

**TOWN OF HYDE PARK**

**LOCAL LAW NO. G OF THE YEAR 2021**

**A LOCAL LAW AMENDING THE TOWN OF HYDE PARK CODE,  
CHAPTER 108, ZONING, TO AMEND RURAL EVENT VENUES**

**BE IT ENACTED** by the Town Board of the Town of Hyde Park as follows:

**SECTION 1. TITLE.**

This Local Law shall be entitled: “A Local Law Amending the Town of Hyde Park Code, Chapter 108, Zoning, to amend standards applicable to Rural Event Venues”.

**SECTION 2. PURPOSE.**

The Town Board has determined that adjustments to the standards applicable to rural event venues is necessary in order to ensure that sufficient land is provided in connection with a rural event venue so as to protect existing residential uses, to ensure that it meets the intent of allowing venues as a means of preserving existing barns and buildings in the Town, and to regulate a venue’s capacity to ensure the venue remains primarily accessory to the principal use of the lot on which the venue is occurring.

**SECTION 3.**

Chapter 108, Zoning, of the Town of Hyde Park Code, Article 28, Rural event venue, is hereby amended to provide as follows:

- A. Section 108-2.2, Terms defined, is amended to delete the definition of “Event Barn” and to replace it with the following definition:

**“EVENT STRUCTURE**

A pre-existing agricultural barn or other similar agricultural building or accessory structure adaptively reused as a rural event venue pursuant to § 108-28 of the Town Code. For purposes of these regulations, “pre-existing” shall mean any agricultural building or accessory structure legally in existence on January 1, 2010.”

- B. Section 108-2.2, Terms defined, is amended to delete the definition of “Rural Event Venue” and to replace it with the following definition:

**“RURAL EVENT VENUE**

The accessory use of land or pre-existing buildings or structures in the Greenbelt or Waterfront Districts for gatherings and events where compensation is paid to the property owner for said use, such as, but not limited to, weddings, parties, fundraisers, conferences, and other similar events but not including events such as races, concerts, and haunted houses. This definition is not applicable in any other zoning district.”

C. Article 28, Rural Event Venue, is hereby deleted and replaced by the following new Article 28:

**“§ 108-28 ARTICLE 28: RURAL EVENT VENUE**  
**§ 108-28.1 Use standards.**

A rural event venue must demonstrate compliance with the following standards in addition to the special use standards set forth in § 108-8.4A of the Zoning Law:

- A. The rural event venue shall be located on a site with a minimum of 20 acres. The rural event venue shall be only located in an event structure as that term is defined in 108-2.2 and shall be accessory to a principal use otherwise allowed in the applicable zoning district. Rural event venues shall utilize the principal or accessory buildings on the site. A rural event venue shall not be established as a separate standalone use.
- B. The site of the rural event venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Planning Board in consultation with emergency responders based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
- C. The maximum number of attendees at a rural event venue shall be 200. The Planning Board, in its discretion, may lower the maximum number of attendees for an event venue, or establish a maximum total number of events, based on its review of the application, adjoining land uses, location of the event venue in a neighborhood generally and on the property specifically, and other standards set forth herein. The Planning Board shall establish the maximum number of events permitted in any calendar year as part of the special use permit and site plan approval, which events shall not exceed 12 per calendar year, except the Planning Board, in its discretion, may allow up to 24 events per calendar year, in determining the number of events that shall be allowed, the Planning Board shall consider the following:

- (1) The site can accommodate the capacity and frequency of the events without impacts to the community character, privacy of adjoining, ambient noise levels, traffic patterns, and other characteristics of the neighborhood.
- (2) Activities will be accommodated within indoor building space, especially those that generate significant noise, such as amplified sounds from bands.”
- (3) The streets giving access thereto can readily accommodate traffic that will occur on a regular basis and will not result in any queuing of vehicles on the road or present a nuisance to motorists accessing properties along the same or adjacent roads.
- (4) The events will not be of such a scale or at a frequency to require the use of local security/law enforcement.
- (5) Septic generation and water supply demand can be accommodated.
- (6) The impact of the event venue on fire and police protection and ambulance service to the areas contiguous to the event and to the Town in general shall be de minimis.
- (7) The number of rural event venues shall not require or result in the installation of tents, portable restrooms, and restroom trailers for longer than one (1) week, or more than two events, whichever involves a lesser time period.
- (8) Whether the owner/operator has violated a previously issued special use permit for an event venue.
- (9) Any other findings related to the health, safety, and welfare of the general public.
- (10) The rural event venue meets the Uniform Fire Code where applicable.”

D. The applicant shall demonstrate that all required parking can be accommodated on-site. This requirement shall not preclude a rural event venue from utilizing shuttle buses or other methods of guest transportation.

- E. All events shall be provided with adequate potable water and sanitary system as determined by the Planning Board Engineer and/or the Department of Health.
- F. No parking facilities, structures, gathering locations, or other facilities or structures being used in connection with the rural event venue, other than a driveway(s), shall be located within 100 feet of any property line. The Planning Board shall require appropriate buffers between the rural event venue and adjoining properties, given the size of parcel, the natural topography, and vegetative cover.
- G. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn meeting the standards in § 108-28.2 below. The use of fabric structures such as tents shall be allowed accessory to the event structure associated with the principal use of the property. Nothing herein shall allow the establishment of a rural event venue that utilizes primarily or solely fabric structures.
- H. Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the rural event venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event structure meeting the standards in § 108-28.2 below.
- I. The Planning Board, in granting special use permit and site plan approval, shall determine the permitted hours of operation of a rural event venue. Events shall commence no earlier than 10:00 a.m. and shall terminate no later than 12:00 midnight on Sundays through Thursdays and no later than 1:00 a.m. on Fridays and Saturdays. However, the Planning Board shall have the power to modify the commencement and termination times for a particular site in accordance with § 108-28.3A (4) based upon the specifics of the application before it provided the modifications do not impact the health, safety and welfare of the neighborhood and the surrounding community. For purposes of this section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises. An event management plan shall be prepared and submitted to the Planning Board for review as part of the special use permit and site plan application. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet facilities and maximum number of guests. The plan shall also include a list of contacts for specific distress or emergency situations to be used by the guests shall be provided at each event and the legal name and address of an emergency contact person at the site shall be provided. The Planning Board may in its discretion require that events with 300 or more attendees provide for adequate on-site ambulance coverage based on

the standards in § 108-28.3A (4). The event management plan shall be incorporated into the special use permit and site plan approval.

- J. The application, site plan and event management plan shall be referred by the Planning Board to the appropriate fire district, fire department or other fire and safety provider for comment and recommendations with regard to fire and safety issues associated with the operation of the rural venue and the use of an event barn, if proposed. The application may also be referred to the applicable highway department and Hyde Park Police Department at the discretion of the Planning Board.

**§ 108-28.2 Event structure.**

Rural event venues may utilize event structures as defined in Section 108-2.2 of this zoning chapter provided the following criteria are satisfied:

- A. The use of an event barn shall be permitted only after issuance of a building permit and a certificate of occupancy for public assembly by the Town's Code Enforcement Officer.
- B. The applicant shall provide the Code Enforcement Officer and Zoning Administrator with a plan prepared by a registered licensed design professional to improve the event barn to enable it to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of site plan review.
- C. The occupancy of the event barn shall not exceed occupancy load and exiting provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the premises by the Town's Code Enforcement Officer.

**§ 108-28.3 Special use permit and site plan approval submission.**

- A. The special use permit and site plan for a rural event venue must include:
  - (1) The maximum number of attendees permitted during any event.
  - (2) The hours of operation of the special event venue and whether amplified sound is permitted.
  - (3) Any other conditions on operation, design, and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town and of the Waterfront and Greenbelt Districts.

- (4) Items in Subsection A (1) through (3) above shall be determined by the Planning Board based on the size of the parcel, location, topography, parking, proximity of neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation.
- (5) The event management plan shall be attached to the special use permit and shall be made a condition of same.

B. Once a special use permit has been granted to permit a rural event venue at a particular site, individual events may be held at the site without further review by the Planning Board so long as such events are compliant with the limitations in the event management plan and special use permit, including the limits on the total number of events established by the Planning Board as part of the special use permit as per Section 108-28.1.C.

- (1) Notice of individual events shall be provided via electronic mail to the Town Zoning Administrator, Town, County and State police departments and the applicable fire district 30 days before each event, or as soon as possible for events scheduled on less than 30 days' notice.”

**SECTION 4. SEVERABILITY.**

In the event that any section, paragraph, sentence, clause, or phrase of this article is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of this article shall be deemed severed from the article and shall in no way affect the validity of the rest of this article.”

**SECTION 5. SUPERSESSION.**

This local law is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

**SECTION 6. EFFECTIVE DATE.**

This local law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

