



TOWN OF MARBLETOWN

LOCAL LAW NO. ___ of 2018

A LOCAL LAW AMENDING CHAPTER 200 OF THE TOWN CODE, ZONING

SECOND DRAFT: Shuster Assoc. (Revised 4/24/18)

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The text of Local Law No. ___ of 2018 is as follows:

SECTION I: SHORT TITLE

This Local Law shall be entitled “**Special Event Venues**”, which amends the Schedule of Use Regulations, Definitions and the Special Use Permit sections of the **CODE** of the Town of Marbletown, **CHAPTER 200, ZONING**.

SECTION II: LEGISLATIVE AUTHORITY, PURPOSE AND FINDINGS

This law is adopted pursuant to New York State Town Law, which authorizes the Town Board to adopt zoning laws that protect the health, safety and welfare of residents and the general public, and are in accordance with the Town’s Comprehensive Plan. The Town of Marbletown wishes to encourage economic development and tourism and preservation of open space and natural resources in accordance with the goals of its Comprehensive Plan and finds that the occasional use of properties in various zoning districts for special event venues is consistent with such goals. This law provides standards and procedures for the location and operation of special event venues, where permitted, to ensure that the health, safety, and welfare of the Town and its residents is adequately protected.

SECTION III: ZONING LAW AMENDMENTS

Chapter 200, Zoning, shall be amended as follows:

A. §200-8, Schedule of Use Regulations, shall be amended by addition of a new sub-section, “**Special Events Venue**” under the section titled “**ARTS, ENTERTAINMENT AND RECREATION**” as a use permitted upon approval of a special use permit by the Zoning Board of Appeals, as follows:

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)

B. §200-13 is hereby amended to add the following definition:

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.

C. §200-46.D. is hereby amended to add a new section, D.(18), to read as follows:

(18) Special Events Venue

(a) Development and Operational standards

[1] Access: A special event venue shall have direct access from a NY State or Ulster County highway or another publically maintained road which has at least two outlets.

[2] Parcel Size and Buffer: The parcel to be used as a special event venue shall have an area of at least ___ acres. An undisturbed buffer of at least 250 feet shall be maintained within the perimeter of a property used as a special event venue, excluding access drives.

[3] Frequency: The frequency and duration of events shall be as follows:

- i. No more than 10 events shall be conducted in one calendar year.
- ii. No more than two events shall be conducted in one calendar month.
- iii. There shall be an interval of at least five days between events.

iv. Each event shall have duration of no longer than five hours and take place between 10 AM and 10 PM.

[4] Maximum Attendance: The maximum guest attendance allowed at any special event, excluding staff or service personnel, shall not exceed ____ people on site at any time.

[5] Accommodations: No accommodations, such as hotels, camp sites, recreational vehicle parks or similar uses shall be permitted on a special event venue site unless a separate special use permit has been granted for such accommodations in accord with the relevant provisions of this Law.

[6] Noise and Lighting Levels: At no time during an event shall noise levels exceed a level of ____ dBa at the "Sound Level Control Point" established during the required "Sound Test." See (b)[4] vii below. Lighting levels shall not exceed 2 foot candles at the property boundary and shall produce no glare on adjacent property or roadways.

(b) Submission requirements

[1] The applicant shall submit all data required to apply for a special use permit as set forth in §200-75 herein. The Zoning Board of Appeals may waive the submission of data not deemed relevant to the application.

[2] **Site Visit:** Prior to formal submission of an application, a Site Visit, hosted by the property owner, shall be conducted with the CEO, a member of the ZBA and invited representatives from emergency support and service organizations such as fire, rescue, highway, to identify potential problem areas. Mitigation of potential concerns shall be addressed by the applicant and will become requirements of the SUP.

[3] Facility Plans to be Submitted

i. Aerial view of entire event site (from the Ulster County Parcel Viewer) including event buildings and tents, parking lots, access driveways, property lines and adjacent homes.

ii. Diagram of main building/tent site with event features located and accurately dimensioned. This includes guest drop-off area, handicap parking, caterer parking and prep tent, guest tent canopies for gathering prior to formal start of activities and portable toilets.

iii. Diagram of building or tent floor plan with accurate dimensions of band area, dance floor, caterer service area and guest table area. Note rest room layout and number if provided.

iv. Diagram of parking lot showing parking spaces, access aisles and lighting and the number of 9 ft X 20 ft spaces in each area. Indicate surface material proposed. Shale, gravel or stabilized grass surfaces preferred.

[4] Event Management Plan: in addition to the above, the applicant shall submit a management plan which includes the following:

- i. Hours of operation and maximum attendance
- ii. Proposed parking location, layout, surface material and lighting
- iii. Provisions for security, sanitation, refuse disposal, emergency care and lighting
- iv. Compliance with Ulster County Board of Health and other applicable health and safety regulations by submitting the Health Certificate for the Caterer and if liquor is being served, the liquor license for the operator.
- v. Off-site and on-site access management measures and procedures including directional signage.
- vi. The location and proposed use of off-site properties for parking or other support facilities which shall be subject to the same standards and regulations as the primary site.
- vii. Noise control measures in accordance with a protocol established by the ZBA or an alternative approved by the ZBA.

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viii Completion of a site information and operations form as required by the ZBA. Such form shall include such data as contact persons, hours of operation food and drink plans, transportation plans, etc.

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[5] Documentation Required

- i. Certificate of Insurance in the minimum amount of \$1 million.

- ii. Compliance with Ulster County Board of Health and other applicable health and safety regulations by submitting the Health Certificate for Caterer and, if liquor is being served, the liquor license for the operator.
- iii. Off-site parking agreement, if any.
- iv. Payment of an annual fee to be established by the Town Board to cover the cost of inspection and review of the special event venue.

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(c) Review and Required Approvals

[1] Issuance of a special use permit shall be subject to the standards and procedures above as well as those set forth in §200-75 herein.

[2] Review by the local fire department and rescue squad shall be completed.

[3] Approval of the agency responsible for the access road, either the NYS DOT, the Ulster County DPW or the Town of Marbletown Highway Department.

[4] The Ulster County Health Dept.

(d) Annual SUP Permit Renewal

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The special use permit may be renewed by the ZBA upon receipt of a report from the CEO stating that activities at the special event venue site have been conducted in compliance with the conditions attached to the permit and all other relevant provisions of the Zoning Law. Said permit renewal may be denied due to the applicant's non-compliance with the conditions of the approved Special Use Permit or the provisions of the Zoning Law in the previous year. Operation of the special event venue site may be suspended if unresolved issues have not been corrected by owner.

(e) Exemptions.

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The provisions of this section shall not apply to the following:

- [1] Events such as weddings, graduation parties and similar functions hosted by residents of the site, conducted no more than twice in any calendar year and for which no financial compensation is received.
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[2] Agriculture events directly supporting a farm operation do not require a SUP. Wedding receptions, bounce structures or generic fund raisers are not included in such exemption.

[3] Events conducted as customary ancillary functions at resorts, hotels, social clubs and similar venues which have received approval under this zoning law.

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SECTION IV: SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION V: EFFECTIVE DATE

This law shall become effective upon filing with the New York State Secretary of State.

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