

LOCAL LAW NO. 10 of 2022
Town of Ossining

A Local Law known and cited as Amendments to Chapter 200 (“Zoning”) of the Town Code to
Regulate Artist Communities

Be it enacted by the Town Board of the Town of Ossining as follows:

SECTION 1. The Town recognizes the inherent benefits of artist communities, including bringing artistic individuals and ideas to the community, having new individuals residing in the community temporarily who may share/distribute their art locally and art-related events bringing other interested individuals to the community to learn about the arts and artists and who may frequent local establishments. The Town already allows such uses under the existing special permit use of “schools and educational institutions, philanthropic, eleemosynary or religious institutions”, but said uses do not have specific regulations applicable to artist communities and therefore it is a more challenging process for both the artist communities and the land use boards to establish the regulations to allow a site-specific use. The Town Board believes it is beneficial to have certain standards that would apply to all artist communities in the Town to ensure the artist communities operate in a safe manner cohesive with the rest of the neighborhood, and which will also make it easier and more informative for new potential artist communities to understand the requirements of their use should they choose to establish one within the Town and the neighboring (or potentially neighboring) property owners to understand how the uses will be operating nearby.

SECTION 2. The Town Board hereby amends Chapter 200 (“Zoning”), Article XIII (“Definitions and Interpretation”), Section 53 (“Definitions”) to add the following:

ARTIST COMMUNITY

Land and structures used as a meeting place, retreat, educational center, and/or exhibition center for the exchange of ideas between artists, members of the professional art community, and the general public, which may provide exhibition space, work space, meeting space, lecture halls, performance and rehearsal space, and sculpture parks, as well as temporary living and dining facilities for the staff, artists, and other programming participants.

ART-RELATED ACTIVITIES

Programming, events, classes, exhibits, creating art, and other activities intended to promote the arts and arts-based education including visual arts, performance arts, and culinary arts.

SECTION 3. The Town Board hereby amends Chapter 200 (“Zoning”), Article III (“Use Regulations”), Section 7 (“R-40 One-Family Residence District”) to add the following:

200-7(B)(7) Artist Communities.

- a) Artist Communities shall be permitted to conduct any or all Art-Related Activities, which may include:

- i. Artist studios and workshops;
- ii. Theaters, dance studios, art galleries, classrooms, sculpture parks, and other indoor and outdoor performance and exhibition spaces;
- iii. Public art presentations and performances;
- iv. Art-Related Educational Programming. Programming and related activities for children, adults, and/or families, including summer day camps, outdoor classrooms, school day programming in coordination with local schools and other organizations (e.g., field trips, workshops), pre-school programs, and after-school programs (funded or for a fee), subject to the following:
 - 1) The property owner shall endeavor to use both indoor and outdoor space for these activities to the extent practicable;
 - 2) Summer camps shall only operate between June 1 and September 15 of each calendar year between the hours of 8:00 a.m. and 7:00 p.m.;
 - 3) After-school programs shall not operate after 7:00 p.m.; and
 - 4) There shall be a designated area on the property for buses transporting students and/or campers, which buses shall adhere to all idling laws and applicable rules and regulations;
- v. On-site Residency
 - 1) Art-Related Residency/Retreat Programs. Residency/retreat programs (funded or for a fee), including temporary lodging (for a maximum of one year), meals and studio space for artists only.
 - 2) Permanent lodging for full-time employees, as part of an Artist Community's staffing and compensation amenity package, which may include building and/or grounds maintenance staff, executive directors, program coordinators, and resident advisors; however, in no event shall more than fifteen percent (15%) of housing units be allocated to full-time employees permanently residing on the property at any one time. There shall be designated parking spaces for full-time employees permanently residing on the Property in an amount satisfactory to the Planning Board.
 - 3) No other residency, besides Art-Related Residency/Retreat Programs and/or Permanent lodging for full-time employees, shall be permitted. The temporary and permanent residences

shall be limited to studios, one- and two-bedroom units, with less than 50% of the units being 2-bedrooms. Temporary artist residencies shall be limited to the artist resident; however, if the artist resident is a parent or guardian of a child, the child may reside with the artist resident, and artist residents can have other visitors/guests of reasonable number and duration, but not to exceed one consecutive week in duration and what would be permitted by the Uniform Fire Prevention and Building Code in occupancy.

- 4) The total number of residences, including both art-related temporary residency and permanent lodging for full-time employees, on the property shall not exceed the density permitted by the zoning district in which the property is located. By way of illustration, if a property is in the R-30 zoning district, which has a minimum lot size of 30,000 square feet, there can only be as many residences as would be permitted if the property was subdivided into 30,000-square foot single-family residential lots. If a property is located within two zoning districts, the more restrictive zoning shall apply to the entire property.
 - 5) The total number of residences, including both art-related temporary residency and permanent lodging for full-time employees, on the property shall not exceed what is allowed under the Uniform Fire Prevention and Building Code. The property owner must comply with the rules and regulations for a multi-family dwelling under the Uniform Fire Prevention and Building Code.
 - 6) The total number of residences, including both art-related temporary residency and permanent lodging for full-time employees, on the property shall be established in accordance with the amounts permitted hereunder during the site plan and special permit review process and may not be increased without obtaining amended approvals.
- vi. Art-Related Indoor Events, including interactive art experiences, presentations, live performances, and exhibits open to the public;
 - vii. Temporary Outdoor Art-Related Events, including interactive and/or informal art experiences, outdoor classes, presentations, live performances, and exhibits, which are limited in size and duration and do not require municipal support services or use amplified sound exceeding the standards set forth in Chapter 130 of the Town Code, subject to the following requirements:

- 1) Any Art-Related Event that is held both indoors and outdoors shall be subject to the requirements for Temporary Outdoor Art-Related Events.
- 2) The number of participants, staff, volunteers and others who will be gathering outdoors at one time in connection with the outdoor art-related event shall not exceed seventy-five (75) persons.
- 3) In no event shall Temporary Outdoor Events be permitted to remain outdoors past 11:00 p.m., and in no event shall Temporary Outdoor Events of more than twenty-five (25) persons be permitted to remain outdoors past 9:00 p.m. Notwithstanding the foregoing, permanent or temporary residents of the Artist Community may be permitted to remain outdoors past 11:00 p.m. so long as it is not in association with a Temporary Outdoor Event. There shall be no use of amplified sound after 10:00 p.m. on Fridays and Saturdays in July and August and no amplified sound after 9:00 p.m. at all other dates.
- 4) If, during the Temporary Outdoor Event, there is expected to be a total occupancy on the Property of more participants, staff, volunteers, temporary artists-in-residence and others than there is designated parking on the Property, or the Temporary Outdoor Event otherwise exceeds the qualifications of this subsection that are permitted, the Property owner shall submit a permit application to the Town in accordance with Chapter 166 of the Town Code (Special Events, Parades, and Public Gatherings), regardless of whether the Temporary Outdoor Event qualifies as a Special Event under Town Code Chapter 166 and regardless of whether the Temporary Outdoor Event would be exempt from needing a permit under Town Code Chapter 166, but in which case the permit application fee shall be waived and in which case the Superintendent of Recreation and Parks shall render a decision on the application no later than fourteen (14) business days after the application is submitted or else the permit shall be deemed granted. However, if it is an event that would require a Special Event Permit under Town Code Chapter 166, then those provisions, timeframes and requirements shall control.
- 5) Notwithstanding the foregoing, the Property owner shall notify the Town Supervisor's office at least two business days in advance of any Temporary Outdoor Events that will occur on the Property.

- viii. The renting of indoor space for use by a duly registered and organized not-for-profit corporation or organization that is not Art-Related, including, but not limited to, for fundraisers, galas, meetings, and other occasions, gatherings, and events (“Rented Indoor Events”) where the following requirements are met:
- 1) All Rented Indoor Events shall take place entirely indoors, except that certain immediately adjacent garden, patio, or other outdoor spaces delineated on the approved site plan may be used in connection with Rented Indoor Events if authorized by the Zoning Board of Appeals or Planning Board, provided no Rented Indoor Event shall take place entirely or primarily outdoors.
 - 2) There shall only be one Rented Indoor Event held on the Property on any given day.
 - 3) Attendance on the Property for such Rented Indoor Events shall be limited to staff, volunteers, temporary artists-in-residence and invited guests, and there shall be no greater total occupancy on the Property during the Rented Indoor Event than the number of designated parking spaces on the Property for all of the above referenced persons.
 - 4) Strict compliance with all applicable Fire and Building Code standards is required;
 - 5) If, during the Rented Indoor Event, there is expected to be a total occupancy on the Property of more participants, staff, volunteers, temporary artists-in-residence and others than there is designated parking on the Property, or the Rented Indoor Event otherwise exceeds the qualifications of this subsection that are permitted, the Property owner shall submit a permit application to the Town in accordance with Chapter 166 of the Town Code (Special Events, Parades, and Public Gatherings), regardless of whether the Temporary Outdoor Event qualifies as a Special Event under Town Code Chapter 166 and regardless of whether the Rented Indoor Event would be exempt from needing a permit under Town Code Chapter 166, but in which case the permit application fee shall be waived and in which case the Superintendent of Recreation and Parks shall render a decision on the application no later than fourteen (14) business days after the application is submitted or else the permit shall be deemed granted. However, if it is an event that would require a Special Event Permit under Town Code Chapter 166, then those provisions, timeframes and requirements shall control.

- ix. Outdoor uses and structures accessory and/or related to the principal Artist Community use, including temporary staging facilities and tents (subject to approval from the Building Inspector, if necessary), gardening, walking trails, benches, fields, orchards and similar uses of open space, which support or are related to such Art-Related Activities, and do not adversely impact surrounding properties; and
- x. Any other uses determined by the Building Inspector to be minor in the context of the overall use of the Property and consistent with the special permit issued by the Zoning Board of Appeals.

b) An Artist Community shall be subject to the following additional requirements:

- i. The intention of this law is to allow the Art-Related Uses, Artist Community and not-for-profit uses as contemplated by this law, which the Board finds are a benefit to the community, not to allow event venues/reception halls generally under this use. Any event held on the property, indoor and/or outdoor, that is not an Art-related Event that complies with the applicable regulations, is not a Rented Indoor Event that complies with the applicable regulations, and/or is not otherwise expressly contemplated and authorized in subsection (a), shall submit a permit application to the Town in accordance with Chapter 166 of the Town Code (Special Events, Parades, and Public Gatherings), regardless of whether the event qualifies as a Special Event under Town Code Chapter 166 and regardless of whether the event would be exempt from needing a permit under Town Code Chapter 166, but in which case the permit application fee shall be waived and in which case the Superintendent of Recreation and Parks shall render a decision on the application no later than fourteen (14) business days after the application is submitted or else the permit shall be deemed granted.. However, if it is an event that would require a Special Event Permit under Town Code Chapter 166, then those provisions, timeframes and requirements shall control.
- ii. Prior to occupying the property, the owner shall provide the Town Building Department with a Fire Safety Action Plan for the property, the structures and uses thereon, which Plan shall comply with the Uniform Fire Prevention and Building Code and all other pertinent laws, codes, rules and regulations, and must be strictly adhered to by the property owner.
- iii. For any activities otherwise regulated by the Town, including but not limited to Special Events, Cabarets, Beekeeping and Filming, the property owner shall comply with those requirements.

- iv. For any and all activities listed in subsection (a), the property owner shall comply with all applicable Federal, State and Town laws, rules and regulations.
- v. No building or structure or part thereof, parking or loading area, or outdoor uses, activities or events listed in subsection (a) shall be located within 100 feet of any street or lot line.
- vi. The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot.
- vii. The entire lot, except for areas covered by buildings or parking or loading areas, shall be suitably landscaped and property maintained.
- viii. The minimum lot size shall be 5 acres.
- ix. The maximum height of any structure shall be 35 feet or 2 ½ stories for new construction, but if an existing structure(s) is being adaptively reused as an Artist Community the height of existing structure(s) may exceed 35 feet or 2 ½ stories provided the height is not further increased.
- x. At least 50% of the gross floor area of the principal structure shall be devoted to Art-Related Activities.
- xi. Sufficient exterior illumination of the lot shall be provided to assure convenience and safety. All such illumination shall be shielded from the view of all surrounding streets and lots.
- xii. Visitors shall not be permitted on site before 8:00 a.m. or after 11:00 p.m., provided, gatherings of more than twenty-five (25) persons at one time shall not be permitted to remain outdoors past 9:00 p.m. This subsection shall not apply to artists temporarily residing on the property or artists using studios on the property.
- xiii. Indoor and outdoor sounds shall comply with Chapter 130 of the Town Code (Noise).
- xiv. The Zoning Board of Appeals may require that Artist Community special permits be renewed periodically. Such renewal shall be granted no less than every three (3) years, provided, the time periods may be granted for longer in the discretion of the Zoning Board of Appeals. At any time between 12 months and four months prior to the date by which the Artist Community special permit must be renewed, the holder of the special permit shall submit a signed written request to the Town Building Department for renewal of the special permit.

- 1) The written request for renewal shall contain the following information:
 - a) The name of the holder of the Artist Community special permit;
 - b) The date of the original granting of the special permit;
 - c) Whether any modifications have been made to the site plan and/or the size or location of buildings or structures on the property since the original special permit was issued, or since the most recent renewal issued (if applicable);
 - d) Whether any uses not contemplated in this chapter, in the definitions of Artist Communities and Art-Related Activities set forth Chapter 200-53, or in the original special permit approval (or any subsequent renewals, if applicable) are being conducted or are proposed to be conducted on the property;
 - e) Provide copies of all violations, orders to remedy, appearance tickets, orders, judgments, or any other notice issued by any municipal or judicial entity or agency, at the federal, state, county or town level, that the property owner is in violation of the special permit or any other applicable law, rule or regulation, which was issued since the original special permit was issued, or since the most recent renewal issued (if applicable);
 - f) Provide copies of all Special Event permits that were received in accordance with this Section since the original special permit was issued, or since the most recent renewal issued (if applicable); and
 - g) A sworn statement that the property is in compliance with the conditions of the special permit, and any subsequent renewals, as well as all applicable codes, laws, rules, and regulations, and that any violations issued since the granting of the special permit, or since the most recent renewal issued (if applicable), have been remedied..
- 2) The Building Department shall circulate the renewal request to the Building Inspector, Chief of Police, Fire Chief, Town Planner and Town Counsel. If, after reviewing such written request, the Building Inspector, Chief of Police, Fire Chief, Town Planner and Town Counsel determine that the Artist Community is in compliance with the conditions of the special permit and all applicable statutes, laws, ordinances, codes, rules, and regulations, and that there have not been any

incidents/violations on the Property since the original special permit approval (or any subsequent renewals, if applicable), then the Building Inspector shall issue a renewal of the special permit for the Artist Community subject to the same renewal period previously established by the Zoning Board of Appeals. The Building Inspector, Chief of Police, Fire Chief, Town Planner and/or Town Counsel may request additional information from the applicant reasonably necessary to make this determination.

- 3) If, after such review, either the Building Inspector, Chief of Police, Fire Chief, Town Planner or Town Counsel determines that (i) there are activities on the property that were not contemplated when the special permit was approved, not in compliance with the conditions of the special permit or any applicable statutes, laws, ordinances, codes, rules, or regulations, or are not otherwise authorized under this Chapter, (ii) there is a significant increase in any activity permitted under the special permit or the Town Code, or (iii) there has been an incident(s)/violations on the Property since the original special permit approval (or any subsequent renewals, if applicable) that raise health, safety and welfare concerns, then the Building Inspector shall refer the renewal request to the Zoning Board of Appeals to hold further proceedings hereunder to determine whether the special permit shall be modified or revoked, including, the Zoning Board of Appeals may require additional reasonable mitigation, and the conditions of the special permit may be modified upon renewal to provide for such mitigation. The Building Inspector, Chief of Police, Fire Chief, Town Planner and/or Town Counsel may request additional information from the applicant reasonably necessary to make this determination.
- 4) If the Building Inspector and/or Zoning Board of Appeals does not complete its review pursuant to this subsection prior to the date the special permit is required to be renewed (provided the applicant timely submitted the renewal application with all requisite information), then the applicant shall receive an extension of the special permit until the Building Inspector and/or Zoning Board of Appeals completes its review, during which time the applicant shall continue to strictly comply with the terms of the extended special permit.
- 5) If the holder of the Artist Community special permit does not submit a request for renewal of such special permit within the timeframe required or does not provide all of the requisite information in the renewal request, then such special permit

shall terminate on the date established by the Zoning Board for renewal, unless the holder of the special permit adequately demonstrates to the Zoning Board of Appeals that extenuating circumstances prevented a timely renewal request. If the Zoning Board of Appeals agrees that there were extenuating circumstances, then the holder of the special permit may submit a late renewal request or application for a new or amended special use permit.

- xv. The Zoning Board of Appeals may put reasonable conditions on the special permit as it deems appropriate under the circumstances, provided they are consistent with the terms and conditions of this Section 200-7(B).
- xvi. A special use permit authorizes only the activity expressly described in the application and approved permit materials. A special use permit shall expire upon change in property ownership or property transfer, unless the Building Department is notified by the owner, in writing, prior to property transfer and the Zoning Board of Appeals reviews the use or activity and special permit documents and is satisfied that the use has and is being conducted in a manner that is consistent with the special permit and any conditions which may have been stipulated at the time of its issuance and approves, in writing, the transfer of the special use permit. Lack of reply from the Zoning Board of Appeals within 60 days of notification by the property owner shall constitute approval of the continuation of the special use permit. A new special use permit shall be required for any expansion, alteration or variation of a use already authorized by a special use permit. A request for such a permit shall be subject to the application and review procedures described in this Chapter.
- xvii. In the event the property owner is found to be in violation of the Special Permit or any other applicable law, rule or regulation, and such violations are not cured within thirty (30) days of notification to the Artist Community special permit holder, or if not feasible to cure within 30 days the property owner has not demonstrated a good faith effort to attempt to cure the violation within 30 days, the Building Inspector may, in their discretion, refer the property owner to the Zoning Board of Appeals to hold a public hearing on whether the special permit shall be modified or revoked.
- xviii. The Artist Community special permit use is subject to an approved site plan by the Planning Board, with such reasonable conditions as the Planning Board deems appropriate provided they are consistent with Section 200-7(B), including sufficient on-site parking as determined by the Planning Board.

SECTION 4. Validity. The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 5. Effective Date. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF OSSINING