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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

VILLAGE OF TIVOLI

LOCAL LAW NO. A (PROPOSED) OF 2020

A local law to amend the Zoning Law to rezone a portion of a municipal lot from R-15,000 District to General Business (GB) District, to permit “cultural facilities” in the GB and R-15,000 Districts for parcels with frontage on Broadway, and to add “municipal use” as a principal use in all Zoning Districts.

Be it enacted by the Village Board of the Village of Tivoli as follows:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends the Zoning Law to rezone a portion of a municipal lot (Parcel No. 6175-18-437013) from R-15,000 District to GB District, to permit "cultural facilities" in the GB and R15,000 Districts for parcels with frontage on Broadway, and to add “municipal use” as a principal use in all Zoning Districts in the Village. The Village Board of Trustees has considered the propriety of the boundaries of its Zoning Districts and has determined that extending the GB District westward would allow a more productive use of the property while not interfering with neighboring uses or districts.

SECTION 2. APPLICATION

This Local Law shall apply within the Village of Tivoli.

SECTION 3. SEVERABILITY

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

SECTION 4. AMENDMENTS TO ARTICLE II OF THE ZONING LAW ENTITLED "TERMINOLOGY"

§ 4.1. Section 231-4 of the Code is hereby amended by the addition of the following new definition:

ADAPTIVE REUSE—Contemporary use of a building or structure for use other than for which it was originally designed, intended and occupied, e.g., adaption of a former barn as a residential dwelling.

§ 4.2. Section 231-4 of the Code is hereby amended by the addition of the following new definition:

CULTURAL FACILITY—A public or noncommercial establishment that provides for the display, performance or enjoyment by the public of heritage, history or the arts, or that serves as a gathering place for community meetings and recreation, such as museums, art galleries, libraries, theaters and community centers.

§ 4.3. Section 231-4 of the Code is hereby amended by the addition of the following new definition:

LOT FRONTAGE—That side of a lot measured along the right-of-way of any Village, county or New York State highway or along any user highway. A corner lot shall be considered to have two such "frontages."

§ 4.4. Section 231-4 of the Code is hereby amended by the addition of the following new definition:

MUNICIPAL USE—Any use conducted or service provided by the Village of Tivoli, or any department or agency of the Village of Tivoli, including but not limited to water and sewer, roads, parks, public utilities, government buildings, police and fire.

§ 4.5. Section 231-4 of the Code is hereby amended by the addition of the following new definition:

PARK, PUBLIC AND PRIVATE—A public or private area of land, with or without buildings, intended for outdoor active or passive recreational activities. The term "public and private park" shall not include a "municipal use."

SECTION 5. AMENDMENTS TO ARTICLE IV OF THE ZONING LAW ENTITLED "DISTRICT REGULATIONS:

§ 5.1. Section 231-21 of the Code, Schedule of Permitted Uses, is hereby amended by replacing 231 Attachment 1, Schedule of Permitted Uses in the RIA District, with the Revised 231 Attachment 1, Schedule of Permitted Uses in the RIA District, a copy of which is included hereto in Appendix A.

§ 5.2. Section 231-21 of the Code, Schedule of Permitted Uses, is hereby amended by replacing 231 Attachment 2, Schedule of Permitted Uses in the R2A District, with the Revised 231 Attachment 2, Schedule of Permitted Uses in the R2A District, a copy of which is included hereto in Appendix B.

§ 5.3. Section 231-21 of the Code, Schedule of Permitted Uses, is hereby amended by replacing 231 Attachment 3, Schedule of Permitted Uses in the R3A District, with the Revised 231 Attachment 3, Schedule of Permitted Uses in the R3A District, a copy of which is included hereto in Appendix C.

§ 5.4. Section 231-21 of the Code, Schedule of Permitted Uses, is hereby amended by replacing 231 Attachment 4, Schedule of Permitted Uses in the R15,000 District, with the Revised 231 Attachment 4, Schedule of Permitted Uses in the R15,000 District, a copy of which is included hereto in Appendix D.

§ 5.5. Section 231-21 of the Code, Schedule of Permitted Uses, is hereby amended by replacing 231 Attachment 5, Schedule of Permitted Uses in the RB District, with the Revised 231 Attachment 5, Schedule of Permitted Uses in the RB District, a copy of which is included hereto in Appendix E.

§ 5.6. Section 231-21 of the Code, Schedule of Permitted Uses, is hereby amended by replacing 231 Attachment 6, Schedule of Permitted Uses in the GB District, with the Revised 231 Attachment 6, Schedule of Permitted Uses in the GB District, a copy of which is included hereto in Appendix F.

§ 5.7. Section 231-21 of the Code, Schedule of Permitted Uses, is hereby amended by replacing 231 Attachment 7, Schedule of Permitted Uses in the LC District, with the Revised 231 Attachment 7, Schedule of Permitted Uses in the LC District, a copy of which is included hereto in Appendix G.

SECTION 6. AMENDMENTS TO ARTICLE V OF THE
ZONING LAW ENTITLED "SUPPLEMENTARY
REGULATIONS:

§ 6.1. A new § 231-25.1 is hereby added to read as follows:

§ 231-25.1 Cultural facility.

A cultural facility shall be allowed by special permit in the R15,000 and GB Districts, provided that:

- A. The parcel shall have lot frontage on Broadway (CR 78).

- B. Access to the cultural facility shall be provided from Broadway (CR 78).
- C. The cultural facility shall only occur through the adaptive reuse of a building existing as of December 31, 2019. The existing building may be expanded by up to 50% of its gross floor area, provided the addition is in strict compliance with the requirements set forth for the zoning district in § 231-22 (District Schedule of Area and Bulk Regulations). Any such extension shall be preceded by site plan review and approval by the Planning Board in accordance with Article IX of this chapter.
- D. Off-street parking shall be provided in accordance with § 239-39 and the following:
 - (1) For the purposes of calculating minimum required off-street parking, the cultural facility shall be classified as a “place of public assembly.”
 - (2) In both GB and R15,000 Districts, existing on-street parallel parking along the lot frontage(s) may be applied toward the minimum parking requirement of the cultural facility on the lot. One parking space may be credited for each 22 feet of lot frontage with existing on-street parking.
 - (3) In both GB and R15,000 Districts, parking requirements for a cultural facility on one piece of property may be satisfied by providing equivalent parking on an adjacent or neighboring property within 100 feet, provided that a legal instrument, satisfactory to the Village Attorney, assures the continued existence of the parking facility to serve said cultural facility as long as it may exist.

SECTION 7. ADOPTION OF THE VILLAGE OF TIVOLI AMENDED ZONING MAP

Section 231-6 of the Village of Tivoli Zoning Law entitled “Zoning Map” is hereby amended by revising the map entitled “Zoning Map of the Village of Tivoli.” The Zoning Map prepared by the Dutchess County Department of Planning and Development dated _____, attached hereto in Appendix H, is hereby adopted and declared to be the Zoning Map of the Village of Tivoli, and an appurtenant part of the Zoning Law of the Village.

SECTION 8. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Appendix A

231 Attachment 1

Village of Tivoli
 Schedule of Permitted Uses
 RIA District

Principal Uses	Special Permitted Uses	Accessory Uses
Purpose: This district is intended to provide dwelling units in detached, semidetached and attached structures at a medium density reflecting the rural character and physical constraints (i.e., soils, drainage, topography).		
Agriculture	Alternate care housing, subject to the provisions of § 231-23	Accessory use of buildings, as defined herein
Dwelling, one-family	Bed-and-breakfast	Accessory buildings and structures customarily associated with the permitted principal use
Municipal use	Bus passenger shelter, for which the Planning Board may waive the provisions of § 231-22	Home occupation, Class 1, subject to the provisions of § 231-31
Parks, public and private	Carnival, circus or fair, subject to the provisions of § 231-30	In the principal dwelling, the keeping of not more than 3 roomers and boarders
Playgrounds	Clinic, dental	Outdoor storage of a maximum of one (1) small trailer as defined in § 231-4 and subject to the provisions of § 231-34.
	Clinic, medical	Off-street parking and loading as required by § 231-39
	Demolition, subject to the provisions of § 231-26	Signs, as permitted by § 231-42
	Dwellings, multifamily row- or town house, subject to the provisions of §§ 231-28 and 231-38	Temporary structures, as permitted by § 231-17
	Home occupation, Class 2, subject to the provisions of § 231-31	
	Hospital, animal or veterinary clinic	
	Kennel, on a site not less than 10 acres	
	Mobile home park, on a site not less than 10 acres conforming to the provisions of § 231-36	

[Appendix A of Local Law No. A (Proposed) of 2020]

	Nursing or convalescent home	
	Nursery school	
	Place of worship	
	Riding academy	
	Schools, elementary or secondary	
	Stables, private and public	

Appendix B

231 Attachment 2

Village of Tivoli
 Schedule of Permitted Uses
 R2A District

Purpose: This district is intended to provide dwelling units in detached structures at a low density. All development should be sensitive to the physical character and natural constraints of these locations.	
Principal Uses	Special Permitted Uses
Agriculture	Alternate care housing, subject to the provisions of § 231-23
Dwelling, 1-family	Bed-and-breakfast
Farm	Bus passenger shelter, for which the Planning Board may waive the provisions of § 231-22
Farmhouse	Carnival, circus or fair, subject to the provisions of § 231-30
Municipal use	Clinic, dental
Parks, public and private	Clinic, medical
Playgrounds	Conference center
	Demolition, subject to the provisions of § 231-26
	Home occupation, Class 2, subject to the provisions of § 231-31
	Hospital, animal or veterinary clinic
	Kennel, on a site not less than 10 acres
Accessory Uses	
	Accessory use of buildings, as defined herein
	Accessory buildings and structures customarily associated with the permitted principal use
	Home occupation, Class 1, subject to the provisions of § 231-31
	In the principal dwelling or farmhouse, the keeping of not more than 3 roomers and boarders
	Outdoor storage of a maximum of two (2) small trailers as defined in § 231-4 and subject to the provisions of § 231-34.
	On a farm, open storage of machinery or vehicles associated with farming operations. This, however, shall not be construed to permit the establishment of a junkyard as defined herein.
	Off-street parking and loading as required by § 231-39
	Roadside Stand, not more than 1 per farm, subject to the provisions of § 231-40.1

[Appendix B of Local Law No. A (Proposed) of 2020]

	Mobile home park, on a site not less than 10 acres conforming to the provisions of § 231-36	
	Nursery school	
	Nursing or convalescent home	
	Place of worship	
	Riding academy	

Appendix C

231 Attachment 3

Village of Tivoli
 Schedule of Permitted Uses
 R3A District

Principal Uses	Special Permitted Uses	Accessory Uses
Purpose: This district is intended to provide dwelling units in detached structures at a low density. All development should be sensitive to the physical character and natural constraints of these locations.		
Agriculture	Alternate care housing, subject to the provisions of § 231-23	Accessory use of buildings, as defined herein
Dwelling, 1-family	Bed-and-breakfast	Accessory buildings and structures customarily associated with the permitted principal use
Farm	Bus passenger shelter, for which the Planning Board may waive the provisions of § 231-22	Home occupation, Class 1, subject to the provisions of § 231-31
Farmhouse	Carnival, circus or fair, subject to the provisions of § 231-30	In the principal dwelling or farmhouse, the keeping of not more than 3 roomers and boarders
Municipal use	Clinic, dental	Outdoor storage of a maximum of two (2) small trailers as defined in § 231-4 and subject to the provisions of § 231-34.
Parks, public and private	Clinic, medical	On a farm, open storage of machinery or vehicles associated with farming operations. This, however, shall not be construed to permit the establishment of a junkyard as defined herein.
Playgrounds	Conference center	Off-street parking and loading as required by § 231-39
	Demolition, subject to the provisions of § 231-26	Signs as permitted by § 231-42
	Home occupation, Class 2, subject to the provisions of § 231-31	Temporary structures as permitted by § 231-17
	Hospital, animal or veterinary clinic	Roadside Stand, not more than 1 per farm, subject to the provisions of § 231-40.1
	Kennel, on a site not less than 10 acres	
	Nursing or convalescent home	

[Appendix C of Local Law No. A (Proposed) of 2020]

	Nursery school
	Place of worship
	Riding academy
	School, elementary and secondary
	Stables, private and public

Appendix D

231 Attachment 4

Village of Tivoli
 Schedule of Permitted Uses
 R15,000 District

Purpose: This district is intended to provide for dwelling units in detached, semidetached and attached structures at a high density with central water and sewer facilities.

Principal Uses	Special Permitted Uses	Accessory Uses
Dwelling, 1-family	Alternate care housing, subject to the provisions of § 231-23	Accessory use of buildings, as defined herein
Municipal use	Bed-and-breakfast	Accessory buildings and structures customarily associated with the permitted principal use
Parks, public and private	Bus passenger shelter, for which the Planning Board may waive the provisions of § 231-22	Home occupation, Class 1, subject to the provisions of § 231-31
Playground	Cultural facility, subject to the provisions of § 231-25.1	In a 1-family dwelling, the keeping of not more than 3 roomers and boarders
	Demolition, subject to the provisions of § 231-26	Outdoor storage of a maximum of one (1) small trailer as defined in § 231-4 and subject to the provisions of § 231-34.
	Dwelling, multifamily row or townhouse, subject to the provisions of §§ 231-28 and 231-38	Off-street parking and loading as required by § 231-39
	Dwelling, 2-family	Signs, as permitted by § 231-42
	Home occupation, Class 2, subject to the provisions of § 231-31	Temporary structures as permitted by § 231-17
	Nursery school on a site of not less than 3 acres	
	Place of worship, on a site of not less than 3 acres	

Appendix E

231 Attachment 5

Village of Tivoli
 Schedule of Permitted Uses
 RB District(a)

Principal Uses	Special Permitted Uses	Accessory Uses
Agriculture	Artist or Craft Workshop	Accessory buildings and structures customarily associated with the principal permitted use
Commercial Nursery	Bed-and-Breakfast	Home Occupation, Class 1, subject to the provisions of § 231-31
Dwellings 1- and 2-family	Clinic, dental and medical	Off-street parking and loading as required by § 231-39
Dwelling unit secondary to nonresidential use and not occupying any ground floor area	Daycare Facility	Outdoor storage of a maximum of two (2) small trailers as defined in § 231-4 and subject to the provisions of § 231-34.
Municipal use	Delicatessen	Roadside Stand, subject to the provisions of § 231-40.1
Roadside Stand, subject to the provisions of § 231-40.1	Equipment Sales and Rental	Signs, as permitted by § 231-42
	Farmers' Market, subject to the provisions of § 231-30.1	Temporary structures as permitted by § 231-17
	Furniture Store	
	Home occupation, Class 2, subject to the provisions of § 231-31	
	Motel, subject to the provisions of § 231-37	
	Motor Vehicle Service Facility	
	Place of Worship	
	Personal Service Establishment	
	Restaurant	
	Salesroom of a builder or contractor	

Vending Cart, subject to the provisions of
§ 231-30.2

NOTES: (a) All uses except agriculture and 1-family dwellings in the RB District require site plan approval in accordance with Article IX.

Appendix F

231 Attachment 6

Village of Tivoli
 Schedule of Permitted Uses
 GB District (a)

Principal Uses ^(b)	Special Permitted Uses ^(b)	Accessory Uses ^(b)
Amusement and recreation services	Clubhouse	Accessory buildings and structures customarily associated with the principal permitted use
Artist or craft workshop	Cultural Facility, subject to the provisions of § 231-25.1	Home occupation, Class 1, subject to the provisions of § 231-31
Bakery	Demolition, subject to the provisions of § 231-26	Off-street parking and loading as required by § 231-39
Bank	Dry cleaning establishment	Outdoor storage of a maximum of one (1) small trailer as defined in § 231-4 and subject to the provisions of § 231-34.
Bar or tavern	Internet Sales Business	Signs as permitted by § 231-42
Bed-and-Breakfast	Light industry	Temporary structures as permitted by § 231-17
Clinic, dental or medical	Vending cart, subject to the provisions of § 231-30.2	
Delicatessen		
Dwelling units not occupying any ground floor area		
Farmers' market		
Furniture store		
Hotel		
Internet Sales Business		
Library		
Municipal use		
1-family dwelling in a building in existence as of the effective date of this provision		

Purpose: The designation of this district is intended to maintain the village character, to encourage adaptive reuse and preservation of existing buildings, and to encourage pedestrian traffic attracted to retail and service uses on a smaller scale than those in the RB District.

[Appendix F of Local Law No. A (Proposed) of 2020]

Office		
Personal service establishment		
Restaurant		
Retail business		
Salesroom of a builder or contractor		
Theater		

NOTES:

- (a) All uses except one-family dwellings in the GB District require site plan approval in accordance with Article IX.
- (b) Drive-in or drive-through businesses of any kind are prohibited in the GB District.

Appendix G

231 Attachment 7

Village of Tivoli
 Schedule of Permitted Uses
 LC District

Purpose: The purpose of this district is to protect the character, both historic and environmental, of the village and the Hudson River and Stony Creek shorelines. This shall include the protection of persons and property, the preservation of water quality and the minimizing of costs associated with relief insurance and flood control projects. All uses in an LC District are subject to the provisions of § 231-33.	
Principal Uses	Special Permitted Uses
Municipal use	Agriculture
	Game preserve
	Outdoor recreation uses
	Parks, public and private
	Playground
	Wildlife preserve
	Accessory Uses
	Accessory buildings and structures customarily associated with the special permitted use
	Off-street parking and loading as required by § 231-39
	Signs as permitted by § 231-42
	Temporary structures as permitted by § 231-17

Appendix H