

**Local Law Filing**

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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 Shawangunk**

**Local Law No. 1 of the year 2016**

**A local law Amending the Zoning Law of the Town of Shawangunk**

**Be it enacted by the TOWN BOARD of the TOWN OF SHAWANGUNK, ULSTER COUNTY, NEW YORK as follows:**

**Be it Enacted by the Town Board of the Town of Shawangunk as follows:**

**I. PURPOSE AND INTENT**

The purpose and intent of this local law is to amend the Zoning Law of the Town of Shawangunk, also known as Chapter 177 of the Code of the Town of Shawangunk, to create, define and regulate two (2) new uses known as the Bed and Breakfast-Residence and the Country Inn.

The Town Board finds that the amendments set forth in Section III of this local law are in the public interest and will promote tourism in the Town and also encourage low impact home-based businesses within the Town. These purposes are consistent with the recommendations contained in the Comprehensive Plan of the Town of Shawangunk.

**II. STATEMENT OF AUTHORITY**

This local law is authorized by the New York State Constitution including Article IX, Section 2, the relevant provisions of the New York Municipal Home Rule Law, the Statute of Local Governments, the Town Law, the Zoning Law of the Town of Shawangunk, and the local laws and land use regulations of the Town of Shawangunk and the general police power vested in the Town of Shawangunk to provide for the health, safety and welfare of the citizens of the Town.

**III. ZONING TEXT AMENDMENTS**

The Zoning Law of the Town of Shawangunk, also known as Chapter 177 of the Code of the Town of Shawangunk, hereby is amended as follows:

A. DEFINITIONS

At Section 177-65 (Definitions; word usage):

1. Delete the current definition of Bed and Breakfast in its entirety and replace with the following two (2) new definitions:

Bed and Breakfast-Residence – An owner occupied single family residence in which not more than three bedrooms are rented pursuant to the requirements of Section 177-23.

Country Inn – An establishment with not more than 15 bedrooms rented for temporary occupancy together with related areas for food service and for meetings and events pursuant to the requirements of Section 177-23.

2. Delete the current definition of Boarding House in its entirety.
3. Modify the existing definition of “Miscellaneous Commercial – Residence” to delete the last sentence and replace with “Such uses are limited to hotels and motels and shall not be considered to be either a Bed and Breakfast – Residence or a Country Inn as these uses are defined and regulated elsewhere in this Zoning Law.

B. Add a new Section 177-23 to Article IV (Supplementary Use Regulations) as follows:

177-23 – Bed and Breakfast Residence and Country Inn

a) Bed-and-Breakfast- Residence

1. The operator of the Bed and Breakfast- Residence establishment shall be an owner of the property and an occupant of the single-family residential dwelling to which the guest rooms are accessory. Room rental shall be for transient usage only. There shall be a limit of not more than 14 consecutive days for the length of stay by any guest. A guest registry and related financial records shall be maintained and provided upon demand of the Town if the Town has reasonable cause to suspect a violation of this clause. Individual kitchen/dining facilities are prohibited in guest rooms.
2. A Bed and Breakfast- Residence shall be permitted as accessory only to owner-occupied single-family detached dwellings. Bed and Breakfast Residences shall not be permitted if access only is to a private road. The driveway serving the Bed and

Breakfast- Residence shall have direct access to a public road over lands owned by the owner.

3. The establishment and operation of the Bed and Breakfast- Residence shall not alter the appearance of the residential structure as a single-family detached dwelling nor provide for any outdoor large group gatherings, picnics, weddings or other activities that would create excess noise, traffic, on-street parking or other undesirable effects to the neighborhood.
4. Signs advertising the Bed and Breakfast- Residence shall be in compliance with the provisions of Section 177-40 D.
5. Not more than three bedrooms of the single-family detached dwelling shall be permitted to be used for rental purposes.
6. The operator of the Bed and Breakfast- Residence establishment shall provide for adequate parking for guests and such parking shall be screened if so required by the Town Building Department.
7. The operator of the Bed and Breakfast- Residence shall register the use with the Town Building Department on forms prescribed by that office and shall comply with all relevant building, health department and fire safety codes. The premises will be subject to periodic safety inspections by the Building Inspector and/or Code Enforcement Official. The Town Board, at any time by resolution, may provide for a license to be procured with associated fees and may amend any such resolution from time to time.

b) Country Inn.

1. A Country Inn is not required to be the principal residence of the operator. However, if a Country Inn is not the principal residence of the operator, the Planning Board shall require that adequate on-site supervision be provided. The Country Inn shall provide a reception/office area, which need not be a room dedicated solely to that purpose, but shall not be located within a bedroom.
2. The number of bedrooms permitted for rental in a Country Inn shall be limited to 15 rooms. Individual kitchen/dining facilities are prohibited in bedrooms.
3. Room rental shall be for transient usage only. There shall be a limit of not more than 14 consecutive days for the length of stay by any guest. A guest registry and related financial records shall be maintained and provided upon demand of the Town if the Town has reasonable cause to suspect a violation of this clause.
4. The appearance of a Country Inn shall be compatible and consistent with the appearance of the residences in its immediate neighborhood.

5. The driveway serving a Country Inn shall have direct access to a public road over lands owned by the owner. The use shall not be permitted if the access only is over a private right of way or a private road.
6. Full vehicular turnaround for the Country Inn shall be provided.
7. One parking space shall be provided for each full-time employee and one parking spaces shall be provided for each bedroom. Additional parking spaces shall be provided consistent with the number of additional persons expected to utilize the meeting and/or conference space at any one time.
8. Hard-surfaced walkways equipped with low-level lighting shall be provided from the parking spaces to the Country Inn entrance.
9. The sanitary and water supply systems serving the structure shall be adequate to meet the needs of the use, and adequate solid waste enclosures shall be provided.
10. If any outside recreation or any other exterior improvements exist or are planned to be constructed for use of the guests of the Country Inn, those improvements shall be shown on the Site Plan submitted to and approved by the Planning Board.
11. Food service shall be limited to those guests renting rooms at the Country Inn, unless otherwise specifically approved by the Planning Board. In evaluating the option of allowing food service to persons other than those guests renting rooms at the Country Inn, the Planning Board shall consider the seating capacity of the dining area(s) and the adequacy of parking. The Planning Board shall require additional parking spaces beyond those required for the guest rooms by applying the requirements for restaurants, based on the seating capacity of the dining area(s). Where food service is not limited to guests renting rooms at the Country Inn, the Planning Board shall consider potential noise, odor and other potential impacts on the surrounding neighborhood. The Planning Board shall have the power to establish such reasonable conditions it deems necessary, including but not limited to, limits on hours of operation, noise and light glare.
12. The Country Inn also may utilize accessory structures on the property for meeting, conference and other related activities pursuant to a Site Plan approval by the Planning Board.
13. Existing single family and/or two family residences may be expanded in size to establish this use provided the expansion conforms to all yard and set back requirements of the zone.
14. Signs advertising the Country Inn shall be in compliance with the provisions of Section 177-40 C.
15. The operator of the Country Inn shall register the use with the Town Building Department on forms prescribed by that office and shall comply with all relevant building, health department and fire safety codes. The premises will be subject to

periodic safety inspections by the Building Inspector and/or Code Enforcement Official. The Town Board, at any time by resolution, may provide for a license to be procured with associated fees and may amend any such resolution from time to time.

16. In addition to the above, a Country Inn shall comply with all of the conditions for both a Special Use Permit and for Site Plan approval as set forth in Zoning Law Section 177-25 and Section 177-35, as amended.

#### C. SITE PLAN REVIEW

1. At Section 177-35 (Site Plan Review) add the following new sentence at the end:

A. A Bed and Breakfast –Residence need not obtain a Site Plan review but see Section 177-23 for required filings with the Town Building Department.

#### D. USE REGULATIONS

1. Section 177-6 (purposes of zoning districts; use regulations) is amended as follows:

A. Add the use of Bed and Breakfast – Residence as a permitted use at Sections 177-6 (B) 2, (C) 2, (D) 2, (E) 2, (F)2, (G) 2, (H) 2

B. Add the use Country Inn as a special use at Sections 177-6 (B) 4, (C) 4, (D) 4, (E) 4, (F) 4, (G) 4

C. Delete the use of Boarding Houses, Rooming Houses and Tourist Homes from Section 177-6 (D)4, (H) 4

2. Section 177-26 (D) (Eating and Drinking Places) is amended as follows:

A. Delete the words “. . . and architectural. . .” from the first sentence and replace with “. . . and, where applicable, special use . . .”

B. Delete the second and third sentences in their entirety

3. At Section 177-29 (Residential Uses), delete entire subparagraph (A) – (Boarding Houses) and entire subparagraph (D) – (Rooming house) and replace with the word “Reserved” at each location.

#### IV. SEVERABILITY

If any section of subsection, paragraph, clause, phrase or provision of this local law shall be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this local law as a whole or any part or provisions hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed.

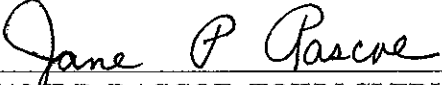
The determination by any court of competent jurisdiction that any provision of the within local law is unenforceable, invalid, void, unconstitutional or in conflict with federal or state law shall not in any way affect the enforceability or validity of any other provisions contained herein. Additionally, such determination shall be confined in its operation to the person, individual, entity, firm, corporation, company or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

V. EFFECTIVE DATE

This local law shall be effective immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law for the State of New York.

BE IT ENACTED THIS 7<sup>th</sup> DAY OF APRIL, 2016 BY THE TOWN BOARD OF THE TOWN OF SHAWANGUNK, COUNTY OF ULSTER, STATE OF NEW YORK

JOHN VALK JR. SUPERVISOR  
ADRIAN M. DEWITT, COUNCILMAN  
ROBERT T. MILLER, COUNCILMAN  
BRIAN AMTHOR, COUNCILMAN  
MATTHEW WATKINS, COUNCILMAN

  
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JANE P. RASCOE, TOWN CLERK  
TOWN OF SHAWANGUNK

ATTEST:  
TOWN SEAL:

