

Town of Southeast, Putnam County, NY

Local Law No. 4 of 2011

A LOCAL LAW entitled: “A Local Law to Amend Chapter 138 of the Town Code, ‘Zoning’.”

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, upon recommendation by the Planning Board, proposes to amend the Code of the Town of Southeast to correct existing inconsistencies regarding kennel and animal hospital uses within the Code. The Town Board has determined that kennel and animal hospital uses are not appropriate uses within residential zoning districts as they have the potential to negatively impact adjacent residences, and should instead be Special Permit uses within certain commercial zoning districts. In addition, the Town Board finds that the limited boarding of horses on residential properties is appropriate subject to a Conditional Use permit by the Planning Board.

SECTION 2: AMENDMENTS TO CHAPTER 60, DOGS, ARTICLE II, “GENERAL PROVISIONS”

Section 60-4, “Restrictions” is hereby amended, in part, as follows:

- B. It shall be unlawful for any owner, tenant, licensee or occupant of real property within the Town to:
- (1) Keep or cause to be kept on such premises an excessive number of dogs, that in the determination of the Town Code Enforcement Officer creates unsanitary conditions, constitutes a nuisance, and/or generates noise levels that violate the conditions of Chapter 96 of the Code of the Town of Southeast. ~~more than four dogs exceeding six months of age, unless the premises on which such dogs are kept is established as a duly licensed and permitted kennel pursuant to Chapter 138 hereof.~~
 - (2) Keep or cause to be kept on such premises more than four dogs exceeding six months of age that are licensed to persons other than the owner, tenant, licensee or occupant of the property, unless the premises on which such dogs are kept is established as a duly licensed and permitted kennel pursuant to Chapter 138 hereof.

SECTION 3: AMENDMENTS TO CHAPTER 138, ZONING, ARTICLE I, “GENERAL PROVISIONS; DEFINITIONS”

Section 138-4, “Definitions” is hereby amended, in part, as follows:

ANIMAL HOSPITAL – A facility for the care and treatment of customary household pets, other than kennels as defined herein.

HOUSEHOLD PET – Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds and domestic rodents (such as hamsters and gerbils).

KENNEL – A use or building in which the principal activity is the keeping, raising, breeding or boarding of dogs and/or cats or other animals which may be considered household pets. For the purpose of this chapter, any such activity, excluding boarding, shall not be considered a kennel where accessory to a principal residential use, provided that not more than four animals exceeding six months of age that are licensed to persons other than the owner, tenant, licensee or occupant of the property are kept.

SECTION 4: AMENDMENTS TO CHAPTER 138, ZONING, ARTICLE X, “SPECIAL PERMITS AND CONDITIONAL USES”

Section 138-57, “Kennels and animal hospitals” is hereby amended, in part, as follows:

Animal kennels and animal hospitals are subject to the following supplementary requirements:

- A. In issuing a special permit for animal kennels and animal hospitals, the Town Board shall stipulate the maximum number and type of animals to be boarded. That number shall ~~not exceed the quotient of 10,000 square feet of net lot area per 100 pounds of animal body weight~~ be based on site conditions, the ability of the proposed facility to provide a safe and sanitary environment for the animals and their caretakers, and the ability to mitigate any potential noise, odor, or community character impacts.
- B. The Town Board may consider the number and size of animals to be sheltered and impose reasonable conditions to protect neighbors, aesthetic impact and animal safety in order to ensure the health, safety and general welfare of the community.
- C. No outdoor run shall be less than 100 feet from any lot line within a commercial zoning district, or 200 feet from any lot line that abuts a residential zoning district. No dogs shall be permitted in outdoor runs before 8:00 a.m. or ~~after dark~~ after 8:00 pm. All dogs shall be leash walked and kept quiet while outside between the hours of 8:01 pm and 7:59 am.
- D. All kennels and animal hospitals shall comply with Chapter 96, “Noise,” of the Code of the Town of Southeast.
- E. All boarding of dogs, or other customary household pets, shall be indoors. No outdoor commercial dog kennels are permitted.
- F. No animal waste or substance which produces noxious or offensive odor or dust shall be stored or permitted to accumulate within 200 feet from any lot line and 100 feet from any street, wetland, lake or stream. The animal waste storage area shall not create any offensive odors nor attract or harbor vermin, rodents, flies or other animals and shall be subject to the approval of the Planning Board. The Building Inspector or Code Enforcement Officer shall retain the right to inspect the premises at any time to ensure that the conditions of the Special Permit are being met. If the Building Inspector or Code Enforcement Officer determines that a problem does exist, he or she shall so notify the owner in writing and the owner must commence steps to rectify the situation within a timely fashion but not to exceed 30 days. If the problem is not rectified in a satisfactory manner, the Building Inspector or other Code Enforcement Officer may commence criminal proceedings against the owner or other person(s) responsible for such

violation(s) and, upon a conviction thereof, such owner or other responsible person shall be liable for any and all fines and/or penalties applicable to violations of this chapter, including the cost of enforcement. If the situation is not rectified within 30 days from the date upon which the violation should have been rectified, the Town Board may commence any and all appropriate proceedings for revocation of the special permit.

**SECTION 5: AMENDMENTS TO CHAPTER 138, ZONING, ATTACHMENT 3,
“TOWN OF SOUTHEAST TABLE OF GENERAL USE REQUIREMENTS
RESIDENTIAL ZONING DISTRICTS”**

Attachment 3, “Town of Southeast Table of General Use Requirements Residential Zoning Districts,” Column D “Uses by Special Permit of the Town Board,” within the R-160 Zoning District is hereby amended, in part, as follows:

9. ~~———— Kennels and animal hospitals.~~

~~10.~~9. Equestrian Centers

~~11.~~10. Houses of worship

Attachment 3, “Town of Southeast Table of General Use Requirements Residential Zoning Districts,” Column D “Uses by Special Permit of the Town Board,” within the R-80 Zoning District is hereby amended, in part, as follows:

~~10. ——— Kennels and animal hospitals.~~

~~11.~~10. Equestrian Centers

~~12.~~11. Churches and places of worship and accessory parish halls

~~13.~~12. Farms, commercial greenhouses and nurseries, including the processing and selling of products there from, provided that there shall be no commercial piggeries, mink farms or slaughtering of animals

Attachment 3, “Town of Southeast Table of General Use Requirements Residential Zoning Districts,” Column E “Accessory Uses Permitted by Right,” within the R-80 Zoning District is hereby amended, in part, as follows:

2. Any commercial greenhouse or activities involving the keeping of farm animals and/or 3 or more chickens or similar poultry ~~and/or the keeping of more than 5 cats and/or dogs~~ shall be permitted on a lot of 5 acres or more. Any greenhouse or building in which such animals are kept shall not extend within less than 200 feet of any property or street line.

4. ~~The keeping of customary household pets, but not more than 3 dogs and 5 cats, together with the young thereof not more than 6 months old. The keeping of a reasonable number of customary household pets, but excluding the commercial boarding of the same. Customary household pets shall not be kept in such a manner as to create unsanitary conditions or constitute a nuisance.~~

6. Notwithstanding the provisions above, a horse or pony may be kept on a lot of not less than 2 acres, and 1 additional horse or pony may be kept for each acre by which the lot exceeds 2 acres, up to a maximum of 15 horses. Any building in which a horse or pony

is kept shall not extend within less than 100 feet of any property or street line. Any boarding of any horse or pony for compensation, or in conjunction with a veterinary practice, shall require a conditional use permit from the Planning Board ~~shall be governed by §138-63~~ and shall not be considered an accessory use permitted by right.

**SECTION 6: AMENDMENTS TO CHAPTER 138, ZONING, ATTACHMENT 5,
“TOWN OF SOUTHEAST COMMERCIAL ZONING SCHEDULE”**

Attachment 5, “Town of Southeast Commercial Zoning Schedule,” is hereby amended, in part, to add “Kennels and animal hospitals” as Special Permit uses to the ED, OP-1, OP-2, HC-1, and RC Zoning Districts.

SECTION 7: 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 8: EFFECTIVE DATE

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