

## *Local Law Filing*

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**(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.

County   City   Town   Village  
**of Highland**

**Local Law No. \_\_\_\_ of the year 2021**

**A LOCAL LAW AMENDING CHAPTER 190. Zoning.**

**Be it enacted by the Town Board of the Town of Highland as follows:**

**(See Attached for Text of Local Law)**

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

**SECTION I – Amendments to §190-7 of the Code of the Town of Highland**

Section §190-7 of the Code of the Town of Highland is hereby amended with the addition of the following terms:

**CAMP, CHILDREN’S**

An establishment, either publically or privately owned, complete with buildings, structures, sanitary facilities and ancillary services designated for the recreation and education of youth. The definition shall not include motels/hotels, campgrounds, or short-term rentals as defined herein.

**CATERING SERVICE**

An establishment that prepares food and/or meals on the premises, and where such food and/or meals are delivered to another location for consumption.

**COLOCATION**

Arrangement or juxtaposition of multiple communications antennas and equipment which may be for multiple users on a single communications tower.

**COMMUNICATIONS TOWER**

Any tower, pole, monopole or other freestanding structure designed and constructed for the purpose of supporting one or more antennas. This term shall include the structure and any ancillary equipment, such as guy wires. New monopoles or extensions of existing utility poles or other poles for the purpose of supporting antennas shall be considered "new tower construction" under this chapter.

**COMMUNICATION TOWER, MODIFICATION OF**

The addition, removal or change of any of the physical or visually discernible components or aspects of a communications tower, such as antennas, ancillary equipment, vehicular access and/or parking areas. A modification shall not include the replacement of any components of a communications tower where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a communications tower.

**DESIGNATED DELAWARE RIVER CORRIDOR**

The area between the Delaware River and the landward boundary shown on the Town of Highland Zoning Map.

**DWELLINGS, TEMPORARY**

A dwelling unit or units, which may include a recreational vehicle, tent, or the like, in which individuals inhabit for seasonal or recreational purposes, and for 180 consecutive days or less within a year.

**EROSION AND SEDIMENT CONTROL PLAN**

A set of plans prepared by or under the direction of a licensed/certified professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction and be applicable for all construction and/or development without the approval of a Stormwater Pollution Prevention Plan (SWPPP), except as otherwise provided herein, including all construction, residential or commercial, on slopes 15% or greater.

**HOST**

A person, no younger than 21-years of age, that is either the property owner or a designee of the property owner of a Short Term Rental (STR), and who lives within a 15-mile driving distance from the STR property and shall be required to be available to promptly deal with emergencies, other STR renter issues, and compliance with STR operating requirements.

**LAND DEVELOPMENT ACTIVITY**

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one (1) acre, or activities disturbing less than one (1) acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

**OFFICE, REMOTE**

An incidental space located on a residential lot, within a dwelling unit or within an accessory building, that enables the homeowner(s) to conduct office or business-related activities associated with the homeowner’s occupation(s), so long as the activities do not meet the definition or standards established by this Chapter for a home occupation. Remote offices shall not be permitted within any temporary dwelling or temporary structure.

**PARKING AREA OR LOT**

The area of property intended for the parking of vehicles and/or trailers regardless of surface materials. Such Parking Areas or Lots shall be subject to all regulations herein. Driveways shall not be deemed a Parking Area for purposes of screening.

**PUBLIC UTILITY STRUCTURES AND FACILITIES**

Structures and facilities owned publically for the purpose and provision of electric, gas, communication, water or sewer services. This shall not include, communications towers, power generating facilities, major electric lines, or major transmission lines.

**SHORT TERM RENTAL**

An accessory use or supplementary business allowing a Short Term Rental (STR), not to exceed thirty days per booking, of at least one room in a private home or habitable accessory structures. Two types of STR uses are allowed in the Town of Highland: Owner Occupied Short Term Rental and Non-Owner Occupied Short Term Rental.

**SHORT TERM RENTAL, OWNER OCCUPIED**

A supplementary business in an owner-occupied private residence in which bedrooms are offered for rent within the residence and/or habitable accessory structures, and in which no public restaurant is maintained and no other commercial services are offered.

**SHORT TERM RENTAL, NON-OWNER OCCUPIED**

A supplementary business in a non-owner occupied private residence in which the entire private residence and/or habitable accessory structures are offered for rent, with no owner/host present on the property, and in which no public restaurant is maintained and no other commercial services are offered.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

A Plan prepared in accordance with the NYS Stormwater Management Design Manual and/ or other NYS guidance materials, for controlling runoff and pollution from a site during and after any Land Development Activities. Such plan shall be subject to review by both the Town of Highland (Code Enforcement Officer) and any required NYS agencies and shall meet all requirements and standards of set forth by reviewing entities.

**STREAM CHANNELIZATION**

The manipulation or alteration of a stream’s course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. This is inclusive of, but not limited to straightening, deepening, widening, clearing, diking, or lining existing streams with concrete, riprap, stones, or other fill products.

**STRUCTURE, TEMPORARY**

A structure without any foundation, footing, or attachment to an existing structure, often with open walls, which shall be required to be removed after a designated activity or use for which the temporary structure was erected has ceased.

**UTILITY LINES, MAJOR**

Any electric power line, cable, or conduit used for transmission of power between two points which has design capacity of 125 kilovolts or greater and extending a distance of one mile or more in length, or between 100 and 125 kilovolts extending a distance of ten miles or more in length. This shall include lines that may be above ground or buried. This shall not include any communications or electrical distribution lines.

**WASTEWATER TREATMENT PLANT**

A facility which treats sewage or discharges treated effluent to the watershed, and which requires a permit under Environmental Conservation Law, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage by removal of contaminants accomplished by unit operations or processes or by a combination of such operations and processes, including any combination of the following: preliminary treatment, flow equalization, primary settling, biological treatment, chemical treatment, secondary settling, filtration, aeration, disinfection, sludge processing, or any other processes as may be applicable to a given design for a wastewater treatment plant. Wastewater treatment plants shall not include intermediate sized sewage treatment systems as defined in these rules and regulations. This shall not include Intermediate Sized Sewage Treatment Systems as defined by the New York State Department of Health.

**ZIPLINE**

Activity in which a participant traverses from one point to another by use of a cable or rope line suspended between two support structures.

Section §190-7 of the Code of the Town of Highland is hereby amended by replacing the following terms in their entirety as follows:

**ANTENNA**

A device, which may be mounted to a building or structure, which is used to transmit and receive communication signals. This term shall include transmitting and receiving elements and rotating or other directional elements.

**AUTOMOTIVE REPAIR SHOP**

An establishment in which the principal activity is the general servicing and repair of motor vehicles, including but not limited to regular maintenance; sales, installation and replacement of parts and accessories; motor, transmission, chassis, rear and front end repair and overhaul; body and fender repair and painting. Shall be limited to 2,000 square feet in the R1 and R2 Zoning Districts within the Designated Delaware River Corridor.

**BED-AND-BREAKFAST**

Temporary housing provided for tourists for one or more nights as a business for profit, which may serve breakfast or other meals to guests only. A Bed and Breakfast may not have more than six (6) bedrooms available for guest occupancy.

**BUSINESS AND PROFESSIONAL OFFICES**

Offices in which an occupation or vocation in a specialized field is practiced. Examples are, but not limited to, medical, law, financial services, and real estate offices.

**CAMPGROUND**

A tract of land providing ten (10) or more sites for temporary dwelling in Recreational Vehicles (RVs), travel trailers, or by the erection of a tent or other portable sleeping accommodations.

**CARPORT**

A covered area for the storage or housing of not more than two registered motor vehicles, with or without walls, but not fully enclosed. A detached carport is an accessory building.

**CLEAR-CUTTING**

The substantial removal, 90 % or more, of trees, for other than agricultural or approved wildlife management purposes of any forested tract of land three (3) acres or greater.

**DRINKING ESTABLISHMENTS**

A use primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. For the purposes of this chapter, this definition shall not include "Farm Brewery" as defined herein.

**FARM STAND**

Buildings, structures, or vehicles totaling less than 144 square feet in ground area for the sale of agricultural products and camp firewood. This definition does not include operations primarily for the sale of crafts or non-agricultural items.

**LOT AREA**

The total horizontal area of a parcel of land included within the exterior lines of a lot, not including any part of a street or public right-of-way, or any lands underwater. Any calculation of allowable density of a lot area shall exclude the measurement of any part of a street or public right-of-way, or any lands underwater.

**MOTEL/HOTEL**

Any establishment consisting of a building or group of buildings providing sleeping accommodations with individual bathrooms and designed for use by transient travelers. Shall be limited to twelve (12) or fewer units for lands within the Designated Delaware River Corridor

**RECREATIONAL VEHICLE**

A vehicular unit, 400 square feet or less at its largest horizontal projection and primarily designed as temporary living quarters for seasonal, recreational camping, or travel use, and which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home. A recreational vehicle shall not be designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use and shall not be inhabited in excess of 180 days per year.

**RESTAURANT**

A business enterprise preparing and serving food and beverage selected from a full menu by patrons seated at a table or counter, and for the most part consumed on the premises, which may or may not include the sale of alcoholic beverages as an accessory use, such as but not limited to a diner, food counter, or the like.

**RETAIL STORE**

An enclosed store for the sale of retail goods such as but not limited to a department store, convenience store, food store, or any other store for the retail sale of other products.

**RIDGELINE**

Shall be the line formed by the meeting of the tops of sloping surfaces of land and/ or cliff faces, usually at the highest elevation and which is visible from one or more of the following locations: New York State Route 97, the Delaware River. Or publicly-owned lands. This shall not be interpreted to signify any boundary.

**SERVICE ESTABLISHMENTS**

A store or office offering the following types of services:

- A. Personal convenience services including but not limited to, barber shops, beauty shops, shoe repair, and dry cleaning shops;
- B. Specialty services, including but not limited to, photo studios, tailors, taxidermists, and catering services, but shall not include a catering service facility;
- C. Service establishments shall not have any outdoor storage of equipment, and be limited in size to no greater than 2,000 square feet in the following districts: R1, R2, and WLRD.

Section §190-7 of the Code of the Town of Highland is hereby amends the replaces the following terms in their entirety with the following terms as follows:

Firehouse or Other Emergency Service Headquarters is repealed and replaced as follows:

**EMERGENCY SERVICE FACILITIES**

A building or structure in which fire-fighting apparatus and equipment, ambulance apparatus and equipment, police vehicles/apparatus and/or equipment and/or any other emergency services apparatus and equipment are housed and stored. Such buildings may or may not include meeting rooms or any other ancillary facilities for the use of the members of these groups.

Farm Market is repealed and replaced as follows:

**FARM MARKET, TEMPORARY**

Any structure or place, temporary or permanent, used by three or more producers, or the direct sale of farm, food, and/or related products from producers to consumer.

Game Room is repealed and replaced as follows:

**GAME OF CHANCE ESTABLISHMENT**

A portion of a premises used or intended to be used for the operation of amusement devices, supplementary and subordinate to the permitted principal use of the premises therein.

Repair Shop is repealed and replaced as follows:

**REPAIR SHOP, SMALL ENGINE**

Any retail service operation which may be used for, but not limited to, the sale of motor fuels or petroleum products and small engine products, storage, repair, rental, greasing, washing, servicing, adjusting or equipping small engines, lawn and garden, and recreational equipment. Total structures associated with such establishment shall not exceed 2,000 square feet within the R1 and the R2 Zoning Districts in the Designated Delaware River Corridor.

**SECTION 2 – Amendments to § 190-13 of the Code of the Town of Highland**

Section §190-13(D) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- D. Zoning districts. Applications for a RCFD may be considered for property within any zoning district in the Town of Highland outside of the Designated Delaware River Corridor Zoning Districts.

**SECTION 3 – Amendments to § 190-18 of the Code of the Town of Highland**

Section §190-18 of the Code of the Town of Highland is hereby amended in its entirety as follows:

- A. Accessory buildings shall be set back at least 15 feet from side or rear lot line(s), and shall be located with front yard setbacks as stated in Schedule 1: Area and Bulk Regulations, also not less than 10 feet from the principal building or as required by the New York State Uniform Fire Prevention and Building Code.
  - (1) An accessory building of 144 square feet or less in area not exceeding two in number, may be located in any required side or rear yard provided that such building shall not exceed 15 feet in overall height.
  - (2) An unroofed deck is to be considered an accessory structure, which shall comply with all setback requirements only when more than eight inches above the finished grade at its highest point.
  - (3) All accessory structures shall meet with the appropriate minimum setback requirements as set forth in this chapter or elsewhere in this chapter.
- B. Remote Offices, as defined herein shall be permitted in accessory buildings and shall adhere to the following requirements:
  - (1) No more than one toilet and one sink may be installed and shall be connected to the same septic and well of the existing residential lot or dwelling, or be connected to the same sewer and/ or water laterals where such public utilities exist.
  - (2) The installation of a kitchen shall not be permitted unless constructed for an accessory apartment where such accessory apartments are otherwise permitted.
  - (3) At no time shall any premises be used in such a manner to cause the emission therefrom of any offensive or noxious odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise or radiation, or be used in such a manner as to cause injury, annoyance, or disturbance to any surrounding properties or to their owners or occupants.
  - (4) No identification signage shall be permitted, nor shall any display of goods or products be visible from any adjacent street or property lines.
  - (5) No nonresident employees or assistants shall conduct any business at this Remote Office.
- C. Accessory buildings may not be used as a dwelling, except that nothing herein shall be construed to prevent the construction of accessory apartments for family members, where such apartments are otherwise permitted.
- D. Retired manufactured housing, mobile homes, travel trailers, retired truck bodies, retired tractor trailers, and any other unlicensed trailers may not be used as accessory structures.

- E. Preexisting, nonconforming, retired manufactured housing, mobile homes, travel trailers, and unlicensed trailers that were in place prior to the date of the adoption of this subsection may continue to be used as accessory structures, provided that they are screened from view from the road fronting said property, and from the lots adjacent to said property, and provided that the cooking, refrigeration and plumbing facilities have been removed or disabled. Notwithstanding Article 6 of this Chapter, such preexisting nonconforming structures being used as accessory buildings may not be replaced.
- F. When a building permit has been issued, construction trailers, bulk containers and other storage facilities normally associated with the building trade may be allowed during the period of active construction, provided that they are not used as dwelling units and are removed immediately upon issuance of a certificate of occupancy or certificate of compliance or upon the expiration and nonrenewal of the building permit.
- G. Where a permanent dwelling has been issued a building permit and is under construction, a mobile home or other temporary dwelling may be located on a lot and lived in for the duration of the building permit. Occupancy of the mobile home or temporary dwelling shall be limited to those persons who intend to reside in the dwelling under construction. The location of the mobile home or temporary dwelling must conform to all area and bulk requirements and shall adhere to any additional local, county, or State regulations which may be applicable including those relating to health, safety, and sanitations. Mobile homes or temporary dwellings used in this manner must be removed upon issuance of a certificate of occupancy or certificate of compliance associated with a newly constructed residence, or upon expiration and nonrenewal of the building permit in accordance with Chapter 34. Building and Energy Code Administration and Enforcement.
- H. For owners of a lot meeting or exceeding the minimum lot area for the lots district, a permit may be obtained to properly install a steel shipping container or containers not to exceed a total of 320 square feet within the rear half of their lot with rear and side setbacks honored, provided the steel shipping container (or containers) is painted a flat natural color such as olive drab or olive green or other color approved by the Code Enforcement Officer and provided that if there is a house not owned by the applicant within 250 feet of the site, evergreen trees must be planted and maintained around the portion facing the non-owned resident at a spacing not to exceed 8 feet. Steel shipping containers that were in place prior to November 8, 2008 are exempt from obtaining a permit and complying with this section.
- I. Commercially home-delivered storage containers, similar but not limited to PODS, or U-Box, shall be permitted on a property for no longer than three (3) months consecutively and only when associated with individuals relocating domiciles, or for loading such container for offsite storage, or unloading the container from offsite storage. This type of container shall not be permitted for any permanent onsite storage or any other use. All accessory building and structure requirements shall apply to these containers.

**SECTION 4 – Amendments to § 190-20 of the Code of the Town of Highland**

Section §190-20(C) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- C. Minimum Lot Area Required. Accessory dwellings shall only be permitted on lots that meet the minimum lot area requirement, as defined, for at least one dwelling unit in the applicable zoning district as follows:

- (1) Residential District (R-1): Minimum of two (2) acres required.
- (2) Residential-Agricultural District (R-2): Minimum of three (3) acres required.
- (3) Hamlet Commercial (HC): Minimum of two (2) acres required.

## **SECTION 5 – Amendments to § 190-21 of the Code of the Town of Highland**

Section §190-21 of the Code of the Town of Highland is hereby repealed and amended in its entirety as follows:

### **§ 190-21 Short Term Rental**

- A. Purpose and Intent. This section is enacted to allow for the use of residential dwelling units in the Town of Highland for temporary and short-term rental purposes promoting a local tourism economy while protecting the safety of renters and the privacy for nearby residents, their freedom from nuisances, and the protection of their property investments.
- B. Applicability and Approvals Required.
  - (1) All Short term rental (STR) uses are allowed in all zoning districts where single family dwellings are permitted pursuant to §190-12, "District Schedule of District Use Regulations."
  - (2) STR uses shall be restricted to one family dwellings, or other habitable accessory structures, as these terms are defined by this chapter.
  - (3) Annual Operating Permit. All STR uses require an annual operating permit from the Building Department as outlined herein.
  - (4) Non-owner occupied STR uses as defined herein shall additionally require Site Plan Approval as outlined in Article VIII "Special Uses and Site Plan Approvals."
- C. Operating Permit Application. The following shall be submitted to the Building Department to obtain an initial operating permit and all subsequent annual operating permits.
  - (1) A Completed annual operating permit application, including proof of ownership and documentation of any easement of right-of-way used to access the subject property.
  - (2) Safety/egress plan, to be posted in a visible location within the rental unit and on the back of each bedroom door.
  - (3) A parking layout plan identifying the amount and location of parking spaces in accordance with §190-40, "Parking Regulations". Parking for an STR use shall be calculated the same as for a hotel, motel, or a bed-and-breakfasts.
  - (4) Garbage removal plan. All STR uses shall provide a scheduled garbage removal in accordance with an approved removal plan, and garbage receptacles shall not be left out for more than 24 hours.
  - (5) Both the property owner and host, as defined herein, shall be responsible for addressing renter issues and compliance with STR use requirements within 24 hours. When host contact information changes the Building Department shall be notified within seven days and the updated contact information shall be posted within the STR.
- D. Site Plan Approval. Site plan approval shall be required for all non-owner occupied STR uses. A site plan application shall accompany the operating permit application outlined above.

- (1) STR Registration. Upon approval of the first annual operating permit and in the case of a non-owner occupied STR use, the issuance of site plan approval and annual operation permit, the STR use shall be deemed registered with the Town of Highland Building Department.
  - (2) Only the property owner is permitted to register a STR use.
  - (3) Change in ownership. Within 30-days of a change in ownership of an approved STR use, the owner shall be required to submit a new annual operating permit application in accordance with this section.
- E. The existing operating permit shall become null and void if the owner fails to submit a new operating permit within 30-days of ownership transfer.
- F. Existing valid non-owner occupied STR site plan approvals shall transfer to the new owner upon issuance of the new annual operating permit, unless the subject STR is in violation of this chapter.
- G. Any and all improvements or modifications to a STR structure, accessory building and property shall require review and approval by the Town of Highland Building Department to ensure continue compliance with this section.
- H. Safety inspections and annual recertification.
- (1) Within 60 days of the issuance of operating permits for all new STR uses, and if applicable, site plan approvals, said STR uses shall pass a safety inspection by the Town of Highland Zoning Enforcement Officer/Building Inspector.
  - (2) All registered STR uses shall be recertified on an annual basis. As part of the recertification application, all applicants shall provide a signed affidavit attesting to the presence of the required number of smoke and carbon monoxide detectors and compliance with all other requirements of this section.
- I. Occupancy Restrictions and Requirements.
- (1) All STR uses shall comply with the following occupancy restrictions:
    - (a) Guests shall not be permitted to occupy one STR unit in excess of 30 consecutive days.
    - (b) Occupancy shall be limited to a maximum of two guests per bedroom plus two additional guests at any one time. For example, a two-bedroom house will be permitted up to six guests.
    - (c) The total number of allowed guests may be restricted by the availability of suitable parking spaces in accordance with this section and §190-40, "Parking Regulations."
  - (2) All STR uses shall comply with NYS Building Code requirements.
- J. The property owner/host shall provide guests of the STR use, the following:
- (1) Copies of applicable and relevant local laws and regulations identified by the Building Department.
  - (2) Approved maximum house occupancy in accordance with this section.
  - (3) Emergency contact information including the property owner/host; property address; Town of Highland Building Department; NYSEG; and other information identified by the Building Department. The owner shall also ensure the property address number is clearly identifiable from the street.

- (4) A map depicting the property boundaries.
- (5) Approved STR uses will be assigned a registration number that shall be included in all rental listings, both print and on-line and posted within the STR.
- K. On and off-site outdoor advertising of STR uses are prohibited.
- L. Parking:
  - (1) The number and size of parking spaces available for a STR use shall be in compliance with §190-40, "Parking Regulations" as described above.
  - (2) On-street parking shall not be used to meet applicable parking requirements.
  - (3) No new parking areas/driveways, whether pervious or impervious, shall be created in front yards to meet applicable parking requirements.
- M. Enforcement:
  - (1) Violations. Potential violations of this section shall be investigated in accordance with Article VII of this chapter and associated penalties shall apply.

**SECTION 6 – Amendments to § 190-25 of the Code of the Town of Highland**

Section §190-25(C) of the Code of the Town of Highland is amended in its entirety as follows:

- C. Minimum Frontage and Lot Area.
  - (1) A minimum of 200 feet of frontage on a state, county or Town highway is required for any new campground.
  - (2) The total minimum lot area for all campgrounds shall be no less than ten (10) acres and may include noncontiguous properties if all properties are utilized as part of the campground for any new campground.

Section §190-25(D) of the Code of the Town of Highland is hereby amended by adding the following:

- (4) New campgrounds and existing campgrounds proposing site modifications requiring Site Plan Approval shall have a maximum density of eight (8) sites per acre.

Section §190-25(I) of the Code of the Town of Highland is hereby amended by adding the following:

- (3) Individual on-site sewage disposal is prohibited.

**SECTION 7 – Amendments to § 190-30 of the Code of the Town of Highland**

Section §190-30 of the Code of the Town of Highland is hereby amended in its entirety as follows:

§190-30 Farm Breweries.

An establishment where no more than 75,000 barrels of New York State labeled beer is manufactured annually (minimum of 50 barrels). New York State labeled beer is made with no less than a certain percentage, by weight as set forth in Alcoholic Beverage Control Law § 3, Subdivision 20-d, of its hops grown in New York State and no less than a certain percentage, by weight, of all of its other ingredients, excluding water, grown in New York State. In addition to the manufacture of beer, a farm brewer is authorized to perform the following activities on the premises:

- A. Sale and distribution of beer.
  - (1) Sell in bulk beer manufactured by the farm brewer to any person licensed to manufacture alcoholic beverages in this state;
  - (2) Sell or deliver beer manufactured by the farm brewer to persons outside the state pursuant to the laws of the place of such delivery;
  - (3) Sell beer manufactured by the farm brewer to wholesalers and retailers licensed in this state to sell beer, licensed farm distillers, licensed farm wineries, licensed farm cideries, and any other licensed farm brewery;
  - (4) Sell at the premises beer manufactured by the farm brewer, or any other licensed farm brewery, at retail for consumption on or off the premises; and
  - (5) Total off-site sales and distribution of beer shall not exceed 49% of the total gross product produced on-site annually subject to State Alcoholic Beverage Control Laws. Off-site sales and distribution of beer in excess of this shall be defined as a distribution facility and shall not be permitted herein.
- B. Conduct tastings at the premises of beer manufactured by the farm brewer or any other licensed farm brewery.
- C. Operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the premises and sell at such place, at retail for consumption on the premises, beer manufactured by the farm brewer and any New York State labeled beer.
- D. Manufacture, bottle, and sell food condiments and products such as mustards, sauces, hop seasonings, beer nuts, and other hops- and beer-related foods in addition to beer and hops soaps, hop pillows, hop wreaths and other such foods and crafts on and from the premises.
- E. Store and sell gift items in a tax-paid room upon the premises incidental to the sale of beer. These items shall be limited to the following categories:
  - (1) Nonalcoholic beverages;
  - (2) Food items for the purpose of complementing beer tastings, which shall mean a diversified selection of food that is ordinarily consumed without the use of tableware and can be conveniently consumed while standing or walking;
  - (3) Food items, which shall include locally produced farm products and any food or food product not specially prepared for immediate consumption upon the premises;
  - (4) Beer supplies and accessories, which shall include any items utilized for the storage, serving, or consumption of beer or for decorative purposes;
  - (5) Beer-making equipment and supplies; and
  - (6) Souvenir items, which shall include, but not be limited to, artwork, crafts, clothing, agricultural products, and any other articles which can be construed to propagate tourism within the region; and
- F. Conduct tours of the premises.
- G. No more than 75% of the total gross floor space of the establishment shall be used for the brewery function, including, but not limited to, the brew house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.

- H. All mechanical equipment visible from the street or an adjacent residential use shall be screened using architectural features consistent with the principal structure.
- I. Access and loading bays are discouraged from facing toward any street.
- J. Access and loading bays facing any street or adjacent residential use shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
- K. Service trucks for purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., Monday through Saturday, and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays.

**SECTION 8 – Amendments to § 190-34 of the Code of the Town of Highland**

Section §190-34(D) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- D. Minimum Lot Area Required. Guest homes shall only be permitted on lots having acreages twice the size required for a one family dwelling in the applicable zoning district as follows:
  - (1) Residential District (R-1): Minimum of four (4) acres required.
  - (2) Residential-Agricultural District (R-2): Minimum of six (6) acres required.
  - (3) Washington Lake Resort District (WLRD): Minimum of six (6) acres required.

**SECTION 9 – Amendments to § 190-38 of the Code of the Town of Highland**

Section §190-38 of the Code of the Town of Highland is hereby amended by adding the following:

- C. Outdoor, uncovered storage areas in excess of 500 square feet shall be required to be adequately screened so as materials stored therein are not be visible from adjacent residential uses, public lands, and/or public right-of-ways.

**SECTION 10 – Amendments to § 190-40 of the Code of the Town of Highland**

Section §190-40(B) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- B Regulations for parking spaces adjacent to lots in any R-1 or R-2 District.
  - (1) Whenever a parking area or lot of over five spaces abuts or is within 15 feet of the side or rear lot line of a lot in any WLRD, R-1 or R-2 District, the said parking area or lot shall be screened from such adjoining lot by a substantial wall, fence, or thick hedge, approved by the Planning Board. Generally, such screen shall be not less than five or more than eight feet in height.
  - (2) Whenever a parking area or lot of over five spaces is located across the street from other land in any WLRD, R-1 or R-2 District, it shall be screened from view of such land by a thick hedge, wall, or fence approved by the Planning Board, not less than 30 feet from either line; such screening to be interrupted only at points of ingress and egress. No such screening shall be less than four feet in height. Two identification and directional signs located on the street side of such screening shall be permitted; however, they shall not exceed an area of three square feet each.

Section §190-40(C)(1) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- (1) Up to three (3) commercial vehicles exceeding 18,000 pounds' gross weight may be parked on an occupied lot in all districts without a Special Use Permit, but not within the required yards of such lot and in no case between the street line and the principal building. Such vehicles, when parked, must have their engines and refrigeration units, if any, off. More than three (3) commercial vehicles shall require a Special Use Permit and the Planning Board shall determine the appropriate number of vehicles based upon lot area, screening, hours of operation, length of stay for the parked vehicles, and any other reasonable requirements in accordance with this Chapter. Campgrounds and boat liveries shall be exempt from the vehicle limitations outlined in this section provided such vehicles are associated with facility maintenance or the transportation of patrons, and all other requirements of the zoning law are met.

Section §190-40(D) of the Code of the Town of Highland is hereby amended in its entirety as follows:

D. Trailers, Boat Trailers and Recreational Vehicles.

- (1) The storage or parking and use of any type of trailer except for recreational vehicles, boat trailers, utility trailers, machinery trailers, and landscape trailers, by any person or persons is hereby prohibited in all districts except:
  - (a) Residential Lots.
    - [1] Not more than two (2) of the above mentioned trailer types may be stored on an occupied residential lot in any district.
    - [2] Such permitted trailer(s) shall be parked or stored only in a side or rear yard of such lot. The recreational vehicle and/or boat trailer shall not be parked or stored in the area between the street line and the principal building line. These requirement shall not apply to waterfront properties. All parking and storage of recreational vehicles and/or boat trailers shall maintain all required setbacks from adjacent property lines regardless of district or property location/siting.
    - [3] Temporary parking of more than permitted number of recreational vehicles or other above noted trailers shall be permitted on an occupied residential lot with the knowledge and consent of the owner of the premises for a period not exceeding 72 hours. Such recreational vehicle(s) and/or trailer(s) may be parked in a driveway, side yard, or rear yard provided such recreational vehicles or boat trailers are a minimum of five (5) feet from any property line.
    - [4] A recreational vehicle placed within a Special Flood Hazard Zone as identified by FEMA must meet anchoring requirements for manufactured homes unless it is on site for less than 180 days, or is fully licensed and ready for highway use (attached wheels and/or jacking system and no attached additions).
  - (b) Non-Residential Lots.
    - [1] Parked trailers shall be adequately screened from adjacent residential uses.
    - [2] Trailers shall not be stored within any required side or rear yard of such lot, nor between the street line and the principal building. This requirement shall not apply to waterfront properties

**SECTION 11 – Amendments to § 190-41 of the Code of the Town of Highland**

Section §190-41 of the Code of the Town of Highland is hereby amended by adding the following:

- D. Stream channelization and/or other waterbody disturbance shall be prohibited in all districts located within the Designated Delaware River Corridor.
- E. Sewage Treatment Plants shall be prohibited in all districts located within the Designated Delaware River Corridor.
- F. Power Generating Facilities shall be prohibited in all districts located within the Designated Delaware River Corridor.
- G. Major Electric Lines shall be prohibited in all districts located in the Designated Delaware River Corridor.
- H. Children’s Camps as defined.

**SECTION 12 – Amendments to § 190-41 of the Code of the Town of Highland**

Section §190-34(A) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- A. Defined terms. For purposes hereof, and in addition to the terms defined in Article 2 of this chapter, the following terms shall have the meanings respectively set forth below:

**HIGH-IMPACT INDUSTRIAL USES**

- (1) Land uses which by the very nature in which they are conducted have the potential to significantly impact the environment, pose a risk to human health and safety, or disturb or interfere with reasonable community expectations regarding odors, noise, light, traffic and water quality. High-impact industrial uses include but are not limited to what are traditionally considered to be "heavy industrial uses" and specifically include but are not limited to the following land uses:
  - (a) Natural gas and/or petroleum exploration activities;
  - (b) Natural gas and/or petroleum extraction activities;
  - (c) Natural gas exploration, extraction, or production wastes disposal or storage facility;
  - (d) Injection wells;
  - (e) Land application facility;
  - (f) Natural gas exploration, extraction, or production wastes dump;
  - (g) Natural gas compression facility;
  - (h) Natural gas processing facility;
  - (i) Nonregulated pipelines;
  - (j) Underground injection;
  - (k) Underground natural gas storage;
  - (l) Pipelines in the Designated Delaware River Corridor.

- (2) Any condition caused or permitted to exist in violation of this Subsection A is a threat to public health, safety and welfare, and is hereby declared and deemed to be a nuisance. Collectively the above expressly prohibited uses may be referred to in this chapter as "explicitly prohibited uses;" any one of the above expressly prohibited uses may be referred to in this chapter as an "explicitly prohibited use;" and any combination of more than one such use may also be referred to as "explicitly prohibited uses."

**SECTION 13 – Amendments to § 190-43 of the Code of the Town of Highland**

Section §190-43(A)(7) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- (7) There shall be no quarrying and/or removal of sand and gravel in any quantities for purposes of sale in the Upper Delaware River Corridor. However, quarrying and the removal of sand and gravel shall be permitted for reuse onsite by the property owner when limited to 750 cubic yards or less and less than 1,000 tons per year, and not exceeding two acres of active face at one time plus an area equal in size to the active face necessary for an accessory use.

**SECTION 14 – Amendments to § 190-46 of the Code of the Town of Highland**

Section §190-46(D)(1)(a) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- (a) The system shall comply with minimum lot area, setback requirements and other restrictions as applicable to principal structures within the zoning district where the solar energy system is sited.

**SECTION 15 – Amendments to § 190-47 of the Code of the Town of Highland**

Section §190-47(A)(1) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- (1) A maximum of three (3) acres of land area, or a maximum of two (2) acres of land area within the Designated Delaware River Corridor, may not be stripped or clear-cut without first having obtained a permit. Failure to have such a permit shall constitute a violation of this chapter. This provision shall not be applicable to sand, gravel, shale, topsoil, or other aggregate mining operations that are active as of the date of this chapter was adopted and are permitted by the New York State Department of Environmental Conservation.

**SECTION 16 – Amendments to § 190-49 of the Code of the Town of Highland**

Section §190-49(C) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- C. Minimum Lot Area Requirement. A minimum lot area of five (5) acres shall be required for every one (1) SC-WECS.

**SECTION 17 – Amendments to § 190-51 of the Code of the Town of Highland**

Section §190-51(A) of the Code of the Town of Highland is hereby amended in its entirety as follows:

- A. Area Density/ Minimum Lot Area.
  - (1) Hamlet Commercial (HC) District, Washington Lake Resort (WLRD), District, and Residential (R-1) District. A minimum of two (2) acres shall be required for all boat liveries operations. This requirement shall not be applicable to properties fronting River Road in the HC District.
  - (2) Residential (R-2) District and Properties fronting River Road in the HC District. A minimum of three (3) acres shall be required for all boat liveries operations.
  - (3) All Boat Liveries shall be required to have 100’ minimum frontage along the water.

**SECTION 18 – Amendments to § 190-52 of the Code of the Town of Highland**

Section §190-52 of the Code of the Town of Highland is hereby repealed and amended in its entirety as follows:

§ 190-52. Ridgeline and Ridgeline Construction.

- A. Purpose and intent. Due to the federal designation of the Upper Delaware Scenic and Recreational River, unique consideration must be given to the lands within the Designated Delaware River Corridor. These considerations are necessary to ensure aesthetics, compliance with the mission and intent of the National Park Service Designation, public safety, orderly land uses, and natural feature sustainability and protection. Within the aforementioned Corridor, land elevation and topography is variable, however it is typically steep when higher ground meets the valley floor at the river. The geography features rocky and cliff like valley side slopes which are visible from the Delaware River and those enjoying the River for scenic and recreational purposes as is intended per the 1978 addition to the Federal Wild and Scenic Rivers System.
- B. The following locations within the Designated Delaware River Corridor shall be treated as areas of special concern:
  - (1) Lumberland Town line to the area of the Barryville Bridge.
  - (2) Vicinity of the termination of the R1 Zone west of Barryville to the vicinity of the Beaver Brook.
  - (3) Minisink Ford to the Tusten Line.
- C. Within the above named areas of special concern, no tree removal or construction, except for in emergencies, or approval for construction shall be permitted until it can be demonstrated satisfactorily to the Code Enforcement Officer, through site visits or the use of other ancillary tools, that the site is not on the ridgeline as defined, nor will it be visible from the Delaware River.

**SECTION 19 – Amendments to § 190-53 of the Code of the Town of Highland**

Section §190-53 of the Code of the Town of Highland is hereby repealed and amended in its entirety as follows:

§ 190-53. Communication Towers.

- A. Purpose and Intent. The purpose of these regulations is to promote the health, safety and general welfare of the residents of the Town of Highland, to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations, to protect the natural features, aesthetic character and property values of the Town, and to minimize the number of telecommunications towers in the Town by encouraging shared use of existing and future structures.
- B. Approvals Required and Zoning Districts. Communications Towers and Colocation of equipment on towers of differing intensities are allowed in all Town of Highland Zoning Districts except the WLRD and those areas of the R1 and R2 Districts which are located within the Designated Delaware River Corridor. A Special Use Permit and Site Plan Approval shall be required, provided compliance with the standards, conditions and restrictions set forth herein can be demonstrated.
- C. Application.
  - (1) No transmission tower shall hereafter be used, erected, moved, changed or altered except in conformity with these regulations. No existing structure shall be modified to serve as a transmission tower unless in conformity with these regulations.
  - (2) Applicants planning to construct new tower(s) must obtain a special permit and site plan approval from the Planning Board.
  - (3) Applicants planning to collocate on a previously approved Communications Tower or construct facilities upon an existing tall structure must obtain site plan approval from the Planning Board.
  - (4) Where these regulations conflict with other laws and regulations of the Town, the more restrictive shall apply.
- D. New towers; future shared use. The applicant shall design a proposed new Communications Tower to accommodate future demand for similar reception and transmitting facilities. The applicant shall submit to the Board a letter of intent committing the owner of the proposed new tower and its successors in interest to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. This letter shall be filed with the Code Enforcement Officer prior to the issuance of a building permit. The letter shall commit the new tower owner and its successors in interest to:
  - (1) Respond within 90 days to a request for information from a potential shared-use applicant.
  - (2) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers.
  - (3) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. Said charges may include but are not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate the shared user(s).
- E. Site plan submission requirements for new towers.

- (1) Required submissions. An applicant proposing to construct a new tower shall submit a Special Use Permit Application in accordance with Article VIII Special Uses and Site Plan Approvals, and shall provide the following additional information:
  - (a) A site plan showing all existing and proposed structures and improvements including towers, antennas, roads, accessory facilities, parking, landscaping and any proposed screening methods.
  - (b) Engineering documentation describing the capacity for additional antennas and radio-frequency equipment.
  - (c) A complete inventory of existing towers and other structures over 75 feet in height within two miles of the proposed site.
  - (d) A report demonstrating good faith efforts to secure shared use upon all structures which are of sufficient height and mechanical stability to support the proposed use or can be modified to meet the applicant's needs; and also justifying why the remainder cannot be outfitted to meet its requirements. Written requests and responses for shared use shall be provided.
  - (e) A report detailing the applicant's long-range plans for additional facilities within the town.
  - (f) A copy of applicant's Federal Communications Commission (FCC) license.
- (2) Visual impact assessment. The Planning Board may require the applicant to undertake a visual impact assessment which may include: A Zone of Visibility Map indicating locations where the tower will be seen.
  - (a) A zone visibility map indicating locations where the tower will be seen.
  - (b) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the Town.

F. Site plan submission requirements for colocation onto existing facilities.

- (1) Required submissions. An applicant proposing to collocate onto an existing tower or other structure shall submit a site plan in accordance with Article VIII Special Uses and Site Plan Approvals. The site plan and supporting documentation shall also include:
  - (a) A letter of intent from the owner of the existing facility to allow shared use by the applicant.
  - (b) A site plan showing all existing and proposed structures and improvements including towers, antennas, roads, accessory facilities, parking, landscaping and screening methods.
  - (c) In the case of use on a structure not originally designed as a telecommunications tower, a report, prepared by a New York State licensed professional engineer specializing in structural engineering, certifying that the proposed shared use will not diminish the structural integrity and safety of the

existing structure and explaining what modifications, if any, will be required in order to certify to the above.

(d) A copy of the applicant's FCC license.

G. Communications Tower Design Standards.

- (1) **Maximum Height.** No communications towers shall exceed two hundred (200) feet in height. Notwithstanding the foregoing, all communications towers shall be designed at the minimum height necessary to achieve the communication need and function they are intended to fulfill.
- (2) **Setbacks.** A setback of a minimum of three-hundred-feet or 1.5 times the tower height, whichever is greater, shall be maintained from any existing property line. Setbacks shall apply to all tower parts including guy wire anchors and to any accessory facilities.
- (3) **Visual Impact.**
  - (a) **Siting.** All new towers and accessory facilities shall be sited to have the least practical adverse visual impact upon the environment.
  - (b) **Lighting and Painting.** New towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). New towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green, black or similar colors designed to blend into the natural surrounding below the surroundings treeline unless other standards are required by the FAA. New towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements pursuant to 47 CFR Part 17.
  - (c) **Materials.** Accessory facilities shall maximize use of building materials, colors, and textures designed to blend with the structure to which they may be affixed and/or to harmonize with the natural surroundings, including the utilization of stealth or concealment technology, techniques or designs as may be required by the Planning Board in order to mitigate adverse impact to the aesthetic, scenic, environmental and cultural assets within the community.
  - (d) **Existing Vegetation.** Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to approval of the site plan. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
- (4) **Screening.** Where the site abuts residential or public property, including streets, and includes construction of a new tower or an increase in height of an existing structure, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival.

- (a) Access and parking. A road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than 10 feet beyond the edge of any pavement. Roads shall be designed to minimize visual disturbance, soil erosion and excavation. Public road standards may be waived in meeting the objectives of this subsection.
  - (b) Consulting engineering services. The Planning Board may request a review of the application by a qualified engineer in order to conduct an independent technical evaluation of the application. The cost of this review shall be borne by the applicant.
  - (c) Signs. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners and streamers.
- H. Authority to impose conditions. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed site plan
  - I. Bond. The Planning Board at its discretion may request a surety or similar instrument from the applicant for items including, but not limited to landscaping, tower removal and restoration of the proposed site.
  - J. Waiver. The Planning Board is hereby authorized to waive any part of this section which seems unreasonable for a particular site.
  - K. Removal. All Communications Towers, and all parts and components thereof, and any accessory buildings or other structures appurtenant thereto, shall be dismantled and removed from the site when they have been inoperative or abandoned for a period of eighteen (18) consecutive months. Intention on the part of any person to resume the use or operation of the Facility at some future time shall not provide an exemption from this requirement. Applicants shall post a bond or other suitable undertaking as a condition of the special use permit in order to guarantee removal of the abandoned structures. The bond or similar instrument shall be continued in effect during the life of the facility. The amount of the bond or undertaking shall be set by the Planning Board at the time of issuance of the special use permit.

**SECTION 20 – Amendments to § 190-54 of the Code of the Town of Highland**

Section §190-54 Sign regulations in all districts of the Code of the Town of Highland is hereby repealed and re-numerated in its entirety as Section §190-57 and included in Article 5 Sign Regulations.

Section §190-54 is hereby amended in its entirety and included in Article 4 Supplementary Regulations as follows:

§ 190-54. Stormwater Pollution Prevention Plan

- A. Land Development Activities as defined by this chapter shall require a Stormwater Pollution Prevention Plan (SWPPP). In the Designated Delaware River Corridor for Land Development Activities that exceed an area of 10,000 square feet of construction activity or disturbance for any principal or

accessory use shall be required to prepare a SWPPP. In accordance with State Laws, a SWPPP shall not be caused for uses which the State of New York exempts from this requirement such as agricultural projects, silvicultural projects, and other routine maintenance activities.

- B. Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in accordance with the NYS Stormwater Management Design Manual and as defined herein. The following components shall be required by the Town of Highland and/or New York State as applicable:
- (1) The proposed areas of disturbance shall be drawn to scale and quantified in support of applicable SWPPP requirements (including basic SWPPP)
  - (2) Post construction stormwater practices shall reduce peak stormwater runoff to 75% of the preconstruction peak runoff for the 10-year event. The Planning Board shall be authorized to modify these criteria if immediate discharge is appropriate.
  - (3) Post construction stormwater practices shall reduce stormwater peak runoff to 65% of the preconstruction peak runoff for the 100-year event. The Planning Board shall be authorized to modify these criteria if immediate discharge is appropriate.
  - (4) A certified copy of a completed Notice of Intent (NOI), signed by the applicant and certified by the applicants professional representative. A copy of the New York State DEC reply to the NOI (Notice to proceed) shall also be supplied if issued.
  - (5) Storm drainage facilities shall be designed to handle the anticipated peak discharge from the applicable catchment for a 10-year event with one foot of freeboard remaining at peak flow.
  - (6) All drainage structures required to accommodate stream flows with a cross sectional area less than 25 square feet during a 10-year rainfall event, shall be designed and constructed to provide one foot of freeboard during a 10-year rainfall event.
  - (7) All drainage structures required to accommodate stream flows with a cross sectional area less than 25 square feet during a 10-year rainfall event, shall be designed and constructed to provide one foot of freeboard during a 50-year rainfall event, and safely pass a 100-year rainfall event. Drainage structures in this category shall have a design life of at least 50 years, be designed by a licensed engineer and be approved by the highway superintendent.
  - (8) Applicants shall use infiltration practices whenever acceptable under DEC guidelines. Applicants shall provide deep test pits and percolation tests in support of this or demonstrate infiltration is not a viable practice for the site in question. Dry grass swales and other similar measures shall also be encouraged wherever practical.
  - (9) All stormwater management improvements shall be properly maintained so as to continue to perform to their intended manner. Sediment shall, at a minimum, be removed from sediment traps or sediments ponds whenever their design capacity has been reduced by fifty (50) percent. The Town Building Department, upon observing that such improvements are not being so maintained, may direct a property owner to undertake such maintenance. Failure to comply after a minimum of 30 days notices shall constitute a violation of law.

## **SECTION 21 – Amendments to § 190-55 of the Code of the Town of Highland**

Section §190-55 of the Code of the Town of Highland is hereby repealed and amended as follows, in Article 4 Supplementary Regulations:

§ 190-55. Farm Stands

- A. Such stand shall not exceed 144 square feet in gross floor area.
- B. Such stand shall be located not less than 15 feet from the edge of pavement, and there shall be a suitable area provided where vehicles can safely park while visiting the roadside stand.
- C. Such stand shall be solely for seasonal display and sale of agricultural products grown principally on the premises or, in limited quantity, grown elsewhere by the owner of the property upon which the farm stand is located.
- D. Signage shall be limited to a single sign, not greater than three square feet in sign area per side and located not less than 15 feet from the edge of pavement.

**SECTION 22 – Amendments to § 190-56 of the Code of the Town of Highland**

Section §190-56 Nonconforming uses and buildings of the Code of the Town of Highland is hereby repealed and re-numerated in its entirety as Section §190-58 and included in Article 6 Nonconforming Uses, Buildings and Lots.

Repealed Section §190-56 is hereby amended in its entirety and included in Article 4 Supplementary Regulations as follows:

§ 190-56. Temporary Farm Market

- A. Approvals. A Farm Market operation shall be a temporary use permitted pursuant to the issuance of a Special Use Permit in accordance with this Chapter, and shall be subject to all other applicable local, county, and State regulations related to the use.
- B. Duration of use. Farm Market uses shall be temporary in nature and such use shall not include construction of permanent structures or buildings or any other land development activity. The use shall operate for no more than two (2) consecutive day per week, with the exception of public holidays. As a condition of the Special Use Permit approval, the Planning Board shall approve the day and hours in which operation shall occur, and the designation of the times and days shall not cause conflict with other adjacent uses temporary, semi-permanent, or permanent, or cause conflict with any requirements expressed herein this Chapter.
- C. Area and bulk requirements. Farm market uses shall not exceed [15,000] square foot in area. This area shall include any temporary structures, eating tables and seating areas, and any sales staging and/or display areas. Off-site parking shall not be included in calculating area bulk requirements. All other dimensional area requirements shall comply with Schedule 1: Area and Bulk Regulations and/or other pertinent sections of this Chapter, with the more restrictive regulations prevailing.
- D. Site cleanup and restoration. At the closure of business daily, all temporary structures, litter, debris, or other refuse, and equipment shall be removed. Temporary storage, sales staging locations, lighting, and parking areas shall be returned to their original state, as prior to the market use that day.

- E. Parking. A Parking Plan shall be submitted to, and approved by the Town Planning Board prior to the issuance of any Special Use Permit approval. Said Parking Plan shall indicate the intended location for vehicle parking in connection with this use and shall demonstrate adequate vehicular and pedestrian safety will be achieved. Should the Parking Plan identify parking located on lands not under the ownership or control of the applicant, proof of access from the owner(s) shall be required, including written permission to use the lands for parking shall be required and attached to any Parking Plan.
- F. Signage. All signage associated with the use, including signage for and related to parking and pedestrian safety and circulation shall be removed at the end of each day. One seasonal temporary sign or banner may be permitted on site designating the location of the use, the hours of the use, and any other pertinent information relating to regular operations. No individual advertising shall be permitted to be included. All signage shall be in accordance with the regulations as outlined in Article 5 of this Chapter.
- G. Noise. All noise generated from the site shall be reasonable and shall comply with §190-39 Noise Standards of this Chapter. Amplified music, public address systems, and animal noises may not be permitted if determined unreasonable.
- H. Indoor Farm Market. Should the Temporary Farm Market use be operated within an existing structure within the Town, the use and area which it occupies will be continued to be considered a Farm Market and all requirements for this use shall be applicable. Approvals for such use shall be subject to the operator's ability to demonstrate that no conflicts shall arise from the shared use of the existing structure.
- I. Modification. Upon issuance of the Special Use Permit from the Planning Board the Code Enforcement Officer shall issue a Certificate of Occupancy allowing the change of use at the approved site. Any modification to the Farm Market use shall require a new Certificate of Occupancy and/or an amended Special Use Permit by the Planning Board if the Code Enforcement Officer determines modifications to the original approval are substantial.

**SECTION 23 – Amendments to § 190-57 of the Code of the Town of Highland**

Section §190-57 Signs of the Code of the Town of Highland is hereby repealed and replaced with §190-54 in its entirety and included in Article 5 Sign Regulations.

**SECTION 24 – Amendments to § 190-58 of the Code of the Town of Highland**

Section §190-58 of the Code of the Town of Highland is hereby repealed and replaced with §190-56 in its entirety.

**SECTION 25 – Amendments to § 190-62 of the Code of the Town of Highland**

Section §190-62(A)(6) of the Code of the Town of Highland is hereby repealed in its entirety and amended as follows:

- (6) The Code Enforcement Officer or his duly authorized assistant shall have the right to enter any building or enter upon any land for which a building permit is in effect, or required to be in effect, at any reasonable hour as necessary in the execution of their duties, provided that:
  - (a) The Code Enforcement Officer shall notify the owner before conducting any inspection, whenever possible.

- (b) The Code Enforcement Officer or their duly authorized assistant shall, upon commencing an inspection, display identification signed by the Town Clerk.
- (c) Inspection should be commenced in the presence of or by permission of the owner or their duly authorized representative.

**SECTION 26 - Amendments to § 190-73 of the Code of the Town of Highland**

Section §190-73(E)(1) of the Code of the Town of Highland is hereby repealed in its entirety and amended as follows:

- (1) All principal uses except single-family homes and those other uses identified in Attachment 3 District Schedule of Uses, shall require site plan approval before the issuance of a permit, and no building development or site work of any sort shall be conducted prior to or shall be carried out except in conformity with such approval and its conditions.

**SECTION 27 – Amendments to Attachment 3 – District Schedule of Uses of § 190 Zoning of the Code of the Town of Highland.**

Attachment 3 of the Zoning Chapter of the Code of the Town of Highland is hereby repealed in its entirety and replaced with the attached Schedule

**SECTION 28 – SEVERABILITY**

If any part or provision of this local law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part of provision or application.

**SECTION 29 - EFFECTIVE DATE**

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

**(KEPT BLANK FOR ATTACHMENT)**

**(KEPT BLANK FOR ATTACHMENT)**

(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 2021 of the (County)(City)(Town)(Village) of Highland was duly passed by the Town of Highland Town Board on \_\_\_\_\_ 2021, 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.~~

~~**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\_\_\_\_.~~

~~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\_\_\_\_.~~

~~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 November \_\_\_\_\_ 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 \_\_\_\_\_, above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

County  
City of \_\_\_\_\_  
Town  
Village

Date: \_\_\_\_\_