

LOCAL LAW OF THE TOWN OF LAKE GEORGE

FOR THE YEAR 2020

No. 1-2020 (Resolution ___-2020)

A LOCAL LAW

To amend the municipal code of the Town of Lake George, in relation to the Zoning Ordinance, Be it enacted by the Town Board of the Town of Lake George as follows:

Section 1. Chapter 175-23 of the Municipal code of the Town of Lake George is amended, to read as follows:

§ 175-23. Shoreland Overlay District.

A. Purpose and applicability.

- (1) The purposes of the Shoreland Overlay District regulations shall be to protect the lakefronts and the shorelines of the Town of Lake George and to maintain safe, healthful conditions and to prevent and control water pollution and to control building sites and the placement of structures and to preserve shore cover and natural beauty. The use of land and water, the size, type and location of structures on lots, the installation of waste disposal facilities, the filling, grading, lagooning and dredging of any land and the cutting of shoreline vegetation shall be in full compliance with this section, other provisions of this chapter and other applicable ordinances and regulations.
- (2) The Shoreland Overlay District is an environmental overlay district superimposed over the conventional **Zoning Map[1]** of the Town of Lake George. Uses permitted in the underlying zone may require a special permit subject to conditions in the Shoreland Overlay District. In case of conflict, the more restrictive regulation shall apply.
 - (a) [1] *Editor's Note: The Zoning Map is included at the end of this chapter.*
- (3) Areas to be regulated. Areas regulated by this section shall include all the lands in the Town of Lake George which are located:
 - (a) Within 300 feet of the mean high-water mark of navigable lakes and ponds.
 - (b) Within 300 feet of the mean high-water mark of navigable rivers or streams.

B. General guidelines for land use and development. Before any land use and development activity has begun in the Shoreland Overlay District, the Zoning Officer shall determine what

permits are necessary for that activity. Furthermore, no activity or development will be allowed until it has been determined by the Zoning Officer that the development or activity will not significantly result in unsafe or unhealthful conditions, erosion or sedimentation, water pollution or damage to spawning grounds, fish and wildlife habitat nor result in conflicts of use and that it will conserve and restore vegetation, scenic vistas to and from the water, points of public access and the water and the natural beauty of the area.

- C. Site plan review. All land use and development in the Shoreland Overlay District shall be subject to site plan review. The only exceptions to this rule would be structures less than 144 square feet in size, or fencing past 100 feet from the MHW mark, which would only require a Land Use and Development permit, but must still adhere to the shoreline regulations set forth by the APA and this Chapter.
- D. General standards. In addition to the standards set forth throughout this chapter, the following standards shall apply throughout the Shoreland Overlay District:
 - (1) Construction on any Shoreland Overlay District lot shall be carried out in such a manner so as to minimize the erosion caused by such activity. Construction and excavation activities shall be carried out in the shortest period of time possible.
 - (2) Shoreline areas, excepting beaches, shall never be exposed (unvegetated) for longer than the time period designated by the Zoning Officer and when exposed shall adequately be protected from erosion.
 - (3) All structures, including accessory structures, except docks and boathouses that are within 300 feet of the mean high-water mark of Lake George should be screened by vegetation or landscaped in such a way so that the view of the structures from the water is filtered and the visual impact minimized. This screening would be of a buffer type B as described in the landscape and screening provisions of the commercial design guidelines, unless otherwise prescribed by the Planning Board. The intent of these regulations is to provide a filtered view to promote a see-out-not-in policy.
 - (4) Filling. There shall be no fill placed in the Shoreland Overlay District, except as associated with shoreline protective structures or beach replenishment or other alternatives found to be beneficial to existing shoreline conditions, water quality or clarity. Any fill placed in the Shoreland Overlay District shall be protected against erosion.
 - (5) All parking, loading or service areas should be constructed of permeable materials.
 - (6) Lighting devices shall be oriented so as to minimize disturbances on surrounding properties.
 - (7) No neon signs will be permitted which are visible from the exterior of a building.
 - (8) The outdoor display of merchandise is prohibited.

E. Minimum shoreline lot width.

- (1) For residential uses, the minimum shoreline lot width is defined in **Schedule II.**^[2]
 - (a) ^[2] *Editor's Note: Schedule II is included at the end of this chapter.*
- (2) For commercial uses: 100 feet or that required by **Schedule II** of Article **IV**, whichever is greater, provided that the minimum shoreline lot width for motels, hotels and tourist accommodations shall be that footage required by Article **VII**, § **175-52**, Tourist accommodations, hereof.
- (3) For mixed residential and commercial uses: 50 feet for the first single-family dwelling, as herein defined, plus 100 feet for every single-family dwelling thereafter, plus 100 feet or that required by **Schedule II** of Article **IV**, whichever is greater, provided that the minimum shoreline lot width for motels, hotels and tourist accommodations shall be that footage required by Article **VII**, § **175-52**, Tourist accommodations, hereof.

F. Minimum shoreline setback. The minimum shoreline setback, as that term is defined in Article **II**, § **175- 7**, Terms defined, hereof, for all buildings and structures, except docks and boathouses, shall be that required by **Schedule II** of Article **IV** hereof.^[3]^[3] *Editor's Note: Schedule II is included at the end of this chapter.*

Section 2. Chapter 175-27 of the Municipal code of the Town of Lake George is amended, to read as follows:

§ 175-27. Alteration to shoreline.

- A. A land use and development permit is required for any filling, grading, lagooning, dredging, ditching or excavating along and/or proximate to the shoreline. A land use and development permit is also required for the addition or replacement of retaining walls within the Shoreland Overlay District and seawalls along the shoreline. The following standards shall apply:
- B. General standards.
 - (1) The activity shall not alter the natural contours of the shoreline.
 - (2) The activity shall not disturb shoreline vegetation except in a minimal way. Where vegetation is destroyed or removed it shall be restored or replaced with indigenous vegetation. Stabilization shall be in accordance with the United States Natural Resource Conservation Service engineering standards and specifications.
 - (3) The activity shall be carried out in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
 - (4) All applicable federal, state and other agency permits, including but not limited to the

Army Corps of Engineers and the New York State Department of Environmental Conservation, shall be obtained.

C. Specific standards.

- (1) Dredging. There shall be no removal or rearrangement of materials in the waters along the shoreline, except at those locations where such removal or rearrangement is found to be beneficial to existing shoreline conditions, uses and water quality and clarity. Where dredging is permitted, soil materials shall not be permanently deposited in the Shoreland Overlay District or along the shoreline.
- (2) Seawalls. The addition, expansion or replacement of any type of seawall shall be discouraged, except in the case where the alternative of shoreline restoration to a natural state is impossible due to excessive slope or severe erosion problems, a condition to be determined by the Zoning Officer. Seawalls shall not be permitted to be constructed for only aesthetic reasons. When permitted, seawalls shall not exceed 24 inches in height, as measured from the stationary mean high-water mark, and shall be constructed of native stone or wood. When treated lumber is used for the construction of a seawall, it shall be the sealed, non-leaching type. New seawalls shall not exceed 200 square feet in size as measured from above the stationary mean high-water mark. Seawalls along the shoreline are subject to any applicable requirements in 175-28.1.

Section 3. Chapter 175-28.1 of the Municipal code of the Town of Lake George is amended, to read as follows:

§ 175-28.1. Fences and walls.

- A. The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any suitable fence or wall, provided that in any one district, no fence or wall shall exceed four feet in height within 50 feet of the shoreline of Lake George or six feet in height in any rear yard, side yard or front yard measured above the finished grade. The shoreline setback requirements apply to fences, and walls / retaining walls, unless less than 100 square feet in size. Any fence or wall lawfully in existence before the original adoption date of this Chapter is allowed to be maintained and/or replaced in-kind, as long as the height regulations are met.
- B. Retaining walls and recreational fences (i.e., for tennis courts, basketball and volleyball) over six feet in height requires site plan review and are not permitted within the shoreline setback. Note that Section 175-27(C)(2) applies to seawalls on properties with shoreline on Lake George and not upland retaining walls.
- C. Shoreline fencing within 100 feet of the lake shall be site plan reviewable, unless such fencing is a split rail fence, or less than 100 square feet in size.
- D. The good (high grade) side of the fence shall face the neighbor.

- E. Temporary fencing shall be temporary in nature (60 days or less) and shall be of earth-tone colors. Temporary fencing shall not include tarps, hung cloths, and/or any other mechanisms or materials that will create visual impairment and unsightliness. Any temporary fence that remains in existence for more than 60 days will be considered a fence and will be subject to the other provisions of this section.
- F. Visibility at intersections. On a corner lot in any district, no fence, wall, hedge, sign or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines (or their projections) where corner points which are 30 feet distant from the point of intersection, measured along said street lines or projections. The height of three feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.

Section 4. Chapter 175-32 of the Municipal code of the Town of Lake George is amended, to read as follows:

§175-32. Signs.

- A. Except as provided in this section, no person shall erect, own, operate or maintain a sign without a permit issued by the Zoning Officer. All signs within the Town, whether they are in or outside of the Lake George Park as defined in Article 43 of the Environmental Conservation Law, shall comply with the standards set forth in the regulations adopted by the Lake George Park Commission pursuant to Article 43 of the Environmental Conservation Law at 6 NYCRR 646-7. Applications for sign permits shall be made to the Zoning Officer, who shall review the application pursuant to the criteria set forth in 6 NYCRR 646-7. The exemptions to the permitting requirements contained at 6 NYCRR 646-7.2 shall also apply. For Class A or B regional projects, signs shall also be reviewed pursuant to the standards for regional projects and Appendix Q of the APA regulations.
- B. In addition to the allowances in the regulations referenced in subsection A above, each commercial business will be allowed one (1) a-frame sign on the property and one (1) menu board sign on the commercial structure if food or drink is sold for consumption on the premise.
- C. Other Prohibited Signs. In conjunction with 6 NYCRR 646-7.3, other signs that will not be permitted within the Town of Lake George include the following:
 - (1) LED signage, and other electronically/digitally lit signage that contains scrolling text
 - (2) Waving “swooper” flags (teardrop shape vertical banners) and other ground-stuck flags
 - (3) Signs that advertise an off-premise business, location or establishment

- (4) The “step-in” H-frame advertising signs that advertise private businesses within or outside the Town of Lake George, or private/public events located within or outside of the Town of Lake George.
- (5) Banners. No banners are allowed in the ground or on walls of private or public property, except that a banner would only be allowed on the wall of a commercial establishment if said banner acts as the business’s one approved wall sign.

Section 5. Chapter 175-52(A) and 175-52(B) of the Municipal code of the Town of Lake George is amended, to read as follows:

§ 175-52. Tourist accommodations and Residential Rentals.

Motels, hotels, tourist time-share projects, housekeeping cottages, and other tourist accommodations shall be subject to the following additional requirements:

- A. Purpose. The purpose of this section is to promote the health, safety and general welfare of the residents of the Town of Lake George, to ensure tourism accommodations are developed and redeveloped in harmony with the surrounding neighborhood and natural environment, and to provide a degree of flexibility to existing tourism accommodations seeking to redevelop their facilities.
- B. Use of Residences for short-term rentals. Residential property owners may use their dwellings for short-term rentals (30 days or less) after applying for and obtaining a “Residential Rental” permit from the Planning and Zoning Office, for a fee of \$50. Residential property owners, who want to rent their dwellings out for a period longer than one month at a time, may do so without a Residential Rental permit. Short-term residential rentals shall be prohibited in the RM-1, RM-2 , RR and LC districts.
 - 1) The owner of the rental property assumes responsibility for the health, safety, and welfare of the renter(s) by assuring compliance with the appropriate fire prevention and building codes, sanitary codes, and local Town of Lake George Zoning Code.
 - 2) The owner of the rental property assumes responsibility for the conduct of the tenants so as to protect the health, safety, and welfare of the surrounding property owners and to protect the property values of the neighborhood.
 - 3) The rental premises must have adequate parking, garbage facilities, occupancy, septic capacity, and a local emergency contact, as determined by the provisions in this code, and by determination of the Zoning Officer. If the Zoning Officer determines any of these requirements are not adequately addressed, or that the residential rental is in a location that may pose adverse impacts, Site Plan Review may be required.
 - a) Smoke Detectors. Each rental dwelling shall be equipped with a functioning smoke detector and CO monitor, in compliance with New York State Uniform Fire Prevention and Building Code.

- b) Septic Systems. All on-site septic systems shall be clearly identified to prevent damage from cars parking or installation of equipment. Additionally, short-term rentals with inadequate septic systems, as determined by the Zoning Officer, will have reduced occupancy limitations set by the Zoning Officer and based on the capacity of the septic system that services the short-term rental, based on bedroom count.
 - c) Occupancy limitation. A short term rental permit requires the completion of a “property maintenance inspection” by the Warren County Building Codes and Fire Prevention Office. Occupancy limitation is based on the number of bedrooms in the short-term rental and/or the square footage of livable space in the short-term rental, and is calculated by Warren County Building Codes and Fire Prevention during their ‘Property Maintenance Inspection’, as required by this section and by the short-term rental permit. Additionally, short-term rentals with inadequate septic systems, as determined by the Zoning Officer, will have reduced occupancy limitations set by the Zoning Officer and based on the capacity of the septic system that services the short-term rental, based on bedroom count and a maximum of 2 persons per bedroom.
 - d) Requirements of owners of rental property. All owners of short term rental property shall maintain, at the premise to be rented, the signed “Residential Rental” permit, which contains information on emergency contact persons, relevant septic system information, trash disposal information, occupancy limitations (including duration limit for short-term rentals and minimum lengths of stay for rentals over 30 days in duration), and any other pertinent information relevant to use or restrictions of the property.
 - e) Parking. All owners of short term rentals shall require at a minimum two (2) parking spaces for the renters of the property. For every four (4) allowable renters for a short term rental, there shall be a minimum of one (1) additional parking spaces (i.e., a rental property with 12 renters allowed must have the required two (2) spaces plus an additional three (3) spaces. In no case, shall the rental property allow for more than ten (10 cars) to be parked at the property.
- 4) Each Residential Rental shall, at a minimum, comply with NYS Property Maintenance Code Section 404.1 pertaining to minimum square footage requirements per person, and shall not exceed occupancy limits enforced by Warren County Building Codes and Fire Prevention.
- 5) Change of Use. Residential property owners utilizing their property for short-term residential rentals, who have an approved license for such use, will be considered similarly to “tourist accommodation” type uses. As such, those property owners with residential rental licenses will be subject to occupancy tax requirements.
- 6) Grandfathering of pre-existing, non-conforming short-term residential rentals. Short-term residential rentals located in zoning districts where the use is no longer allowed but that were in existence and known (recorded) to the Planning and Zoning Office on or before the date of the adoption of this section, shall be grandfathered and allowed to continue as a short-term residential rental, only if:
- a) The owner of said residential rental follows the same process for permitting of the short-term residential rental, as described in this section.
 - b) The property is located on a major thoroughfare street or other highly traveled road that is not conducive to privacy from vehicles or noise from traffic. Those rentals in existence on or before the date of the adoption of this section that are located on

dead-end residential streets or cul-de-sac streets are not to be grandfathered due to the private nature and residential character of said streets.

- c) Any grandfathered short-term residential rental shall only be allowed to continue under the same property ownership as of the date of this section when the residential rental was grandfathered. Any change of ownership or changes in deeds to reflect new owners shall constitute a cancellation of the grandfathered short-term residential rental status.
- d) If the property to be grandfathered as a short-term rental is allowed to continue based on the above standards, said rental shall not accumulate more than three (3) legitimate complaints on the property due to said rental, legitimate meaning a complaint that garners a violation of the Town code or a follow-up response (not just a complaint) to the rental property from a police agency. Any grandfathered short-term residential rental that accumulates more than three (3) legitimate complaints on the operation of the short-term residential rental shall have their grandfathered status withdrawn and the short-term residential rental shall cease.

7) Violations. If any of the following situations arise at a permitted property for short term rentals it will constitute a violation.

- a) Overcrowding; excess number of people above and beyond what Warren County has determined is allowed or excess number of vehicles which was stated and agreed upon on Short term rental permit.
- b) Any septic violations; system failures of any kind
- c) Violation of Town of Lake George noise ordinance (Ch. 108)
- d) Any instances the Police authorities are called and show up at the permitted property i.e., out of control parties, domestic disturbances, fighting, noise, etc.
- e) Any new fire code violations that arise after a permit is issued.
- f) Any violations of garbage/littering (Ch. 103) or what was agreed upon in the short term rental permit.

8) Notice of violation; revocation of permit.

Upon a finding by the Zoning Officer or Code Enforcement Officer (CEO) that an applicant has violated any provisions of this chapter, the Zoning Officer or CEO shall give notice to the applicant to correct said operational violation within 24 hours of receipt of said notice by the applicant. Upon failure to correct said operational violation within 24 hours, or if three (3) violations occur during a 6 month period the Zoning Officer or CEO may revoke the applicant's permit issued pursuant to this chapter. The Zoning Officer or CEO shall, in his/her sole judgment, give a violator reasonable time to repair any structural damage or physical violation of any provision of this chapter.

9) Penalties for offenses; effect on eligibility for permit.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding \$350 and or revocation of the applicant's permit issued pursuant to this chapter. Each day that such violation continues shall constitute a separate violation.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective Date.

This local law shall take effect once filed with the office of the New York State Secretary of State.