

LOCAL LAW # 1 OF 2009

A LOCAL LAW TO AMEND the Code of the Town of Greenwich by amending Chapter 190, entitled "Zoning".

BE IT ENACTED by the Town Board of the Town of Greenwich as follows:

Section 1. The definitions of "AGRICULTURAL USE", "SIGN, OFFSITE COMMERCIAL" and "SLAUGHTERHOUSE" as contained in Section 190-5 of Article II of Chapter 190, Zoning, are hereby amended to read as follows:

"AGRICULTURAL USE" – The management of land for agriculture such as the raising of cattle, horses, pigs, poultry and other livestock, aquaculture, horticulture or orchards; including the processing, conversion and sale of products grown or raised directly on such land, the operation of feedlots, the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

"SIGN, COMMERCIAL AND OFF-SITE COMMERCIAL" – Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public. A commercial sign is an off-site commercial sign when the purpose of the sign is to advertise or promote the interests of any person or business not located within the legal limits of the real property on which the sign is located.

"SLAUGHTERHOUSE" - An establishment where animals are processed into food and/or by-products and which may include the areas where animals are kept prior to processing. This definition does not include the term "rendering plant" nor does this definition include any process for disposal of the animal carcasses and remains whether by composting or other methods, except as incidental to the operation of the slaughterhouse."

Section 2. The definitions of COMPOSTING, and COMPOSTING FACILITY are hereby added to Section 190-5 of Article II of Chapter 190, Zoning as follows:

“COMPOSTING” – The controlled biologic breakdown of organic matter under aerobic conditions.

“COMPOSTING FACILITY” – A facility for the biological stabilization of waste organic material including manure of any agricultural variety, bedding material, waste silage, produce and flora. This does not include animal composting.

Section 3. DESIGN STANDARDS, as contained in Section 190-37 of Article VI of Chapter 190, Zoning, is hereby amended by adding the following:

- C. In addition to any other requirements of this Chapter, any external renovations shall comply with the architectural design guidelines set forth in Section 190-50.

Section 4. SIGNS, as contained in Section 190-61 of Article VIII of Chapter 190, Zoning, is hereby amended to read as follows:

- A. Findings. The Greenwich Town Board finds that commercial signs as defined in Section 190-5 may have a negative impact upon the scenic resources and physical beauty of the Town, which may in turn have a negative impact upon the significant environmental and agricultural resources within the Town.
- B. It is the purpose of this article to prevent and avoid serious detrimental environmental planning and economic concerns for the Town by regulating commercial signs. This article is intended to protect property values, create a more attractive economic and business climate and preserve the scenic and natural beauty of the Town of Greenwich. It is further intended hereby to reduce distractions and obstructions.
- C. It shall be unlawful to erect or maintain the following types of signs at any location in the Town unless otherwise noted herein:
 - 1) Any sign for which a sign permit has not been obtained as required under the provisions of this chapter.
 - 2) Any flashing sign.
 - 3) Any animated sign.

- 4) Neon lights, for an exterior sign and/or a building decoration.
 - 5) Off-site commercial signs with a sign face area greater than 65 square feet or greater than ten feet high measured from the ground to the top of the sign. Provided however that any off-site commercial sign with a sign face greater than 65 square feet that is in existence in the Town of Greenwich as of the effective date of this article shall be entitled to remain in place in the Town of Greenwich; provided, however, that other than normal maintenance, no alterations to such existing sign shall be permitted, and should such sign be removed by an authorized person, firm or corporation, then no sign prohibited by this article shall be permitted at that site.
- D. Sign permits required. The following regulations shall govern the erection, alteration or relocation of signs within the Town. No sign listed below shall be erected, altered or relocated until a sign permit is obtained from the official duly designated by the Town Board (the "official") to administer and enforce the provisions of this chapter.
- 1) An off-site commercial sign with a face size in excess of 10 square feet.
 - 2) A commercial wall-mounted sign except that a permit shall not be granted for more than one such wall-mounted sign, not to exceed 40 square feet in size, at any one location.
 - 3) A commercial freestanding sign, except that a permit shall not be granted for more than one such freestanding sign, not to exceed 65 square feet in size per side, at any one location with a maximum height of 10 feet.
- E. In the event of a violation or an attempted violation of this article, the Town may seek a court order preventing such violation or an order requiring removal of any sign installed, altered or reconstructed in violation of this article. In addition, any person, firm or corporation who violates any provision of this article shall be subject to a fine of \$100 for each week of the violation. In the event the Town is successful in its proceedings against any offender, then the Town shall be entitled to recover from such offender the costs of the enforcement proceeding, including attorneys' fees.

Section 5. Penalties for Offenses as contained in Section 190-92 D. Abeyance of Article XII of Chapter 190, Zoning, is hereby deleted and new language regarding service of notice is inserted to read as follows:

D. Method for service of Notice of Violation.

A Notice of Violation shall be served on the owner of the premises personally or by registered mail. The Notice of Violation may also be served upon any builder, contractor, subcontractor, construction superintendent, or their agents or any other person taking part or assisting in work being performed on the premises, provided that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Notice of Violation.

Section 6. COMPOSTING FACILITY as added to Section 190-5 of Article II of Chapter 190, Zoning, is hereby added to Table 1, Use Regulations as follows:

Under the heading USE, add Composting Facility. Under the heading of Rural Agricultural District and add SUP.

Section 7. COMPOSTING FACILITY as added to Section 190-5 of Article II of Chapter 190, Zoning, is hereby added to Table 2A as follows: Under the heading Use, add Composting Facility; under the heading Minimum Lot Size add None; under the heading Minimum Road Frontage add 100; under the heading Minimum Front Yard Setback add 100; under the heading Minimum Side Yard setback add 100; under the heading Minimum Rear Yard Setback add 100; under the heading Maximum Height add 50; and under the heading Maximum Lot Coverage add 20%.

Section 8. COMPOSTING FACILITY as added to Section 190-5 of Article II of Chapter 190, Zoning is hereby added to Table 3 as follows: Under the heading Use, add Composting Facility; under the heading Parking requirement add 1 per employee on maximum shift.

Section 9. Effective Date

This local law shall become effective immediately upon filing with the New York Department of State.