LOCAL LAW NO. 3 FOR THE YEAR 2020

Members of Common Council William J. Smith, Donald T. Russell, Christopher M. Briggs, William B. McCarthy, Adam C. Biggs and Justin M. Alesio ask for unanimous consent for the introduction and passage of the following Resolution:

A LOCAL LAW AMENDING CHAPTER 285 OF THE CODE OF THE CITY OF COHOES REGARDING ZONING AND LAND USE

WHEREAS, the City of Cohoes local code contains a Chapter entitled "Zoning and Land Use;" and

WHEREAS, the Council would like to amend Chapter 285 and add sections regarding bees, chickens, and community gardens; and

WHEREAS, a Notice of Public Hearing was duly published and a public hearing held regarding the proposed amendments to Chapter 285 on April 28, 2020 at 7:00 p.m. at the Common Council Chambers,

NOW, THEREFORE BE IT ENACTED by the Common Council of the City of Cohoes as follows:

Section 1. The Code of the City of Cohoes, Chapter 285, is hereby amended to add Chapter 285, Section 55.1, to read as follows:

§285-55.1 Beekeeping

The keeping of bees is subject to the following:

A. No person is permitted to keep more than the following numbers of colonies on any lot within the City:
    1. Less than four thousand (4,000) square feet: no colonies permitted;
    2. Between four thousand (4,000) square feet and one half acre: two (2) colonies;
    3. Between one half acre (1/2) and three quarters (3/4) of an acre: four (4) colonies;
    4. Between three quarters (3/4) of an acre and one (1) acre: six (6) colonies;
    5. Between one (1) acre and five (5) acres: eight (8) colonies;
    6. Larger than five (5) acres: no restriction.

B. No beehive shall be kept in a front or side yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.

C. No beehive shall be located within twenty (20) feet of any lot line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within twenty (20) feet of a hive and extending at least twenty (20) feet beyond the hive in both directions.

D. Colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

E. Each beekeeper shall ensure that a convenient source of water is available to the colony so long as colonies remain active outside of the hive.

F. Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted if they have been painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall not be a defense to this ordinance that a beekeeper's unused equipment attracted a swarm and that the beekeeper is not intentionally keeping bees.

Section 2. The Code of the City of Cohoes, Chapter 285, is hereby amended to add Chapter 285, Section 55.2, to read as follows:

§285-55.2 Chickens

The keeping of chickens is subject to the following:

A. Property owners who wish to keep chickens must apply for a license from the Zoning Officer. Any license issued shall be effective for a one (1) year period.

B. Tenants who wish to keep chickens must apply for a license jointly with the property owner.

C. The Zoning Officer may deny the application for a license for failure to meet any of the requirements set forth herein, or for public health, safety and welfare reasons related to the application or the property, or on the basis of prior violations of this section by the applicant.

D. In an event that the application for a license is denied by the Zoning Officer, the applicant may appeal to the Zoning Board of Appeals within thirty (30) days of such denial, setting forth grounds upon which the applicant believes that the application should have been granted. The Zoning Board of Appeals shall approve or deny the application on the same or other grounds related to the provision of this subsection, or public health, safety and welfare within sixty (60) days of the date that the appeal is filed.

E. A license to keep chickens is specific to the license holder and the location listed on the application. A person wishing to move chickens to a different property shall obtain a new license. A new resident of a property who intends to keep chickens shall obtain a new license regardless of whether chickens were kept on the property or continue to be kept on the property.

F. Approval of a license to keep chickens authorizes the license holder to keep the number of chickens in the manner described on the application. Any significant change to the manner of keeping said chickens shall require a new license.

G. All chicken-keeping license applications shall include:

1. The applicant's name and address and interest in the subject property;
2. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application;
3. The street address or legal description of the subject property;
4. An application for site plan approval, as required by Article XIV of this chapter;
5. The number of chickens that will be kept;
6. A description of the enclosure and chicken house, including materials used and cubic footage;
7. A description of the means in which food will be stored; and
8. If chickens will be culled on the property, location and description of the facilities used in the process.

H. Roosters are not permitted.

I. Up to six (6) chickens may be kept on a lot between five thousand (5,000) and ten thousand (10,000) square feet, with one (1) additional chicken being permitted for every additional one thousand (1,000) square feet over ten thousand (10,000) square feet.

J. The coops or cages housing the chickens may not be in the front or side yard areas and shall not be located within ten (10) feet of any property line.

K. Chickens shall be kept in a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to allocate ten (10) square feet for each chicken and must comply with all applicable building codes of the City of Cohoes.

L. No chicken shall be kept in a manner as to create noxious odors or noise of a loud, persistent and habitual nature.

M. Chickens shall be secured within the enclosure from sunset to sunrise.

N. Chicken enclosures and houses must always be kept in a neat and sanitary condition and must be cleaned on a regular basis to prevent offensive odors.

O. Chickens shall have continuous access to adequate food and water.

P. Stored food must be kept in a rodent and predator-proof container.

Q. Chickens shall be maintained in a healthy condition. All chickens shall either receive appropriate medical care or be culled in accordance with all federal, state, and local laws.

R. The raising of chickens in the City of Cohoes shall only be for personal use.

Section 3. The Code of the City of Cohoes, Chapter 285, is hereby amended to add Chapter 285, Section 74.4, to read as follows:

§285-74.4 Community Gardens

The operation of a community garden is subject to the following:

A. Applicants who wish to run and maintain a community garden must apply for a license from the Zoning Officer. The license shall be effective for a period of two (2) years.

B. All license applications shall include:

1. Documentation of neighborhood support in the form of a signed letter of approval from the abutting property owners consenting to the use of the land for a community garden.
2. A site plan showing the proposed layout of the garden that includes the layout of plots (raised beds), water tap locations, accessory structures, fences, existing trees and roadways. Garden boundaries must meet the setbacks according to the proper zoning of the property. This site plan must be approved by the Zoning Officer prior to development.
3. Operating standards that address the requirements listed in subsection E of this section.
4. A proposed building materials list to include products intended for the design of the raised beds, fencing, and any other accessory structures.
5. A schedule of proposed fees to be collected from individuals wishing to use the garden.

C. In an event that the application for a community garden is denied by the Zoning Officer, the applicant may appeal to the Zoning Board of Appeals within thirty (30) days of such denial, setting forth grounds upon which the applicant believes that the application should have been granted. The Zoning Board of Appeals shall approve or deny the application on the same or other grounds related to the provision of this subsection, or public health, safety and welfare within sixty (60) days of the date that the appeal is filed.

D. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance, and security requirements; must have a garden coordinator to perform the coordinating role for the management of the community gardens and to liaise with the City; and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden. The name and telephone number of the garden coordinator, or those of the leadership team members, and a copy of the operating rules shall be kept on file with the City Planning Department.

E. All community gardens shall adhere to the following regulations:
   a. Garden areas shall not encroach onto adjacent properties. The cultivated areas will meet the required setback(s) for the zoning district in which the garden is located.
   b. The land shall be served by a water supply sufficient enough to support the cultivation practices used on the site.
   c. The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.

d. All seed, fertilizer, and animal feed shall be stored in a sealed, rodent proof container and housed within an enclosed structure.
e. The use of insecticides, herbicides and synthetic fertilizers is strictly prohibited. Only natural organic methods and products shall be used for the treatment of nuisances and to provide plant and soil nutrition.
f. The sale of any product of the garden is prohibited.
g. All plants shall be grown in raised beds with suitable commercial grade fabric barrier lying at the base and lower sides, to prevent disturbance of native soils and to protect new soils from contaminants. New soil should be brought to the site that is suitable for planting edible vegetation.
h. No composting will be allowed on-site without a pre-approved composting plan. Only one (1) composting area will be allowed on-site with approval and it shall not be placed within fifteen (15) feet of any property line. Composting materials are generated from the site only.
i. Only the following accessory uses and structures shall be permitted: sheds for storage of tools and feed (size will be subject to review by the Zoning Officer), greenhouses, hoophouses, and cold frames in which plants are cultivated, benches, bike racks, raised/accessible planting beds, compost and waste bins (based on approval from the Zoning Officer), picnic tables, fences, garden art, rain barrel systems, and children's play areas.
j. Fences are permitted as regulated in the underlying zoning district.
k. Signage should comply with applicable City ordinances

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

Approved as to form this 28th day of April 2020.

Brian S. Kremer
Corporation Counsel

Engrossed and signed by the President of the Common Council and attested by the Clerk of the Common Council this 28 day of April 2020.

Clerk

President

I hereby approve the foregoing Local Law of the Common Council.

Date 4/28/2020

William T. Keeler
Mayor of the City of Cohoes, New York