

Chapter 250: Zoning

Article V Supplementary Regulations

Definitions (to be inserted in 250-105):

Conference Center: An establishment used for Events ~~[whose organized activities take place at all times inside entirely enclosed Structures]~~, which establishment ~~[must]~~[may] have rooms for lodging and food service for ~~[all]~~ those attending Events, and may have recreational facilities for use by such attendees.

Agricultural Event Venue: A portion of a Farm, located in an Agricultural District, available for hire as a location for Events, which may take place in tents, gazebos, barns, open areas, or residential Structures (including Buildings). To be eligible as an Agricultural Event Venue, the Farm must satisfy only one or both of the following two criteria:

- (i) generate annual gross revenues of at least \$100,000 from Agricultural Operations or
- (ii) otherwise meet the requirements for protection underset forth in Section 305-a(a) of the New York Agricultural and Markets Law and all related guidance from the New York Department of Agriculture and Markets.

Such Events shall be permitted only as an accessory use for the purpose of promoting agritourism or marketing products made or grown on the Farm.

Event: [Professionally] organized gatherings ~~which occur on a single Lot^[TP1]~~, 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[, where the expectation is that for each Event the group of attendees participate in substantially the same activities during their stay at the Conference Center or Agricultural Event Venue].

~~*Event Site:* one or more Lots which are contiguous and within the Town and which are all used to a substantial extent to operate the Conference Center or Agricultural Event Venue.~~

The definition of Dude Ranch would be deleted from 250-105.

§250-45. Conference Centers and Agricultural Event Venues

The intent of this Section is to promote health and safety and ensure compatibility with the neighborhood and general area in which Conference Centers and Agricultural Event Venues are located and to minimize their impact on properties and residents in the Town.

The following regulations shall apply to all Conference Centers and Agricultural Event Venues:

- A. Not more than one Event can occur at one time at a Conference Center or Agricultural Event Venue.
- B. Conference Centers and Agricultural Event Venues may be located in the AR5, AR3 and C Zoning Districts. The minimum size of the Event Site Lot for a Conference Center shall be 530 acres. The minimum size of the Event Site Lot for an Agricultural Event Venue shall be 75 acres. The Planning Board may permit the location of a Conference Center or Agricultural Event Center on multiple Lots provided they are contiguous and under common ownership or control.
- C. No Structure (including a Building) utilized by the Conference Center or Agricultural Event Venue shall be built within 200 feet of any ~~public~~ Road or property line. The Planning Board may authorize the use of pre-existing Structures (including Buildings) that do not meet this requirement provided that there will be no resulting adverse impact on the neighborhood, and provided that a licensed professional has certifieds that the ~~pre-existing~~ Structure is structurally sound for its proposed purpose and has an appropriate determined an appropriate occupancy limit. ~~Events at Conference Centers should take place mostly inside entirely enclosed Structures~~^[TP2].
- D. Parking areas shall be located at least 200 feet from any ~~public~~ Road or property line and shall be adequately screened from neighboring residences. No parking of vehicles shall be permitted on ~~public or private~~ Roads. ~~No regulation of traffic on public Roads shall be permitted except by law enforcement personnel the cost of which is fully paid for by the Conference Center or Agricultural Event Venue.~~ Roads internal to the Conference Center or Agricultural Event Venue Driveways or accessways shall be located at least 200 feet from any neighboring residence~~property~~^[TP3] line.
- E. Access shall be from state or county Roads. ~~The Planning Board may allow access from a paved Town Road only if access from a state or county Road is not feasible and if it determines that access from a Town Road will not create an unsafe traffic condition and that there will be no adverse impact on the neighborhood~~^[TP4]. The accessways into and

out of, as well as all internal roadways of, the ~~Event Site~~Conference Center or Agricultural Event Venue shall be sufficient to accommodate emergency vehicles, delivery trucks, and the anticipated volume of attendee, vendor and staff vehicles.

- F. The Planning Board shall determine the maximum number of attendees allowed at any Conference Center or Agricultural Event Venue taking into account the features of the ~~Event Site~~Lotsite, the proximity of adjoining residences, the potential for noise or other disruptions to the neighborhood, and the safety of all persons. The maximum number of attendees permitted at any Conference Center shall in no case exceed 50. The maximum number of attendees permitted at any Agricultural Event Venue shall in no case exceed ~~20~~50.
- G. To the greatest extent practical, existing open space and unique natural areas, such as streams, ponds, marshes, steep slopes and woodlands, shall be preserved. Significant or historic buildings ~~shall~~should be preserved and incorporated into the Site Plan wherever possible.
- H. Planning Board approval shall be preceded by a clear demonstration by the owner or operator of the Conference Center or Agricultural Event Venue that all proposed features are essential to the operation of the Conference Center or 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.
- I. 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), provided that light may be provided in excess of those limits at the public entrance to point where the internal roadways in the Conference Center or Agricultural Event Venue meet the public Road, provided and that such lights are illuminated only during Events. The applicant shall submit an exterior lighting plan for the Conference Center or Agricultural Event Venue designed to minimize any infiltration or impact on the neighborhood.
- J. 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. The Conference Center or Agricultural Event Venue shall comply with the noise and sound regulations set forth in Section 250-28(A).

- K. Food service, lodging, recreational and other facilities shall be solely for the use by 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 \$X million per claim/\$X million in the aggregate where the Town and its officers and employees are listed as additional insureds. ~~and at~~ least 30, ~~but no more than 365,~~ days prior to ~~each an~~ Event occurring the owner or operator of the Conference Center and Agricultural Event Venue must have sent to the Zoning Administrator ~~shall have received~~ a copy of the permits, or licenses and certificates for such insurance for all such providers working at ~~each an~~ Event, but such permits, licenses and certificates of insurance need be sent only once per year for the same provider. ~~It is understood that T~~ the Town is not responsible for verifying the receipt validity of such permits, licenses or certificates of insurance or for approving their authenticity qualifications of any such provider.
- L. Lodging facilities shall not contain kitchen facilities for cooking or dishwashing and lodging facilities shall be for ~~temporary~~ use of only attendees at Events and employees of the only Conference Center or Agricultural Event Venue only.
- M. ~~Temporary~~ All Structures utilized for Events, including tents and other temporary enclosures, shall be inspected and approved prior to use by the Zoning Administrator ~~and/or~~ ~~and~~ Building Inspector, as appropriate, and each Structure shall have a Certificate of Occupancy for its intended use.
- N. Any Conference Center or Agricultural Event Venue shall be subject to annual inspections by the Zoning Administrator and additional inspections, as necessary, at the discretion of the Zoning Administrator.
- O. Any Special Use Permit issued to a Conference Center or Agricultural Event Venue under this section, and any Special Use Permit issued to a Conference Center or Dude Ranch (as those terms were used at the time of such issuance) prior to the effective date of this section, shall require renewal by the Planning Board on each anniversary of such issuance (and upon written request by the applicant which must be received at least 90

days prior to such anniversary) occurring more than six months after the effective date of this section. Within thirty days after receipt of a renewal request, the Zoning Administrator shall issue a written report to the Planning Board stating whether or not the venue is (and to the knowledge of the Zoning Administrator has in the past been) in compliance with the terms of the Special Use Permit and the Zoning Law. The Planning Board shall have the discretion to amend the Special Use Permit or deny renewal for good cause shown, and may, in its discretion, hold a public hearing in connection with any renewal request. The Zoning Administrator shall notify a Conference Center and Agricultural Event Venue of any complaints received by the Zoning Administrator regarding such Conference Center or Agricultural Event Venue within 30 days of such receipt and may, in appropriate circumstances, direct the Conference Center or Agricultural Event Venue to cease and desist from conducting Events until a complaint had been addressed or remediated.

- P. 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 to be set by resolution of the Town Board [and shall at least be sufficient in the opinion of the Town Board to reimburse the Town for all expenses incurred by the Town as a result of the related Conference Center or Agricultural Event Venue, or expected to be so incurred by the Town during the period of the Special Use Permit or its renewal].
- Q. In the event of non-payment of the annual fee, or other violations of the Zoning Law (including without limitation the failure to renew the Special Use Permit on time), the Zoning Administrator is authorized to issue a cease and desist order prohibiting further operation of the Conference Center or Agricultural Event Venue.
- R. ~~For the avoidance of doubt, A~~all other Sections of the Zoning Law (and other applicable laws and regulations) apply to Conference Centers and Agricultural Event Venues except to the extent inconsistent with the express provisions of this Section 250-45, including without limitation Sections 250-28, 63, 66, 70, 74, 96 and 97. ~~of the Zoning Law, and~~ Conference Centers and Agricultural Event Venues shall comply with all local, state and national building and fire prevention codes. Health Department approval shall be required for all lodging, food service and sanitary facilities.

- S. Fireworks, firecrackers or other artificially generated loud noises are not permitted unless approved by the Town Board and a temporary permit issued.
- T. The Planning Board may, in its discretion, impose restrictions or limits on the number of Events to be held at a Conference Center or Agricultural Event Venue provided that in no case shall a Conference Center or Agricultural Event Venue hold more than either:
- (i) 102 Events per calendar year with over 50 attendees; or
 - (ii) ~~more than two~~ Events per calendar month with over 50 attendees; or
 - (iii) 30 Events in total in any calendar year of any size.
- ~~T. —, the activities of which occur in part or in whole outdoors, or more than 30 events per calendar year in total.~~
- U. All outdoor Event activities shall be contained within an area to be determined by the Planning Board and specified on the Site Plan. Tents and other temporary structures shall be located within the approved Event area or areas. The boundaries of the Event areas shall be located at least 500 feet from any neighboring residence.
- V. The Planning Board may, in its discretion, impose restrictions on the times during a day when outdoor Event activities for an Event may occur, provided that in no case may outdoor activities shall be limited to 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.
- W. No fewer than five business days prior to any Eevent with 50 or more guests, the owner or operator of the Agricultural Event Venue shall notify [the Dutchess County Sheriff,] the Chief of the Fire District within which the ~~subject premises~~ Conference Center or Agricultural Event Venue is-are located; and the Zoning Administrator of the Eevent. Such notice shall include the street address of the Conference Center or Agricultural Event Venue premises Lot, 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 Eevent, the date of the Eevent, the estimated start and stop times of the Eevent, and the estimated number of persons attending the Eevent.
- X. No Event shall last longer than five days in the case of Events with ~~no more than 30~~ or fewer attendees and no longer than three days in all other cases.

Y. Any Conference Center and Agricultural Event Venue shall maintain at all times comprehensive general liability insurance with limits of at least \$~~X3~~ million per claim/~~\$X million in the aggregate~~ for Events with fewer than 50 attendees and at least \$~~X40~~ million per claim/~~\$X million in the aggregate~~ for all other Events and shall provide to the Zoning Administrator certificates of insurance evidencing the Town and its officers and employees as additional insureds.

Z. The requirements of this section shall not apply to the following:

- (i) Events which have received a permit under Section 250-75(A) of the Zoning Law;
- (ii) Events held [by a charitable organization for fundraising purposes, by an ~~bona fide~~ established club or other organization 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 compensation is paid to the owner or tenant; or
- (iii) Events held on Town property in accordance with Town requirements.