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County City Town Village
(select one:)

of New Lebanon

Introductory Local Law No. 1 of the year 2020

A LOCAL LAW TO UPDATE AND AMEND CHAPTER 205 OF THE CODE OF THE TOWN OF NEW LEBANON.

Be it enacted by the Town Board of the Town of New Lebanon as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF NEW LEBANON

INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2020

**A LOCAL LAW TO UPDATE AND AMEND CHAPTER 205 OF THE
CODE OF THE TOWN OF NEW LEBANON.**

SECTION 1

This local law shall be referred to as “A Local Law to Update and Amend Chapter 205 of the Code of the Town of New Lebanon”.

SECTION 2

Chapter 205 of the Code of the Town of New Lebanon, entitled “Zoning”, is hereby amended as follows:

A. Paragraph C of Section 205-4, entitled “Districts, purposes and boundaries”, is hereby amended to read in its entirety as follows:

C. The locations and boundaries of the zoning districts hereby established are shown on a map entitled “Zoning Districts of the Town of New Lebanon”, initially adopted August 9, 2010, and as amended from time to time. The FZ-O is shown on the map entitled “Flood Insurance Rate Map.” The maps and all notations, references and other information shown thereon are hereby declared to be a part of this chapter and shall be kept up-to-date in the offices of the Town Clerk for the use and benefit of the public.

B. Subdivision (b) of Subparagraph (4) of Paragraph B of Section 205-7, entitled “Area and bulk regulations”, is hereby amended to read in its entirety as follows:

(b) Location.

[1] Fences, freestanding walls and hedges and all supporting structures must be entirely on the property of the party erecting the fence.

[2] Fences and freestanding walls shall not obstruct sight distance at intersections or rights-of-way and shall comply with required setbacks at street corners.

[3] Any fence, freestanding wall or hedge built along an adjacent lot shall be installed interior from the lot line with a two-foot setback to provide for maintenance and lawn or field mowing. Lawns and other growth shall be maintained by the property owner to the property line in accordance with New York State Property Maintenance Code.

C. Subdivision (d) of Subparagraph (4) of Paragraph B of Section 205-7, entitled “Area and bulk regulations”, is hereby amended to read in its entirety as follows:

(d) Materials and construction.

[1] All fences and freestanding walls shall be constructed and installed in accordance with the generally accepted standards of good workmanship and any applicable manufacturer’s specifications.

[2] All fences and freestanding walls shall be maintained in a structurally sound condition, and components or finishes that become deteriorated shall be repaired or replaced promptly.

[3] Canvas, cloth, wire mesh, snow fencing, chicken wire, pallets, plywood or any other material of a nonstructural nature may not be used as fencing material or as any part of fence. The use of any fencing material, or device, intended or which is likely to cause harm or injury to humans is prohibited. Examples of materials prohibited in this section include, but are not limited to, broken glass or electrification. All fences require a zoning permit unless they are exempt under § 205-7B(4)(a)[1].

[4] All fencing that has a discernable finished side must be installed or constructed so the finished side faces to the exterior of the lot center.

[5] Retaining walls visible from the public right-of-way should be faced with masonry or other decorative screening, textures, design, or landscaping to minimize the blank appearance of walls and ensure compatibility with existing structures.

D. Paragraph B of Section 205-8, entitled “Supplementary regulations”, is hereby amended to read in its entirety as follows:

B. Water recreation, water storage and ponds. The accessory use of land for water recreation or water storage such as swimming pools (whether aboveground or in-ground), ponds, or open outdoor water storage tanks shall comply with the following requirements:

- (1) All swimming pools, open outdoor water storage tanks, and other water recreation or water storage shall comply with setback requirements.
- (2) Drainage of a swimming pool, pond, open outdoor water storage tanks or other water recreation or water storage shall not interfere with any public or private water supply, existing sanitary facilities or surrounding properties.
- (3) An aboveground swimming pool or other aboveground storage structure shall be located so that there is no danger to surrounding properties or water supply or sewerage systems in the event of a break of the container.
- (4) All persons establishing or modifying a pond greater than 100 square feet in area shall obtain a zoning permit prior to establishment or modification, and, in addition to complying with all other applicable provisions of this chapter, such ponds greater than 100 square feet in area shall comply with the following:
 - (a) Such ponds shall be located not less than 25 feet from any roadway.
 - (b) Such ponds shall be located not less than 20 feet from any side lot line.
 - (c) Such ponds shall be located not less than 40 feet from any rear lot line.
 - (d) Such ponds shall be located not less than 100 feet from any component of any septic system.
 - (e) All ponds must have an erosion proof spillway and an outlet pipe.

E. Subparagraph (1) of Paragraph D of Section 205-11, entitled “Zoning administration and enforcement”, is hereby amended to read in its entirety as follows:

- (1) Complaints.

- (a) Any person may file a written complaint regarding a violation of this chapter with the Zoning Enforcement Officer.
- (b) Within 10 days of the filing of a written complaint, the Zoning Enforcement Officer shall, in writing addressed to the complainant, acknowledge receipt of the complaint, provided that the complainant has provided his or her mailing address to the Zoning Enforcement Officer at the time of the filing of the complaint.
- (c) All such filed written complaints shall be investigated by the Zoning Enforcement Officer and a report prepared thereon and action instituted where appropriate within 30 business days.

F. Subparagraph (1) of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby amended to read in its entirety as follows:

(1) Bed and breakfast.

- (a) Bed-and-breakfasts shall be established, maintained and operated so as to preserve and complement the character and integrity of the surrounding area.
- (b) Off-street parking shall not be located in a front yard and shall be screened from roads and adjacent properties so as not to detract from the residential character of the site. In addition to the parking guideline for bed-and-breakfasts set forth in Section 205-9(A)(12), an appropriate number of off-street parking spaces shall be provided for members of the owner’s family residing in the dwelling unit. Any outdoor lighting shall use fully shielded fixtures and shall not cause light to glare onto neighboring properties.
- (c) A single exterior sign or display may be established on the site of the bed-and-breakfast.

G. Subparagraph (2) of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby amended to read in its entirety as follows:

(2) Boardinghouse.

- (a) In addition to meeting the minimum lot size requirements for the district within which it is located, there shall be a minimum of 5,000 square feet on the lot per room designated as sleeping accommodation for boarders, as well as 5,000 square feet for the family residing on the lot.

- (b) All prescribed standards for bed-and-breakfast uses shall be met. Off-street parking shall not be located in a front yard and shall be screened from roads and adjacent properties so as not to detract from the residential character of the site. In addition to the parking guideline for boardinghouses set forth in Section 205-9(A)(12), an appropriate number of parking spaces shall be provided for members of the owner’s family residing in the dwelling unit. Any outdoor lighting shall use fully shielded fixtures and shall not cause light to glare onto neighboring properties.

H. Subdivision (a) of Subparagraph (6) of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby amended to read in its entirety as follows:

- (a) Flea markets may be permitted only in General Commercial and Commercial-Recreational zoning districts.

I. Subparagraph (9) of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby amended to read in its entirety as follows:

(9) Home Occupation 2 and 3.

- (a) Home Occupation 2 (HO2). Special use permits for HO2 uses shall be reviewed and determined by the Zoning Board of Appeals. The Zoning Board of Appeals shall grant a special use permit for an HO2 use only where following standards are met:

[1] The use shall be compatible with the character of the neighborhood.

[2] There shall be no exterior alterations in connection with the profession or occupation that are inconsistent with the character of the neighborhood.

[3] The use shall produce no appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that would exceed those normally produced by a residence.

[4] The use shall not cause a substantial increase in traffic in the neighborhood.

[5] Any commercial or special purpose vehicle on the property shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of one and one-half (1 ½) tons capacity

or twenty-four (24) feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and shall be screened from view from the street and adjoining properties.

- (b) Home Occupation 3 (HO3). Special use permits for HO3 uses shall be reviewed and determined by the Planning Board. Any new or modified special use permit application for an HO3 shall also be subject to site plan review by the Planning Board.

[1] The Planning Board shall grant a special use permit for an HO3 use only where following standards are met:

- [a] The use shall not appreciably alter the character of the neighborhood.

- [b] The use shall be conducted primarily within the confines of the building(s) on the property.

- [c] The use shall be carried on by at least one person that resides within the dwelling unit, and no more than three (3) persons that do not reside within the dwelling unit.

- [d] No signs are allowed, except as permitted by section 205-17 (B)(11) of this chapter.

- [e] The use shall not produce any appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that substantially exceeds those normally produced by a residence. There shall be no exterior alterations in connection with the profession or occupation that are inconsistent with the residential character of the neighborhood.

- [f] The use shall not cause a substantial increase in traffic in the neighborhood.

- [g] There shall be no more than two (2) commercial or special purpose vehicles stored at the property. All commercial or special purpose vehicles shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of one and one-half (1 ½) tons in capacity or twenty-four (24) feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and

shall be screened from view from the street and adjoining properties.

[h] Sufficient off-street parking for customers, clients, and other visitors shall be provided as determined by the Planning Board.

[2] A special use permit issued for an HO3 shall be valid for one year and must be renewed annually. A request for renewal shall be made in writing to the Zoning Enforcement Officer no less than 30 days prior to the expiration of the special use permit or latest renewal. Upon receipt of such a request, the Zoning Enforcement Officer shall determine whether the use conforms to the special use permit and site plan approval and all conditions therein and set forth in this section. In the event the Zoning Enforcement Officer determines that the use conforms and that all conditions are satisfied, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. In the event the Zoning Enforcement Officer determines that the use does not conform or that not all conditions have been satisfied, the applicant shall have a period of seven (7) days to bring the use into compliance and to satisfy any such conditions. Upon such compliance, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. If the applicant fails to bring the use into compliance and to satisfy any such conditions within such seven (7) day period, the Zoning Enforcement Officer shall not renew the special use permit.

J. A new subparagraph (16) of Paragraph E of Section 205-13, entitled “Special use permits”, is hereby added to read in its entirety as follows:

(16) Home-Based Business. Special use permits for home-based business uses shall be reviewed and determined by the Planning Board. Any new or modified special use permit application for a home-based business shall also be subject to site plan review by the Planning Board.

(a) The Planning Board shall grant a special use permit for a home-based business only where following standards are met:

[1] The use shall be carried on by at least one person that resides in the dwelling unit, and no more than two (2) persons that do not reside in the dwelling unit.

[2] No signs are allowed, except as permitted by Section 205-17 (B) (11).

[3] There shall be no more than six (6) commercial or special purpose vehicles stored at the property. All commercial or special purpose vehicles in excess of two (2) shall be screened from view from the street and adjoining properties or stored under cover. Any commercial or special purpose vehicle in excess of one and one-half (1 ½) tons capacity or twenty-four (24) feet in length shall be stored in an enclosed structure within the principal building or an accessory building, or within the rear yard and shall be screened from view from the street and adjoining properties.

[4] All materials or other equipment shall be stored within the principal building or accessory building or within the rear yard and shall be screened from view from the street and from adjoining properties. Such storage areas shall be identified on the site plan.

[5] The use shall not produce any appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance that substantially exceeds those normally produced by a residence.

[6] The use shall not cause a substantial increase in traffic in the neighborhood.

[7] Sufficient off-street parking for customers, clients, employees and other visitors shall be provided as determined by the Planning Board.

- (b) A special use permit issued for home-based business shall be valid for one year and must be renewed annually. A request for renewal shall be made in writing to the Zoning Enforcement Officer no less than 30 days prior to the expiration of the special use permit or latest renewal. Upon receipt of such a request, the Zoning Enforcement Officer shall determine whether the use conforms to the special use permit and site plan approval and all conditions therein and set forth in this section. In the event the Zoning Enforcement Officer determines that the use conforms and that all conditions are satisfied, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. In the event the Zoning Enforcement Officer determines that the use does not conform or that not all conditions have been satisfied, the applicant shall have a period of seven (7) days to bring the use into compliance and to satisfy any such conditions. Upon such compliance, the Zoning Enforcement Officer shall administratively renew the special use permit for a one-year period. If the applicant fails to bring the use into compliance and to satisfy any such conditions

within such seven (7) day period, the Zoning Enforcement Officer shall not renew the special use permit.

K. Section 205-17, entitled “Signs and posters”, is hereby amended to read in its entirety as follows:

§ 205-17. Signs and posters.

A. Intent and Purpose. The intent of this section is to promote and protect the public health, safety and welfare of the residents of the town by regulation of signage.

B. Rules and Regulations.

(1) For purposes of determining number of signs under this section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of the elements, each element shall be considered to be a single, separate sign.

(2) For purposes of determining the surface area of a sign under this section, surface area shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign, and including all of the elements of the matter displayed; provided, however, that 50% of the total surface area of both sides of a freestanding sign or a projecting sign that is substantially perpendicular to the road or walkway and that contains identical content on both sides so as to permit observation of its messaging from either direction shall be excluded from such calculation. Frames and structural members not bearing letters, words, numbers, figures, emblems, logos, or pictures shall not be included in computation of surface area.

(3) All exterior signs must be constructed of durable materials, shall be lettered in a professional and workmanlike manner and shall be maintained in good condition and repair at all times. Exterior signs and posters made of cardboard, paper or similar non-permanent material are prohibited except for temporary signs.

(4) All illuminated signs shall be constructed such that all transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.

- (5) Excepting portable and temporary signs, all signs and their structures shall be securely anchored and constructed to prevent lateral movement that would cause wear on supporting connections.
- (6) Signs and their structures must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose fastenings. Signs and their structures must be maintained at all times in such a safe condition as not to be detrimental to the public health or safety.
- (7) No sign shall be placed in or projected onto the public right-of-way or placed so as to impair visibility for motorists. Signs shall not project over adjoining property lines.
- (8) Wall signs shall not extend above the roof or parapet of the building, shall not extend beyond the ends or over the top of the walls to which attached and shall not extend more than nine inches from the face of the buildings to which they are attached.
- (9) The height of a freestanding sign shall not exceed 30 feet.
- (10) Monument- or masonry-type signs or bases shall not exceed four feet in height.
- (11) The following signs are permitted in any zoning district:
 - (a) One sign not exceeding two (2) square feet;
 - (b) On a farm, one additional sign not exceeding sixteen (16) square feet;
 - (c) Three banners or flags not exceeding fifteen (15) square feet each;
 - (d) Temporary signs that comply with paragraph F of this Section.
- (12) In addition to any other signs permitted under this chapter, a place of worship, museum, library, school or government office shall be permitted to have a bulletin board not exceeding twenty-four (24) square feet.
- (13) Business Signs in a General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial Districts. In the General Commercial, Commercial-Residential, Commercial-Recreational, or Commercial-Industrial zoning districts, any legally

established business use not constituting a home occupation, a home-based business, a bed-and-breakfast, a boardinghouse, or a business located within a multi-business complex, shopping center, or mall, shall be permitted to have the following signs, in addition to those permitted by Section 205-17 (B) (11):

- (a) One freestanding sign not exceeding twenty-four (24) square feet.
 - (b) One wall sign not exceeding the greater of (i) twenty-four (24) square feet, or (2) $\frac{1}{2}$ square foot per linear foot of building frontage, but in no event larger than one hundred (100) square feet.
 - (c) One sandwich board sign not exceeding eight (8) square feet of surface area on each side, provided that such sandwich board sign is removed daily.
- (14) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
 - (15) Signs which are animated, flashing or with intermittent illumination are prohibited.
 - (16) Feathered flag, tear drop flag and blade flag signs are prohibited.
 - (17) No sign shall contain content that is obscene.

C. Signs for Multi-Business Complexes, Shopping Centers, Malls, etc.

- (1) A multi-business complex, shopping center, or mall shall be permitted one freestanding sign not exceeding twenty-four (24) square feet, plus ten (10) square feet for each individual business space therein; provided, however, that in no event shall the total surface area of such freestanding sign exceed seventy-five (75) square feet, nor shall the total height of the freestanding sign exceed thirty (30) feet.
- (2) Notwithstanding anything else to the contrary contained in this Section 205-17, a multi-business complex, shopping center, or mall shall be permitted one sign not exceeding twenty-four (24) square feet for each individual business space therein, each such sign being attached to the building and located eighteen (18) inches or less from

the building face and being located in general proximity to each individual business space.

- D. Any sign in disrepair or which becomes obsolete shall be repaired or removed at the expense of the property owner within 30 days of the date of an order to such effect issued by the Zoning Enforcement Officer. A permanently installed structure on which the sign is mounted need not be removed, provided the structure is in good repair and, to the extent any surface area formerly used for signage remains, such area is a neutral color and opaque. Any replaced or repaired sign must conform to all regulations in this chapter.
- E. A flora or stone sign may be permitted as long as it conforms to other regulations of the sign this chapter.
- F. Temporary Signs. Temporary signs shall comply with the following:
 - (1) Each temporary sign shall not exceed 6 square feet in surface area.
 - (2) Each temporary sign shall be located no closer than 6 feet from any roadway.
 - (3) Temporary signs shall not be attached to any tree, utility pole, or road sign.
 - (4) No temporary sign shall be displayed during any calendar year for more than two display periods, each of which shall not exceed 30 consecutive days and which display periods shall be at least 60 consecutive days apart.
- G. Exemptions. For the purpose of this chapter, the following signs shall not be included in the application of the regulations herein:
 - (1) Historical markers.
 - (2) Integral decorative or architectural features of buildings, except letters, numbers, trademarks, moving parts or moving lights.
 - (3) Signs not in excess of two (2) square feet in size that identify hours of operation.
 - (4) Non-illuminated signs not in excess of two (2) square feet in size that demark a property's boundaries.

- (5) Address signs not in excess of two (2) square feet in size on multiple dwelling units.
 - (6) Non-illuminated signs on the interior sides of fences which enclose athletic fields, as well as on scoreboards contained within such athletic fields.
 - (7) Window and door signs and posters, provided that such do not exceed 25% of each window/door surface.
- H. Approvals. Excepting temporary signs, all signs require application for and issuance of a zoning permit from the Zoning Enforcement Officer and payment of any and all applicable application and permit fees.
- I. Nonconforming signs. A lawful pre-existing, nonconforming sign may be maintained subject to the provisions of this section.
- (1) Any existing on-premises sign which was legally constructed and erected under the sign provisions or other regulations set forth in the Zoning Code, Town Code or which was granted a variance may be continued and maintained, provided, however, that such sign may not be moved, altered, enlarged or modified unless such sign is changed to a conforming sign. Once modified or changed, such sign may not be changed back into a nonconforming sign.
 - (2) All other signs in existence on the effective date of this chapter shall be made to conform to the standards herein or shall be removed within sixty (60) days after receipt of written notice from the Zoning Enforcement Officer to the owner to comply.
- J. Sign Schedule. The following sign Schedule shall be read in conjunction with the rules and regulations set forth in this chapter:

Use	Zoning District	Maximum Size	Number Permitted	Comments
Residential, Home Occupation	Residential	2 square feet	1	---
Bed-and-breakfast and boardinghouse	All zones, or where ZBA allows	2 square feet	1	
Farm	Residential	16 square feet	1	

Use	Zoning District	Maximum Size	Number Permitted	Comments
Banners or flags	All zones	15 square feet each	3	
Bulletin Board associated with a church, school or similar institutional structure	All zones	24 square feet	1	
Business uses, except home occupation, home-based business, bed-and-breakfast, boardinghouse, and businesses located in multi-business complex	C, C-Rec, C-I, and C-R	Freestanding: 24 square feet;	1	Height of individual freestanding signs shall not exceed 30 feet.
		Attached to building: greater of 24 square feet or ½ foot per linear foot of building frontage up to 100 square feet;	1	
Business, window/door	All zones	Not to exceed 25% of each window/door surface		
Multi-Business complexes, shopping centers, malls, etc.	Applicable zones	Freestanding: 24 square feet, plus 10 square feet for each individual business space therein, provided that total surface area of sign shall not exceed 75 square feet	1	Height of individual freestanding signs shall not exceed 30 feet.
		Attached to each business in shopping center: 24 square feet	1	
Real Estate Signs	All	6 square feet	1	Must be located on the property offered for sale or lease; must be located not closer than 6 feet from edge of any roadway.

L. Paragraph C of Section 205-20, entitled “Definitions”, is hereby amended to add the following definitions of terms, to be inserted in proper alphabetical order by term:

BANK – An establishment that accepts deposits, pays interest, clears checks, makes loans, acts as an intermediary in financial transactions, and provides other financial services to its customers.

BANNER or FLAG – Piece of cloth, nylon, synthetic cloth, or similar material bearing a symbol, logo, slogan or other message, usually in a square or rectangular shape.

BUS STATION – A lot, structure, or building used for the boarding and exiting of buses, the selling of transport tickets, the incidental sale or dispensing of food and drink, and the incidental storage of buses.

COMMERCIAL/SPECIAL PURPOSE VEHICLE – Any truck or van used in connection with operating a business.

COMMERCIAL TRADES OPERATION – General contractors, masons, painters, refrigeration contractors, HVAC contractors, roofers, carpenters, small scale excavating contractors and similar operations.

DRIVING RANGE – A tract of land used for practicing golf shots, especially drives, where clubs and balls may or may not be available for rent.

FIRE/EMERGENCY RESPONSE STATION – A facility where fire/emergency vehicles and equipment are housed.

FUNERAL PARLOR – An establishment with facilities for the preparation of the dead for burial or cremation; for the viewing of the body; and for the conduct of funerals.

GREENHOUSE – A building chiefly comprised of a transparent or translucent material on its roof and/or walls and which is used for cultivating plants.

HOME-BASED BUSINESS – A business or profession in which various administrative tasks are conducted on the property by a person residing therein and which is clearly incidental to the principal use of the lot for residential purposes, but where the business or profession primarily provides goods and/or services off-site. Home-based businesses may include, but are not necessarily limited to, landscapers, plumbing contractors, electrical contractors, carpenters, painters, and similar professionals/artisans.

HOME OCCUPATION 1 (HO1) – A home occupation that meets all of the following criteria:

- (1) No signs are located on the subject property, except as permitted by Section 205-17 (B) (11) of this chapter;
- (2) The profession or occupation is carried on totally within the confines of the buildings on the subject property;
- (3) The profession or occupation is carried on exclusively by one or more persons that reside within the dwelling unit;
- (4) The profession or occupation will not produce visits to the property by customers, clients, colleagues, employees, or contractors;
- (5) Any deliveries made in connection with the profession or occupation are made by vehicles that do not exceed the size of typical vehicles used to deliver mail, parcels, or packages to the residence;
- (6) No more than one commercial or special purpose vehicle, which vehicle shall not exceed one and one-half (1 ½) tons in capacity and twenty-four (24) feet in length, is parked on the subject property; and
- (7) All materials and other equipment used in connection with the profession or occupation are stored within the principal building or an accessory building on the property.

HOME OCCUPATION 2 (HO2) – A home occupation that does not constitute a Home Occupation 1 (HO1) and that meets all of the following criteria:

- (1) No signs are located on the subject property, except as permitted by Section 205-17 (B) (11) of this chapter;
- (2) The profession or occupation is carried on totally within the confines of the buildings on the subject property;
- (3) The profession or occupation is carried on by at least one person that resides within the dwelling unit, and no more than two persons that do not reside within the dwelling unit;
- (4) No more than one commercial or special purpose vehicle, which vehicle may exceed one and one-half (1 ½) tons in capacity and

twenty-four (24) feet in length, is parked on the subject property;
and

- (5) All materials and other equipment used in connection with the profession or occupation are stored within the principal building or an accessory building on the property.

HOME OCCUPATION 3 (HO3) – Any home occupation that does not constitute a Home Occupation 1 (HO1) or a Home Occupation 2 (HO2).

LIBRARY – A facility that houses a collection of books or other written, printed or digital material, including manuscripts and pamphlets, posters, photographs, motion pictures, and videotapes, sound recordings, and computer databases and that may sponsor or hold community events, such as concerts, seminars, talks, fundraising events, and similar events.

MINIATURE GOLF – A game modeled on golf played with a putter on a short grassless course that may include obstacles.

MIXED USE PROPERTY – A property that includes both commercial space and residential space, such as a storefront building with apartments in one or more upper floors and retail space on the first floor.

MOTEL – A building or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, and with or without restaurant facilities, designed primarily for transient travelers, and provided with the accessory off-street parking facilities. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include parking areas for house trailers or mobile homes or to include dwelling units, except for that of the owner or manager.

MUSEUM – An organized institution, including but not limited to halls of fame, zoos, aquariums, botanical gardens and arboretums, that is essentially educational or aesthetic in purpose, with professional staff, which ordinarily owns, exhibits, maintains, and/or utilizes artifacts, art, and/or specimens, including non-tangible electronic, video, digital and similar art, cares for them, and exhibits them to the public on some regular schedule.

MULTI-BUSINESS COMPLEX, SHOPPING CENTER, MALL – A structure or series of connected structures that contain three or more businesses.

PLACE OF WORSHIP – A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

POND – A body of water that has a depth of three (3) feet or more below surrounding ground elevation.

PUBLIC PARK – A property or structures designated for public access with or without a fee. A park owned and/or operated by the Town shall be considered a Town Use.

SELF-STORAGE UNITS – A land use consisting of rental of storage space for personal property, business property or recreational vehicles in a warehouse building or multi-sized individual units.

SIGN, ANIMATED – A sign or any portion thereof having movement effected by mechanical or natural means, including, but not limited to, blinking, flashing and general intermittent light, as opposed to light of a constant intensity and value.

SIGN, FEATHER FLAG, TEAR DROP, BLADE FLAG – A sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft and which is typically shaped as a feather, tear drop or blade.

SIGN, FREESTANDING – Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground.

SIGN, ILLUMINATED – Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of a sign.

SIGN, PORTABLE – A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign, including sidewalk signs.

SIGN, REAL ESTATE – A sign not exceeding 6 square feet in surface area and located not closer than 6 feet from any roadway that indicates that the premises on which it is located is for sale or for lease.

SIGN, SANDWICH BOARD – A portable sign constructed in such a manner as to form an “A” or tent-like shape, whether hinged or not at the top.

SIGN, TEMPORARY – Any sign, except a real estate sign, that is not permanently affixed to a building or the ground.

SIGN, WALL – A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall.

SIGN, WINDOW OR DOOR – Any sign visible from a sidewalk, street, parking area or driveway or other public space, that is painted or affixed to the inside or outside of glass or other material.

TEMPORARY BUSINESS TRAILER – A mobile structure used for facilitating a project or event. It may contain office space, storage space or facilities specific to and for the duration of the project or event.

TEMPORARY HOUSING – A mobile or manufactured home, including a recreational vehicle, that is sited on an approved lot and used as a single-family residence or a period of time not to exceed 12 months.

TOWN USE – Any structure, building or land use activity that directly relates to the administration or performance of Town of New Lebanon functions, pursuant to the Town Code, Town Budget, or resolutions passed by the Town Board.

M. Paragraph C of Section 205-20, entitled “Definitions”, is hereby amended to delete the following definitions of terms:

CHURCH – A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

HORSE FARM – An agricultural operation related to the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this be construed to include operations whose primary on-site function is horse racing.

MOTEL/HOTEL – A building or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, and with or without restaurant facilities, designed primarily for transient automobile travelers, and provided with the accessory off-street parking facilities. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include parking areas for house trailers or mobile homes or to include dwelling units, except for that of the owner or manager.

TEMPORARY MOBILE HOME – A mobile or manufactured home that is sited on an approved lot and used as a single-family residence or a business for a period of time not to exceed 12 months.

N. Paragraph C of Section 205-20, entitled “Definitions”, is hereby amended to amend the following definitions of terms to read in their entirety as follows:

AGRICULTURAL DATA STATEMENT - A written statement required pursuant to § 305-b of the Agriculture and Markets Law of the State of New York as part of the review of any application for special use permit, site plan approval, use variance or subdivision approval for property within an agricultural district containing a farm operation or property with boundaries within 500 feet of a farm operation located in an agricultural district. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed; and a Tax Map or other maps showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

AGRITOURISM - Activities conducted on a farm and offered to the public, or to invited groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agritourism activity may be secondary to the primary farm use. Agritourism activities may be conducted in an accessory building or structure and include, but are not limited to, on-farm bed-and-breakfasts, farm stay programs, u-pick operations, pumpkin patches and on-farm wineries, breweries, cideries, and distilleries.

AUTOMOBILE RACING FACILITY – A facility designed for the outdoor recreation involving automobile racing, with or without spectators. For the purposes of this chapter, this use may include the racing of vehicles such as, but not limited to, motorcycles, dirt bikes, snowmobiles, jet cars, trucks and fire trucks.

BED-AND-BREAKFAST – An owner- or operator-occupied dwelling used for renting accommodations to transient fee-paying guests and providing not more than two meals to guests only.

BOWLING ALLEY – A recreational business that accommodates bowling. Food and beverages may be sold on premises, provided such food and beverage sales are accessory to the principal use of recreational bowling.

BUILDING HEIGHT – The vertical distance measured from the mean elevation of the proposed finished grade at the front entrance of the building to the maximum structural ridge of the roof.

COVERAGE – That percentage of the plot or lot area covered by the building area, including accessory structures.

FAMILY – One or more persons maintaining a common household.

FARMSTAND – A roadside structure, not to exceed 300 square feet and set back at least 15 feet from the road, which is used seasonally for the sale of farm produce and agricultural products produced on premises and which produce/products are immediately accessible to customers without entering a structure.

HOME OCCUPATION – A profession or other occupation conducted within a dwelling unit by one or more persons residing therein and clearly incidental to the principal use of the lot for residential purposes and which does not constitute a home-based business as defined in this chapter. In particular, a home occupation includes, but is not limited to, art studios, dressmaking, teaching, offices of a clergyman, lawyer, landscape architect, physician, dentist, architect, engineer, optician, realtor, accountant, barbershop, beauty parlor, or similar use, but shall not include animal hospital or dog kennels, automotive repair service, restaurant, clinic or hospital or similar use.

INDUSTRIAL, LIGHT – Includes limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities such as beverage bottling, distribution and warehousing; distribution centers; ice production, storage, sales and distribution; laboratories for research, testing and experimental purposes; machine shops; manufacture of computers, computer peripherals, electrical appliances, electronic equipment, medical instruments, and other similar products from previously manufactured components; manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products; manufacturing of articles or merchandise from previously prepared or natural materials such as cardboard, cement, cloth, cork, fiber, glass, leather, paper, plastics, wood, metals, stones and other such prepared materials; printing and publishing.

LAND USE ACTIVITY – Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land use activity" shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and

excavations for the purpose of extracting soil or mineral deposits. This shall include, but is not limited to, residential structures, commercial buildings, residential or commercial accessory structures, signs, parking lots, communications towers, mines, roads, ponds, and windmills.

MOTOR VEHICLE – Any device that is designed, manufactured or modified to be as a self-propelled conveyance of persons or objects by any power other than muscular power, including automobiles, cars and trucks. Vehicles, such as a trailer, that are designed to be towed or drawn from behind an internally powered vehicle and that are subject to registration are included in this definition.

PERSONAL SERVICE – An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel such as a beautician, barber, tailor, or massage therapist.

RAVINE – A valley with sharply sloping walls created by the action of stream waters or any other natural effect.

RESEARCH – An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

RESTAURANT (NO DRIVE-THROUGH) – Any structure having as a principal use the preparation and dispensing of foods and beverages for consumption on the premises or elsewhere (takeout), whether food is served upon order or taken by self-service and where there are no facilities for drive-through service.

RESTAURANT (WITH DRIVE-THROUGH) – An establishment where food and/or beverages are sold in a form ready for consumption, where some portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place outside the building.

RETAIL USE, RETAIL BUSINESS, STORE OR SHOP – Traditional establishments, such as florists, lumber and hardware stores, pharmacies, grocery stores, convenience stores, stationery stores, bookstores, video rental stores, clothing stores, department stores, shoe stores, antique stores, etc., that sell goods or merchandise to the general public for personal or household consumption.

SIGN – Any device, including but not limited to letters, words, numbers, figures, emblems, logos, pictures or any combination of these, located out of doors or outside or on the exterior of any building, or affixed to the inside or outside of glass windows and doors, used for visual communication

intended to attract the attention of the public and visible to the public right of way and/or other properties. Notwithstanding anything else in the foregoing to the contrary, the term “sign” does not include signs erected and maintained pursuant to and in furtherance of a governmental function or that are required by any law, ordinance, rule or regulation, on-site traffic control, circulation, parking, safety, and related signs, and signs demarking the boundaries of a property, such as “No Trespassing” or “Posted” signs.

SOLAR PANEL – A device that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

SPECIAL USE – A land use which is deemed permissible within a given zoning district or districts but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Zoning Board of Appeals or Planning Board, as applicable, in accordance with conditions set forth for such use, as well as other applicable provisions of this chapter.

STRUCTURE – Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and signs.

O. Attachment 1, entitled “Schedule 1, Area and Bulk Regulations”, of Chapter 205, is hereby amended to read in its entirety as set forth on the annexed Attachment 1.

P. Attachment 2, entitled “Zoning Law Use Table”, of Chapter 205, is hereby amended to read in its entirety as set forth on the annexed Attachment 2

SECTION 3

The Zoning Map of the Town of New Lebanon, entitled “Zoning Districts of the Town of New Lebanon”, adopted August 9, 2010, is hereby amended to depict the zoning districts thereon as shown on Exhibit A hereto.

SECTION 4

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void,

unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 5

This Law shall become effective upon filing with the New York Secretary of State.

SECTION 6

This Local Law is enacted pursuant to the New York Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ___ of 2020 of the ~~(County)(City)(Town)(Village)~~ of New Lebanon was duly passed by the Town Board of the Town of New Lebanon on _____, 2020 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative body)
(Elective Chief Executive Officer*)

~~3. (Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative body)
(Elective Chief Executive Officer*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.) _____

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.) _____

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Marcie Robertson, Town of New Lebanon Town Clerk
Clerk of the county legislative body, City, Town or Village
Clerk or officer designated by local legislative body

(Seal)

Date: _____