

# Marbletown Planning & Zoning Subcommittee

SPECIAL EVENTS VENUE LEGISLATION REVIEW

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# Sub Committee Agenda

## 6 PM July 19, 2018

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9/7/2018

**Room M1 Marbletown Government Center**

## Agenda

- ▶ Opening Statement By Chairperson
- ▶ Minutes from Previous Meeting
- ▶ Discussion on Zoning
- ▶ Review of Community Concerns
  - ▶ Create mitigations
  - ▶ Generate legislative language to add to draft

### Tasks Assigned:

1. ~~Determine if the town supports the addition of Special Event Venue regulations in Zoning Code;~~
2. ~~Provide a detailed review of the draft legislation and generate recommendations to improve the draft to the Town board.~~

# Opening Statement/Admin

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- ▶ No public comment allowed during the meeting
  - ▶ The committee represents the opinions of the community.
- ▶ Members need to be recognized by the Chair before speaking.
  - ▶ Please don't interrupt the speaker
  - ▶ Only discussion allowed will be on the topic presented for discussion
- ▶ Chair will keep the meeting focused on the agenda
- ▶ Chair will ask the Secretary to poll the board for their decision on some topics
- ▶ Your time is precious – the meeting will Start and Stop on time

# Minutes From Last Meeting

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- ▶ Everyone reviewed?
- ▶ Need motion to approve

# Marbletown Zoning Code

- ▶ Purpose: “for the protection of the residents and property owners of Marbletown, by means of regulating and restricting the location, construction, alteration, occupancy and use of buildings and structures and the use of land in the Town of Marbletown and for said purposes division of the Town into zoning districts.”

# Marbletown Zoning Districts -- Intent

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- ▶ **Residence districts:** The purpose of the residence districts is to provide a setting for residential uses and customary accessory uses, free from the adverse effects of incompatible nonresidential uses, at various densities based on the natural features and existing development patterns in each district.
  - ▶ A-2, A-3, A-4, R-1, R-2, R-3
- ▶ **SR Special Residence**
- ▶ **B-1 General Business**
- ▶ **B-2 Highway Business**
- ▶ **L-1 Light Industrial**
- ▶ **Conservation Design Overlay District:** The purpose of the Conservation Design Overlay District is to promote conservation of open space and preservation of natural resources while allowing flexibility in lot size and site design.

# MT Zoning Code Use Table

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- ▶ No building or property shall be erected, altered or used in any district except as set forth in the following Schedule of Use Regulations.... Uses not specifically designated under categories P, SP or SU, as defined below, in the Schedule of Use Regulations are prohibited.
- ▶ **Key to Symbols:**
  - ▶ **P** Denotes a permitted Use upon Zoning Permit and Plot Plan approval **SP** Denotes permitted use upon site plan approval
  - ▶ **SU** Denotes use allowed by special use permit
  - ▶ **X** Denotes a use not permitted in the district.
  - ▶ **E** Abbreviation for "Existing" building
  - ▶ **N** Abbreviation for "New" building

# Use Table with Special Event Venue Listed

ARTS, ENTERTAINMENT AND RECREATION											
	A-2 A-3 A-4	R1 R2	R-3	SR-E	SR-N	B1-E	B1-N	B-2	I-1	I/B	Supplementary Regulations
Special Event Venue	SU	SU	X	X	X	SU	SU	SU	X	SU	200-46D(18)

The law must provide mitigations to the concerns raised by the community on Special Event Venues. Those mitigations need to inform the regulations associated with this use

# Special Event Venue Legislation -- Scope

- ▶ SPECIAL EVENTS VENUE – The limited use of a parcel or part of a parcel of land, for celebratory, cultural or educational activities such as concerts, conferences, banquets, festivals, weddings, or other similar activities, subject to the standards and criteria set forth in §200-46 D.(18). Permitted activities at such venues shall not include retail sale of new or used merchandise.

# Special Event Venues in Marbletown

## - Community Concerns

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- ▶ Community Concerns Regarding Special Events:
  - ▶ Noise and Traffic
    - ▶ Negative impact on neighboring property values and Negative impact on quality of life
    - ▶ Cant effectively control noise or traffic
  - ▶ Increased demands on the Marbletown infrastructure – police/fire/rescue
  - ▶ Impact on environment/view shed
    - ▶ Events will destroy environment and wreck our view sheds
  - ▶ Event Scheduling
    - ▶ Most events will occur during the seasons and time frame when hard working residents are trying to enjoy the outdoors on their properties.
  - ▶ No ability to control events effectively
  - ▶ Event locations – not in residential districts
  - ▶ Events provide little value to the community. Promoting second home market will provide greater return

# Public Concerns & Mitigations -- Noise

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- ▶ Review of community concerns indicates noise is the #1 concern with SEVs
- ▶ Issue: how does the town ensure that SEVs don't create a noise nuisance at neighboring properties?
- ▶ Actions:
  - ▶ Define nuisance:
    - ▶ Current discussion is that sound from event must remain  $\leq 55$  Db. However some studies state that subjected to 45 decibels of noise, the average person cannot sleep.
  - ▶ Determine where to measure:
    - ▶ A review of literature on assessing noise suggests that the best place of measurement is at the homes of neighboring property owners.

# Public Concerns & Mitigations – Noise (continued)

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## Actions:

- ▶ Determine Enforcement Process
  - ▶ Develop a noise ordinance
  - ▶ Generate enforcement protocols and insert into Special Use Permit for SEVs
- ▶ Develop mitigation measures
  - ▶ Distance of sound source from nearest neighbor
  - ▶ Height of sound source (the higher the event relative to surrounding properties the better)
  - ▶ Vegetation
  - ▶ Buildings/solid structures
  - ▶ Acoustical soft ground barriers (like grass)
  - ▶ Placing sound source in tent or structure
  - ▶ The use of a db limiter in the PA system
  - ▶ Use of a EQ unit in the PA system to control the level of different frequencies and limit problematic frequencies
  - ▶ Using “Clan Can” speaker walls oriented to the attendees not adjacent properties

# Public Concerns & Mitigations – Traffic Congestion

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- ▶ Concern: events will create too much traffic on town roads and event attendees will park their cars on road shoulders creating hazardous conditions.
- ▶ Action:
  - ▶ Limit congestion
    - ▶ No on-street parking.
    - ▶ Require applicant to provide for parking and traffic control. Can use contracted parking.
    - ▶ Limit attendees or cars
    - ▶ Limit locations of events to those areas that will reduce the potential for traffic congestion.

# Public Concerns & Mitigations – Environmental Impact of SEVs

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- ▶ Issue:
  - ▶ Events will destroy our environment and wreck our view sheds
- ▶ Comment:
  - ▶ Events preserve our farmlands – a comprehensive plan goal
- ▶ Action:
  - ▶ Locate events to minimize impact on view sheds
  - ▶ Legislate to ensure events have little impact on environment

# Public Concerns & Mitigations – Enforcement of Requirements

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- ▶ Issues:
  - ▶ Property owners where SEVs are held will do what they want after obtaining necessary permits
  - ▶ Town personnel responsible for enforcement will not be able to find the event manager during the event
- ▶ Action:
  - ▶ Ensure owners take responsibility for meeting the requirements of the permit
  - ▶ Require owners to have a single manager available through out the event that is accessible to the town.
  - ▶ Hire a town constable that has as part of his/her responsibilities to monitor/enforce SPV requirements

# Public Concerns & Mitigations – SEVs Should Not be Held in Residential Districts

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- ▶ Issues:
  - ▶ Event sounds will have a negative impact on value of neighboring properties and quality of life
  - ▶ Events will ruin neighbor's view sheds
  - ▶ Residential properties are too small for events
- ▶ Action:
  - ▶ Control sound
  - ▶ Reduce impact of event on view shed
  - ▶ Limit event locations by:
    - ▶ Size of property?
    - ▶ Location of property?
    - ▶ Location of event within property?
    - ▶ distance between event venue and nearest neighbor?

# Public Concerns & Mitigations – Event Hours/Schedule

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- ▶ Issues:
  - ▶ Events in will increase in the summer usually on weekends when neighbors are home resting
  - ▶ Hours of operations -- to much noise after 10PM
- ▶ Actions:
  - ▶ Limit hours of operation to 10 PM (all cleanup completed by 10PM)
  - ▶ Establish and enforce noise standards
  - ▶ Establish minimal acreage and buffers (25 acres and 250' buffers)

# Public Concerns & Mitigations – Public Information on Events

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- ▶ Concern:
  - ▶ Public not informed of details and schedule of events
- ▶ Action:
  - ▶ Require notification of neighbors and agencies 10 days prior to event.

# Public Concerns & Mitigations – Event Planning

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- ▶ Issues:
  - ▶ multiple events at same location increases the burden on the neighborhood.
  - ▶ Multiple events in town at same time may overtax town infrastructure
- ▶ Action:
  - ▶ Limit events at one location to 5 per year?
  - ▶ Limit number of events within Marbletown to 2 in the same week?

# Next Meeting: 6 PM August 2, 2018

## Same Location

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### Tentative Agenda for Next Meeting

- Update draft legislation with language that reflects committee's mitigation strategies