

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF WARWICK
INTRODUCTORY LOCAL LAW NO. 4 OF 2022
A LOCAL LAW TO AMEND THE ZONING LAW

BE IT ENACTED by the Town Board of the Town of Warwick as follows:

Section 1. Legislative intent.

This local law amends Chapter 164 of the Town Code, the Town of Warwick Zoning Law. The law is intended to provide a means for food trucks to operate in conjunction with farms, farm markets, and eating and drinking places. The amendments also address clarifications to other provisions of the Town Zoning Law pertaining to farm markets and on-farm festivals involving music.

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 3. Terms defined.

Article II, Section 164-22 of the Zoning Law entitled "Terms defined" is hereby amended by adding a new definition as follows:

FOOD TRUCK

A mobile food service operation, permitted by the New York State Department of Health or Orange County Health Department, located in a licensed motorized vehicle or a movable cart, stand, or trailer and from which food and beverages (pre-packaged or prepared and served from the vehicle, stand, trailer, or cart) are sold or distributed in individual portions to the general public directly from the mobile food service operation for

consumption on or off of the premises. A Food Truck operating within the Town must obtain an annual permit from the Town of Warwick, excluding those authorized under a Temporary Outdoor Gatherings Permit in accordance with Chapter 115.

Article II, Section 164-22 of the Zoning Law entitled “Terms defined” is hereby amended by replacing the definition for “Use, Principal” with a new definition as follows:

USE, PRINCIPAL

The main or principal use of the lot. Except for mixed uses and multiple retail uses permitted in the Town's Traditional Neighborhood, Community Business, Local Business Hamlet, Office/Industrial and Designed Shopping Districts, only one principal use is permitted per lot, all other uses, except residential uses allowed by special permit and permitted accessory uses, being excluded.

Section 4. Regulations.

Article IV, Section 164-40.M of the Zoning Law entitled “Table of Use Requirements” is hereby amended by adding a new row as follows:

Accessory Uses	AI	RU	MT	CO	SL	SM	TN-O ■	OI★	LB ■	DS◆ ■	SH-F	LC	CB
A34. Food Truck - One	S 14, 14.1, 16	S 14, 14.1, 16	S 14, 14.1, 16	S 14, 14.1, 16	S 14, 14.1, 16		S 37	S 14, 16, 37	S 16, 37	S 14, 16, 38			S 14, 14.1, 16, 38

Article IV, Section 164-46.J of the Zoning Law entitled “Special conditions” is hereby amended by replacing the following subsections with new subsections as follows:

164-46.J(16)

Accessory to a residential use, the keeping of dogs shall not exceed three dogs over six months old nor more than one litter under six months of age on a lot of less than three acres; the keeping of dogs shall not exceed six dogs over six months old nor more than two litters under six months of age on a lot of less than six acres; livestock and bees [according to the limitations and requirements of Subsection J(101) of this section] and not more than 10 fowl [but specifically excluding roosters which are prohibited], rabbits, or other small domesticated animals shall be permitted; and no animals, bees, or fowl shall be housed within 100 feet of any lot line, except where livestock animals are

housed, then such housing shall be set back 150 feet from any lot line. Any penning area less than one acre in size shall be set back 50 feet from any lot line. No storage of manure or other odor- or dust-producing substance or use shall be within 150 feet of any lot line. See also special condition in Subsection J(101) for large animals and bees.

164-46.J(152)(d)

A farm market consisting of 4,000 square feet of gross floor area or greater and a farm market consisting of less than 4,000 square feet of gross floor area and in existence at the time of adoption of Local Law No. 1 of 2019, may sponsor and conduct farm and harvest festivals on site, provided:

- [1] The number of on-farm festivals that include outdoor music does not exceed 12 days per year. For on-farm festivals involving outdoor music, a temporary outdoor public gathering permit, pursuant to Chapter 115 of the Town Code and valid from 10:00 a.m. to 10:00 p.m., shall be secured prior to the festival.
- [2] No carnival-type rides are utilized;
- [3] The on-farm festivals are designed to provide agricultural marketing and promotional opportunities for the farm and/or the region's agricultural producers;
- [4] The use of amplified sound-producing devices shall not exceed the performance standards established in § 164-48C(3) of the Zoning Law, and only unidirectional speakers shall be permitted for such amplified sound-producing devices; and
- [5] On-site farm events of up to 249 attendees for arts, entertainment, weddings, craft shows, and other special occasions are allowed up to 24 days per year, provided that adequate parking is provided and a sewage disposal permit is secured from the Town Building Department prior to holding any public gathering.

164-46.J(152)(e)

A farm market consisting of less than 4,000 square feet in gross floor area may sponsor and conduct farm and harvest festivals on site, provided that:

- [1] The number of farm festivals does not exceed five days per year. For on-farm festivals involving outdoor music, a temporary outdoor public gathering permit, pursuant to Chapter 115 of the Town Code and valid from 10:00 a.m. to 10:00 p.m., shall be secured prior to the festival.
- [2] No carnival-type rides are utilized;
- [3] The festivals are designed to provide agricultural marketing and promotional opportunities for the farm and/or the region's agricultural producers;

[4] The use of amplified sound-producing devices shall not exceed the performance standards established in § 164-48C(3) of the Zoning Law, and only unidirectional speakers shall be permitted for such sound-producing devices; and

[5] On-site farm events of up to 249 attendees for arts, entertainment, weddings, craft shows, and other special occasions are permitted up to 10 days per year, provided that adequate parking is provided and a sewage disposal permit is secured from the Town Building Department prior to holding any public gathering.

Section 5. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.