

Town of Southeast, Putnam County, NY

Local Law No. ___ of 2011

A LOCAL LAW entitled: “A Local Law to Amend the Zoning for Fabric Covered Structures.”

Be it enacted by the Town Board of the Town of Southeast, Putnam County, New York, as follows:

SECTION 1: LEGISLATIVE INTENT

The Town Board of the Town of Southeast proposes to amend the Code of the Town of Southeast as it relates to fabric-covered structures. The Town Board recognizes that fabric covered structures may serve an important need for businesses within the Town, but that they should be regulated so as not to create a nuisance or eye sore.

SECTION 2: AMENDMENTS TO CHAPTER 138, “ZONING,”

Section 138-4.B, “Definitions” is hereby amended, in part, to add the following definitions:

FABRIC-COVERED STORAGE STRUCTURE – any structure, enclosure, or shelter which is constructed of canvas, plastic, or other pliable material supported in any manner except by the contents it protects, and which may or may not have walls or an impervious floor, that is used for the purposes of storing goods, materials, and property. Fabric-covered storage structures shall include air-inflated structures, air-supported structures, cable-restrained air-supported structures, membrane-covered cable structures, and membrane-covered frame structures, as defined by the New York State Building Code § 3102.2, and shall exclude Temporary Agricultural Structures as defined herein.

TEMPORARY AGRICULTURAL STRUCTURE - a building or other structure, made of white or untinted translucent material, that does not contain a concrete or impervious floor, which is used wholly or primarily for agricultural purposes and to support a Farm Use, as defined herein, that is within a listed Agricultural District. The following shall be included within this definition if principally used in the course of an agricultural business; structures used to shelter or store crops, produce, seed, horticultural or nursery stock, fertilizer, pesticides, feed, or agricultural vehicles, equipment and machinery; buildings or structures used for the packaging or shipping of produce, horticultural or nursery stock; greenhouses, hoop houses, high tunnels, cold frames.

Section 138-13, “Prohibited Uses” is hereby amended, in part, to read:

No land, building or other structure shall be used for any of the following purposes:

- G. Fabric-covered storage structures, provided that any structure which has received a permit or certificate of occupancy prior to the enactment of this subsection may remain. Fabric-covered storage structures on commercially zoned properties in existence prior to the enactment of this subsection that were not issued a permit or certificate of occupancy shall have until January 1, 2014, to obtain a conditional use permit from the Planning Board as specified in § 138-60.1.

H. Temporary agricultural structures, except those used to support Farm Uses as defined in § 138-4 and that are located within a listed Agricultural District.

Section 138-60.1, “Fabric-covered storage structures” is hereby added as follows:

- A. Fabric-covered storage structures on commercially zoned properties, excluding Farm Uses as defined in § 138-4, shall be required to submit a site plan pursuant to § 138-41.
- B. Appropriate buffers and landscape screening between the fabric-covered storage structure and adjoining properties, given the proposed use, the use of adjoining parcels, and the natural topography and vegetative cover shall be established by the conditional use permit and shall be identified on a site plan or survey. Buffers shall not be less than the minimum yard requirements established by the underlying zoning district.
- C. Term of conditional use permit. A conditional use permit issued pursuant to § 138-60.1 shall be valid for a period of three years from the date that the permit is issued. A permit may be renewed by the property owner for additional three-year periods upon application to the Building Inspector, provided that all the conditions and requirements of the original conditional use permit are satisfied. Conditional use permits for fabric covered structures shall be non-transferable, and shall expire upon the transfer of title of the property.
 - (1) A fabric-covered storage structure shall be subject to inspection by the Building Inspector, Fire Code Inspector and/or Code Enforcement Officer at any time. A finding of noncompliance with any condition or term of the permit shall result in the issuance of an order to remedy. The permit shall be revoked if the noncompliance is not corrected within the time period set forth in the order to remedy.
 - (2) If, upon inspection by the Building Inspector, Fire Code Inspector and/or Code Enforcement Officer, the fabric-covered storage structure is deemed uninhabitable, unsafe, and/or beyond its useful life, the Building Inspector, Fire Code Inspector and/or Code Enforcement Officer may require the property owner to remove the fabric-covered structure and to seek a new conditional use permit from the Planning Board for the installation of a replacement fabric-covered structure if one is desired.
 - (3) A copy of the original conditional use permit and of each renewal permit, signed by the owner of the property, shall be filed by the applicant with the Town Clerk within 30 days of approval of the permit.
 - (4) Applicants for permits for fabric-covered storage structures shall be responsible for payment of fees and late charges as set by the Town Board from time to time in the Town of Southeast Fee Schedule.
- D. Fabric Covered Storage Structures and Temporary Agricultural Structures used to support Farm Uses, as defined in § 138-4, that are located within a listed Agricultural District are exempt from the requirements of this section.
- E. Fabric Covered Storage Structures shall comply with all applicable regulations within the New York State Building Code and New York State Fire Code.

SECTION 3: VALIDITY

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

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.