

Local Law No. __ of 2020, entitled:

“Agricultural Events Law”

BE IT ENACTED BY, the Town Board of the Town of Clinton as follows:

1. Section 105 of Chapter 250 of the Town Code is hereby amended adding the following new or revised definitions:

Agri-Tourism: Activities conducted by the owner of a Farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the Farm and enhance the public’s understanding and awareness of farming and farm life.

Agricultural Event Venue: A portion of a Farm available for ~~use~~ as a location for Events, which may take place in tents, gazebos, barns, open areas, or residential Structures (including Buildings) for the purpose of promoting Agri-Tourism. To qualify as an Agricultural Event Venue, the Farm must be located in an Agricultural District or generate annual gross revenues of at least \$50,000 from Agricultural Operations as defined in Section 301 (2) of the N.Y. Agriculture and Markets Law, not including revenue generated from Event proceeds.

Event: Organized gatherings for profit, such as business or professional conferences, meetings, retreats or seminars, and/or recreational or health activities, and/or parties, including but not limited to weddings and family reunions.

Event Area: The location designated on the approved Site Plan of an Agricultural Event Venue that will be used for Events, including but not limited to parking areas and Structures.

2. Chapter 250 of the Town Code is hereby amended by adding a new Section 250-45.1 which shall read as follows:

§ 250- 45.1. Agricultural Event Venues.

- A. **Intent:** The intent of this Section is to promote health and safety and ensure compatibility with the neighborhood and general area where Agricultural Event Venues are located and to minimize their impact on properties and residents in the Town.

- B. **Planning Board Approvals:** Any person or entity seeking to operate an Agricultural Event Venue must obtain Site Plan approval and a Special Use Permit from the Planning Board in accordance with the procedure set forth in §§ 250-96 (Site Plan) and 250-97 (Special Use Permit). A Farm in an Agricultural District shall be eligible to apply for Site Plan approval through the modified Site Plan approval process set forth in subsection C. below. In its sole discretion, the Planning Board is authorized to waive any of the requirements of this Section based upon the characteristics of the application.
- C. **Modified Site Plan:** Applicants eligible to apply for Planning Board approval through the modified Site Plan approval process must submit the following material:
- (i) A sketch of the Lot or Lots which will be used as the Agricultural Events Venue on a location map (e.g., tax map) showing boundaries and dimensions of the Lot or Lots involved and identifying contiguous properties, roadways and any known easements or rights-of-way which burden or benefit the Lot or Lots. Additionally, the sketch must show the following:
 - a. The existing features of the Lot or Lots including land, Watercourses, Wetlands, water or sewer systems and the approximate location of all existing Structures (including Buildings) on or immediately adjacent to the Lot or Lots.
 - b. The proposed location and arrangement of the Event Area and Structures, including but not limited to Buildings, tents, gazebos, barns and parking.
 - c. The proposed uses on the Lot or Lots, including means of ingress and egress, parking and circulation of traffic.
 - d. The proposed location and arrangement of specific land uses on the Lot or Lots, such as pastures, crop fields, woodlands, livestock containment areas, and manure storage/manure composting sites.
 - (ii) A sketch of any proposed Buildings, Structures, tents, gazebos, barns or signs including exterior dimensions and elevations of front, side and rear views of each. Include copies of any available blueprints, plans or drawings.
 - (iii) A description of the farm operation including Agri-Tourism occurring on the Lot or Lots (existing and/or proposed) and a narrative of the intended use and/or location of proposed Buildings, Structures, tents, gazebos, barns and signs, including information regarding anticipated usage, frequency and types of Events and any

anticipated changes in the existing topography and natural features of the Lot or Lots to accommodate the changes.

- (iv) Provide the name and address of the applicant and all owners of the subject Lots or Lots. If the owners of the Lot or Lots are entities other than a natural person, please provide the names and addresses of the individual or individuals who are the owner or members of the entity.
- (v) Provide the name and address of any professional advisors assisting the applicant, including but not limited to authorized agents, attorneys and engineers. If the applicant is not the owner of the Lot or Lots, provide written authorization of the owner of the Lot or Lots.
- (vi) If any new Buildings, Structures, tents, gazebos, barns or signs, are going to be located adjacent to a Watercourse or Wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the Lot or Lots.
- (vii) Submit application fee set by Resolution of the Town Board. *See* Town of Clinton Fee Schedule.

C.D. **Regulations:** The following regulations shall apply to Agricultural Event Venues:

- (i) Frequency: No more than one Event may occur per day at an Agricultural Event Venue. No Event shall last longer than four (4) days.
- (ii) Lot Size: The minimum size of the Lot or Lots for an Agricultural Event Venue shall be 10 acres. The Planning Board may permit the location of an Agricultural Event Venue on multiple Lots provided they are contiguous and under common ownership or control, including but not limited to pursuant to a written lease agreement of greater than one (1) year in duration.
- (iii) Compliance with other Laws: A Structure used for an Event must be in compliance with the New York State Uniform Building Code, as amended and the provisions of the Town Code.
- (iv) Parking/Driveways: No Parking for an Agricultural Event Venue shall be located less than 100 feet from a Road and 200 feet from any neighboring ~~residences~~ Lot Line

which separates the property of an Agricultural Event Venue form an adjacent property not owned by the owner of the Agricultural Event Venue property.—The parking area shall be adequately screened from neighboring residences. No vehicles shall be permitted to park on Accessways, Driveways or Roads. If the Planning Board determines that the regulation of traffic on Roads shall be necessary, such regulation shall only be done by law enforcement personnel. The cost of such traffic regulation shall fully be paid for by the Agricultural Event Venue. Driveways or Accessways shall be located at least 200 feet from any neighboring ~~residence~~[SE1]Lot Line which separates the property of an Agricultural Event Venue form an adjacent property not owned by the owner of the Agricultural Event Venue property.

- (v) Number of Attendees[SE2]: The Planning Board shall determine the maximum number of attendees allowed at any Agricultural Event Venue, taking into account the amount of crops or livestock produced on the Farm during the previous year and how the intends on marketing its crops or livestock. the features of the site, the proximity of adjoining residences, the potential for noise or other disruptions to the neighborhood, and the safety of all persons. ~~Notwithstanding the above, the maximum number of attendees permitted at any Agricultural Event Venue shall in no case exceed 200.~~
- (vi) Open Space/Historic Building Preservation: To the greatest extent practical, existing open space and unique natural areas, such as farmland, Watercourses, Wetlands, ponds, marshes, and steep slopes should be preserved. Significant or historic buildings should be preserved and incorporated into the Site Plan wherever possible.
- (vii) Lighting: Light sources (constant or intermittent) shall not be permitted to exceed 0.5 foot candles at any property line and shall otherwise comply with Section 250-28(C) (Glare and heat), provided that light may be provided in excess of those limits at the public entrance to the Agricultural Event Venue, and that such lights are illuminated only during Events. The applicant shall submit an exterior lighting plan for the Agricultural Event Venue designed to minimize any infiltration or impact of light on the neighborhood.
- (viii) Noise/Sound: All sources of amplified sound, including but not limited to music, performances, and spoken words, shall be contained entirely within an enclosed

Structure. Tents, pavilions, Structures with open doors or windows, and other open or non-enclosed Structures shall not be an acceptable location for the source of amplified sound. The Planning Board may specify any further restrictions or conditions it deems appropriate relating to the use of amplified sound in order to reduce noise. Fireworks, firecrackers or other artificially generated loud noises are not permitted unless approved by the Town Board and a temporary permit is issued for the Event in accordance with Section 250-75 (Temporary Permits) of the Town Code. The Agricultural Event Venue shall comply with the noise and sound regulations set forth in Section 250-28(A) (Noise).

- (ix) Food and Beverage Service: Food service, lodging, recreational and other facilities shall be solely for the use by Event attendees and staff, and shall not be open to the general public. Food service and beverage providers shall hold and shall produce upon demand all required permits and licenses as well as proof of insurance for workers compensation as required by law and comprehensive general liability in the amount of at least \$1 million per claim/\$2 million in the aggregate where the Town and its officers and employees are listed as additional insureds. At least 30 days prior to an Event occurring the owner or operator of the Agricultural Event Venue must send to the Zoning Administrator a copy of the permits, licenses and certificates for such insurance for all such providers working at an Event, but such permits, licenses and certificates of insurance need be sent only once per year for the same provider. The Town is not responsible for verifying the validity of such permits, licenses or certificates of insurance or for approving the qualifications of any such provider.
- (x) Lodging Facilities: Lodging facilities at the Agricultural Event Venue, if any, shall not contain kitchen facilities for cooking or dishwashing and lodging facilities shall be for use of attendees at Events, vendors and employees of the Agricultural Event Venue only.
- (xi) Inspections: Any Agricultural Event Venue shall be subject to annual site inspections by the Zoning Administrator, to determine compliance with the terms of its Special Use Permit and Site Plan as well as the provisions of the Town Code.
- (xii) Special Use Permit Review ~~renewal~~ Process: Any Special Use Permit issued to an Agricultural Event Venue under this Section, and any Special Use Permit issued to an existing Dude Ranch (as previously defined in the Town Code) prior to the

effective date of this Section, shall ~~be reviewed-require renewal~~ by the Planning Board annually on or before the anniversary of the issuance of such Special Use Permit. The ~~Zoning Administrator applicants shall submit such renewal application at least ninety (90) days prior to such anniversary. Upon receipt, the Planning Board shall refer the application to the Zoning Administrator as soon as practicable. Immediately upon receipt of a renewal request, the Zoning Administrator shall issue a written report annually to the Planning Board regarding each Agricultural Event Venue's stating whether or not the renewal applicant's venue is in compliance with the terms of the Special Use Permit, and the provisions of the Town Code, including but not limited to § 250-28, and matters related to the public health, safety and general welfare.~~ The Planning Board shall have the discretion to amend ~~or revoke~~ the Special Use Permit ~~based upon the findings of its annual review and may, in its discretion, hold a public hearing prior to taking any action, or deny renewal for good cause shown, and may, in its discretion, hold a public hearing in connection with any renewal request.~~

- (xiii) Complaints: The Zoning Administrator shall immediately notify an Agricultural Event Venue of any complaints verified by the Zoning Administrator regarding such Agricultural Event Venue and may, in appropriate circumstances, direct the Agricultural Event Venue to cease and desist from conducting Events until a verified complaint has been addressed or remediated. The Zoning Administrator may withhold the name(s) and identifying information of the compliant(s) in accordance with the New York Freedom of Information Law or other applicable statutes.
- (xiv) Fee: An annual fee, due at initial approval and then upon each annual renewal of the Special Use Permit, shall be paid to the Town in an amount set by resolution of the Town Board. *See* Town of Clinton Fee Schedule.
- (xv) Non-Compliance: In the event of non-payment of the annual fee, or other violations of the Town Code (including without limitation the failure to renew the Special Use Permit on time), the Zoning Administrator is authorized to issue a Stop Order in accordance with 250-89 (F) (Issuance of stop orders) of the Town Code, as amended prohibiting further operation of the Agricultural Event Venue.
- (xvi) Inconsistency: Whenever any sections of the Town Code are inconsistent with the express provisions of this Section, the express provisions of this Section shall govern, unless explicitly stated otherwise.

- (xvii) Other Necessary Approvals: The approval of the Dutchess County Department of Behavioral and Community Health shall be required for all lodging, food service and sanitary facilities, swimming pools and public water supplied at the Agricultural Events Venue.
- (xviii) Outdoor Events: All outdoor Event activities shall be contained within the Event Area to be determined by the Planning Board and specified on the approved Site Plan. Tents and other temporary structures shall be located within the approved Event Area. The boundaries of the Event Area shall be located at least 500 feet from any Lot Line neighboring which separates the property of an Agricultural Event Venue from an adjacent property not owned by the owner of the Agricultural Event Venue property-residence.
- (xix) Hours of Operation: The Planning Board may, in its discretion, impose restrictions on the times during a day when outdoor Event activities may occur, provided that in no case may outdoor activities extend beyond the hours of 10:00 a.m. to 9:00 p.m. on Sunday through Thursday and 10:00 a.m. to 11:00 p.m. on Friday and Saturday, except for overnight guests and setup and clean up provided all other items of the Town Code are followed, including but not limited to provisions regarding lighting and noise (see above).
- (xx) Fire Notification: No fewer than five business days prior to an Agricultural Event Venue Event with 50 or more attendees, the owner or operator of the Agricultural Event Venue shall notify the Chief of the Fire District within which the Agricultural Event Venue is located and the Zoning Administrator of the Event. Such notice shall include the street address of the Agricultural Event Venue, the name, telephone number and email address of the owner or operator; the name, telephone number and email address of the person responsible for overseeing the Event, the date of the Event, the start and stop times of the Event, and the estimated number of persons attending the Event.
- (xxi) Insurance: Any Agricultural Event Venue shall maintain at all times comprehensive general liability insurance with limits of at least \$1 million per claim/\$2 million in the aggregate for Events and shall annually and upon demand from the Zoning

Administrator provide to the Zoning Administrator certificates of insurance evidencing the Town and its officers and employees as additional insureds.

(xxii) Planning Board approval shall be preceded by a clear demonstration by the owner or operator of the Agricultural Event Venue that all proposed features are essential to the operation of the Agricultural Event Venue, will create no adverse effect on neighboring residential properties, and will be in harmony with the rural, historic and scenic character of the neighborhood.

(xxiii) The requirements of this Section shall not apply to the following:

- a. Events which have received a permit under Section 250-75(A) (Carnivals, fairs, circuses) of the Town Code;
- b. Events held by a charitable organization for fundraising purposes, by an established club or other organization solely for the benefit of its members, by a church or other house of worship, or by a property owner or tenant for the owner's or tenant's personal purposes provided no monetary or other compensation is paid to the owner or tenant for the Event; or
- c. Duly authorized Events held on Town property which shall be held in accordance with the provisions of Chapters 177 – Parks and Pavilions and 214 – Town Owned Properties and Facilities of the Town Code respectively.

3. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

4. This Local Law is adopted pursuant to § 261-263 of the Town Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community.

5. To the extent that any provision of this chapter is inconsistent with Town Law §§ 263, 274-a, 274-b or any other provision of Article 16 of the Town Law, or of the Energy Law, or of Real Property Law, the provisions of this chapter are expressly intended to and do hereby supersede any such inconsistent provisions under the Town's municipal home rule powers,

pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3); §10(1)(ii)(a)(14) and §22 to supersede any inconsistent authority.

6. This Local Law shall take effect immediately upon filing with the Secretary of State.