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TOWN OF WARWICK
INTRODUCTORY LOCAL LAW NO. 3 of 2023
A LOCAL LAW TO AMEND THE ZONING LAW
Draft: Revised May 25, 2023

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

NOTE: Existing text from the Code of the Town of Warwick is shown below as regular text, highlighted only as shown in the code. Proposed amended, added text is shown as underlined text (text). Text that is proposed to be deleted is shown as stricken text (~~text~~).

1. **Legislative Intent:** This local law amends the Code of the Town of Warwick, Chapter 164 to incorporate revisions as described below. The purpose of these code amendments is to: - add or correct zoning definitions; - to delete and to add special conditions to the “The Table of Use Requirements” to correct conditions related to solar installations; - per the process in Article VI, Amendments, to add four parcels that are eligible to participate in the Cannabis Dispensary Overlay (CD-O) district to the CD-O; - to clarify the expansion of agricultural structures in Agricultural Districts and the keeping of animals accessory to a residential use; - to acknowledge the regulation of commercial large scale solar energy systems in the Ridgeline Overlay district; and - to add time limits and reasonable conditions for the use of campground spaces. The proposed amendments are designed to be consistent with and to further implementation of the Town Comprehensive Plan.

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 of parts.

3. Article II, entitled Definitions; Word Usage., Section 164-22 Terms defined., shall be revised so that the definition of “CAMPGROUND UNIT” shall be added to read as follows:

CAMPGROUND UNIT

A permitted temporary, movable or portable shelter or recreational vehicle, tent, motor home, travel or camping trailer used by an individual or group of individuals to occupy a designated space at a campground.

4. Article II, entitled Definitions; Word Usage., Section 164-22 Terms defined., shall be revised so that the definitions of “SOLAR ENERGY SYSTEM, COMERCIAL LARGE SCALE” and “SOLAR ENERGY SYSTEM, LARGE SCALE” shall be revised to read as follows:

SOLAR ENERGY SYSTEM, COMERCIAL LARGE SCALE

An active utility-scale commercial facility with a direct interconnection to ~~an electric distribution or a~~ transmission line or transmission substation with existing capacity, or potential capacity if upgraded, to accommodate the proposed solar development and designed to produce energy for the purpose of wholesale ~~or retail sales of~~ generated electricity.

SOLAR ENERGY SYSTEM, LARGE SCALE

An active solar energy system that occupies 40,000 square feet or more of surface area and produces energy primarily for the purpose of off-site consumption that does not fall within the definition of Solar Energy System, Commercial Large-Scale.

5. Article IV, entitled Regulations, Section 164-40. General regulations., describes the logic of “The Table of Use Requirements”, which use table is included at the end of chapter 164. Article IV, Section 164-46., Site plan and special permit approval., includes requirements and standards, and supplemental requirements for certain uses, which are in section 164-46. J., Special conditions. The special conditions or restrictions are presented in “The Table of Use Requirements” as parenthesized numbers (1) through (155) that correspond to the subsections in section 164-46. J. The “The Table of Use Requirements” shall be revised at row 63. Large-scale solar energy installations; and row 65. Commercial large-scale solar energy installations, to delete special conditions numbered 131 through 136, to retain special condition 137; and to add special condition 151 as shown in the attached tabular illustration of Zoning Attachment 1 at page 1:9, rows 63 and 65 attached hereto.

6. Article III, entitled Zoning Districts and map.; and sections 164-30 and 164-31, regarding Districts established., and District purposes, respectively, list and describe the Cannabis Dispensary Overlay (CD-O) district. Article IV, entitled Regulations, Section 164-46. J., Special conditions, subsection (155), includes subsection (155)(a) stating “Cannabis retail dispensaries are permitted by special use permit from the Planning Board within the Cannabis Dispensary Overlay (CD-O) District, a sub-district of the DS, CB, and OI Zoning districts”. In accordance with the process in Article VI, Amendments, including zoning map amendments; and as set forth in the detailed attachment, entitled “ZONING, 164 Attachment 7, Appendix B, Participating Parcels in Cannabis Dispensary Overlay District” the four (4) tax parcels listed below, being located in the OI (Office and Industrial Park) zoning district, are eligible to participate in the Cannabis Dispensary Overlay (CD-O) district:

- Section 46 Block 1 Lot 35;
- Section 46 Block 1 Lot 39.21;
- Section 46 Block 1 Lot 48.22; and
- Section 46 Block 1 Lot 49.2.

ZONING, 164 Attachment 7, Appendix B, Participating Parcels in Cannabis Dispensary Overlay District shall be adopted as an attachment to Code Chapter 164.

7. Article IV, entitled Regulations, Section 164-42. Supplementary regulations for nonresidential districts., section E. Special uses in nonresidential structures in Agricultural Districts., subsection (5), shall be revised to read as follows:

- (5) The provisions of § 164-42E(3) and (4) above shall apply to the initial areas of an agricultural structure or to the expansion of the floor area of such structure by no more than 20% or more provided such expansion is in accordance with the expansion and change of use requirements of § 164-46B(5). Once the special use permit has been granted, it shall be valid for all uses cited above without further application to the Planning Board, upon review and approval of the Building Inspector and Town Engineer.

8. Article IV, entitled Regulations, Section 164-46. Site plan and special permit approval., section J., Special conditions., subsections (16) and (151), shall be revised to read as follows:

- (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, 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, all animals shall be contained on the property. No storage or spreading of manure or other odor- or dust-producing substance or use shall be allowed within 150 feet of any lot line. See also special condition in Subsection J(101) for large animals and bees.
- (151) Large-scale and commercial large scale solar energy systems, as defined herein, are permitted subject to compliance with § 164-47.1 of the Zoning Law, the Ridgeline Overlay District requirements.

9. Article IV, entitled Regulations, Section 164-49.2. Campgrounds., subsection V. Occupancy., shall be revised to read as follows:

V. Occupancy. Occupancy by an individual or group of individuals in any form of permitted temporary, movable or portable shelter or recreational vehicle (campground unit) shall be for a period of no longer than 210 days in any twelve-month period, and all campground units shall only be in the designated campground space for no more than 210 days in any twelve-month period, unless provided the following conditions are met and maintained on a continuing basis:

(1) The campground shall require that all campground unit owners who intend to occupy a designated campground space on an annual basis, with a campground unit which they privately own, execute a site rental agreement, in a form acceptable to the Town, referring to this section of the code, acknowledging that the campground unit shall not be the primary residence of the owner and no children shall attend public schools with the campground being provided to the school district as the primary residence of the

child. Prior to signing a campground site rental agreement, each campground unit owner shall provide proof of primary residency by submitting a state issued driver's license, and such information shall be confirmed by the campground by background check. Copies of all agreements and supporting documents, or inspection thereof, shall be provided to and/or permitted to the Town upon request.

~~(2)(1)~~ Annual renewal of ~~any~~the campground permit shall be subject to the occupancy limitations stated herein and compliance with the quarterly record of occupancy to be filed with the Town Building Department.

~~(3)(2)~~ A quarterly record of occupancy for each campsite shall be submitted to the Town Building Department no later than April 30th, July 31st, October 31st, and January 31st of each year of operations, such records to be on forms specified by and maintained by the Building Department.

~~(4)(3)~~ The quarterly record of occupancy shall include a map showing the location of each campsite and its occupancy during the quarterly period.

(5) A gated entry system into the campground shall be installed which will monitor and log daily trip information of registered campground unit owners. Only vehicles registered to a particular campground unit owner shall be permitted to enter the campground. The campground manager shall also be making daily inspections of any unauthorized vehicles.

10. 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.