAMPSITE - A portion of a campground, with or without connections to water supply, electrical service or sewage systems, used by one camping unit.

GUEST UNIT- Any room or group of rooms designed to be rented as a single unit accessed by a single key and used for transient overnight accommodation.

HOTEL- A commercial establishment contained within a single principal structure, open to the public in which lodging is provided to transient guests, and where guest units are solely accessible via a common interior hallway. Conference space, restaurants, bars, lounges, gift shops, sundries shop, business centers, fitness centers and recreational amenities are allowed accessory to a hotel, but in their aggregate should be subordinate to the overnight accommodations.

INN- A commercial establishment contained within one or more principal structures open to the public in which lodging is provided to transient guests in no more than 25 guest units. Restaurants, bars, lounges, gift shops, sundries shop, business centers, fitness centers and recreational amenities are allowed accessory to an inn, but in their aggregate should be subordinate to the overnight accommodations. Guest units shall not contain a kitchen.

LODGING PLACE- A commercial establishment providing overnight accommodations for transient guests including campgrounds, inns, hotels, motels, and rural resorts.

MOTEL- A commercial establishment contained within one or more principal structures, open to the public in which lodging is provided to transient guests, and where units have direct outdoor access. Restaurants, bars, lounges, gift shops, sundries shop, business centers, fitness centers and recreational amenities are allowed accessory to a motel, but in their aggregate should be subordinate to the overnight accommodations.

RECREATIONAL VEHICLE- A vehicular camping unit primarily designed as temporary living quarters for recreational camping, travel or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth wheel trailers, travel trailers, and truck campers.

RURAL EVENT VENUE- A commercial establishment which hosts celebratory, educational activities and events such as weddings, conferences, retreats or festivals, either as a principal use or accessory to another approved or allowed use.

RURAL RESORT- A commercial establishment contained within one or more principal structures in a campus-like setting, open to the public, in which lodging is provided to transient guests. Conference space, restaurants, bars, lounges, gift shops, sundries shop, business centers, fitness centers and

recreational amenities are allowed accessory to a rural resort including areas for skiing, hiking, boating, snowshoeing, horseback riding and other outdoor sports and activities.

G. The following definitions shall be removed from §245-56, General Definitions:

BED-AND-BREAKFAST ESTABLISHMENT -An establishment providing transient housing accommodations for not more than 10 persons, which provides food and/or drink only to persons occupying the transient quarters.

BED-AND-BREAKFAST HOME -A dwelling having a resident host in the primary dwelling of a private single-family or two-family home in which at least one and not more than two rooms are provided for overnight accommodation, the rates for which include breakfast and lodging only, and in which no public restaurant is maintained. The bed-and-breakfast home shall not have more than four occupants as lodgers.

INN - A building or portion thereof kept, used, maintained, advertised or held out to the public, containing 40 or fewer units used for sleeping accommodations for guests and providing meals and other incidental services in which there are certain public rooms and services for the use of guests.

RECREATIONAL VEHICLE - A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed as temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

H. §245-10, Schedule of District Use Regulations, and the associated Attachment 1 contains revisions under “Residential and Open Space Uses” and “Division F: Financial, Insurance, Professional, Personal, Business and Real Estate Services, and Public Administration” “Lodging Places” as shown below, where a strike through (example) indicates a deletion and an underline (example) indicates an addition.

	LDR	MDR	HDR	RH	GB	HB	I	OLI	RB
Residential and Open Space Uses									
Residential									
One-family dwelling	P	P	P	P	P	P	X	X	P
Dwelling, accessory unit	SUP	SUP	SUP	SUP	SUP	SUP	SPR	X	SPR
Two-family dwelling	P	P	P	P	P	P	X	X	P
Dwelling units, above commercial	X	X	X	P	P	P	X	SUP	P
Multifamily dwelling	X	X	SPR	SPR	SPR	SPR	X	X	SPR
<u>Bed-and-breakfast home dwelling</u>	P	P	P	P	P	P	SUP*	SUP*	P
Bed and breakfast establishment	SUP*	SUP*	SUP*	SUP*	SUP*	P	SUP*	SUP*	P
Rooming houses and boardinghouses	SUP*	SUP*	SUP*	SUP*	X	SUP*	X	X	SUP*
Inns	SUP*	SUP*	SUP*	SPR	X	SPR	X	X	SPR
Home occupation	P	P	P	P	P	P	P	X	P
Mobile home/house trailer	P	P	P	P	P	P	X	X	P

	LDR	MDR	HDR	RH	GB	HB	I	OLI	RB
Mobile home park	SUP*	SUP*	SUP*	SUP*	X	X	X	X	X

	LDR	MDR	HDR	RH	GB	HB	I	OLI	RB
Lodging places:									
Hotels and motels, resort hotel (maximum 100units)	X	X	X	X	SPR SUP*	SPR SUP*	X	SUP*	SUP*
Lodge (maximum 50 units), camps and recreational vehicle parks Commercial Campground	SUP*	SUP*	X	SUP X	SUP*	SPR SUP*	X	X	SPR SUP*
Residential Campground	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SUP*</u>
Rooming houses and boardinghouses	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>X</u>	<u>SUP*</u>	<u>X</u>	<u>X</u>	<u>SUP*</u>
Inns (maximum 25 units)	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>X</u>	<u>SUP*</u>	<u>X</u>	<u>X</u>	<u>SUP*</u>
Rural Resort	<u>SUP*</u>	<u>SUP*</u>	<u>SUP*</u>	<u>X</u>	<u>X</u>	<u>SUP*</u>	<u>X</u>	<u>X</u>	<u>SUP*</u>
Rural Event Venue	<u>SUP*</u>	<u>SUP*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SUP*</u>	<u>X</u>	<u>SUP*</u>

SECTION V- SEVERABILITY.

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION VI- EFFECT OF AMENDMENT.

Except as herein modified, Local Law No. 2 of the year 2008, and any subsequent valid amendments thereto, is hereby ratified and confirmed.

SECTION VII- EFFECTIVE DATE.

This local law shall be effective as provided by law, upon filing and acceptance by the New York Secretary of State.

- _____ Supervisor Costello
- _____ Councilwoman Thornton
- _____ Councilwoman Nau
- _____ Councilman Horton
- _____ Councilman Ivino

