

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Livingston
Town
Village

Local Law No. 5 of the year 2013

A local law to amend the Zoning Law of the Town of Livingston
to regulate Commercial Event Venues.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Livingston as follows:
Town
Village

Section 1. TITLE. This local law shall be known as Local Law No. 5 of the Year 2013, a local law amending the Town of Livingston Zoning Law to regulate Commercial Event Venues.

Section 2. LEGISLATIVE INTENT.

The Town of Livingston presently has in effect a zoning law that needs additional regulations for Commercial Event Venues within the town. The Town Board has worked with its consultants on revising the zoning law and regulations in order to better administer and regulate such uses within the Town. Commercial Event Venues can pose a hazard and danger to residents by improper traffic circulation, parking, water use or risks of contamination, lack of proper waste water controls and garbage disposal, as well as have noise and light pollution.

Section 3. ENACTMENT.

The text of Section 1.3 entitled "Definitions" is hereby amended by adding the following:

COMMERCIAL EVENT VENUE – A location where events are held, including but not limited to weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to tents, gazebos, barns, open areas, and residential structures. (Exception: Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees are exempt from the provisions of this law.)

HOTEL/MOTEL – A building or group of buildings containing living and sleeping accommodations for transient occupancy.

BED AND BREAKFAST/INN – A building containing a general kitchen and dining room and in which not more than five (5) sleeping rooms are offered for rent, together with the provision of a morning meal only.

A new section 4.36 is added as follows:

4.36 COMMERCIAL EVENT VENUE

1. The intent of this section is to promote health and safety and ensure compatibility with the neighborhood and general area in which the specially permitted events are held and to minimize impact on the surrounding properties and residents.
2. A Commercial Event Venue is a location where events are held (for a fee), including but not limited to weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to tents, gazebos, barns, open areas, and residential structures. (Exception: Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees are exempt from the provisions of this law).
3. This use is allowed in all districts by *Special Permit*, as issued by the Planning Board pursuant to Section 6.6 of this code. Pre-existing commercial operations in the C-1 zoning district where Commercial Event Venues are accessory to the current use shall not be subject to this regulation.
4. Site Plan approval, as issued by the Planning Board is required pursuant to Section 6.7 of this code.
5. A Public Hearing is required prior to approval by the Planning Board. A public hearing notice shall be published at least ten (10) days in advance of the Public Hearing. Notices shall be mailed, certified receipt requested, to all real property owners within 2,500 feet of the property on which the events will be held no less than ten (10) days in advance of the Public Hearing.

6. General Event Venue Regulations / Requirements:

- a) No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on site". "On Site" is defined as at least 100' within the property boundaries of the parcel on which the event is permitted.
- b) One parking space for every four persons attending the event shall be provided.
- c) There shall be no regulation of traffic other than by law enforcement on Town, County or State roads.
- d) The general event area (the actual location(s) in which the gathering is to occur) shall be located 500' from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the allowable parking as allowed by 6(a) above.
- e) Sources of amplified sound including but not limited to recorded music, live musical performances, spoken word shall commence no earlier than 10:00 AM and shall be terminated by 10:30 PM. All sources of amplified sound shall be contained wholly within an enclosed structure. Tents, pavilions and other open / non-enclosed structures shall not be considered an acceptable location for the source of amplified sound as referenced in this code section.
- f) Fireworks, firecrackers and / or loud reports displays are not permitted.
- g) Light sources (constant or intermittent) shall not be permitted to exceed 0.5 foot candles at property lines.
- h) The applicant shall provide a signed and stamped written evaluation by a NYS licensed professional to demonstrate compliance with all applicable NYS building and fire prevention codes, and all temporary and permanent structures to be used for any proposed event shall be inspected for compliance by the Town of Livingston Code Enforcement Officer, prior to approval by the Planning Board.
- i) All venues will be subject to annual inspections by the Code Enforcement Officer and additional inspections at the discretion of the Code Enforcement Officer.
- j) Any venues which provide overnight accommodations must comply with all applicable codes and laws, including the Town of Livingston Special Use Permit requirements for Hotels and Inns.

7. The number of events per year shall be determined by the Planning Board and shall be a condition of the approval.
- a) In making its determination of the number of permitted annual events, the Planning Board shall consider the following factors and guidelines:
 - (i) A venue that meets all criteria in subdivision 6(a.) – (j.) above shall be permitted to hold up to twelve (12) events annually.
 - (ii) In addition to 7(a)(i), if the applicant demonstrates that the minimum distance from the general event area to every point on the property lines of adjacent parcels is at least one thousand (1000) feet, the venue shall be permitted to hold up to ten (10) additional events annually
 - (iii) In addition to 7(a)(i) and (7)(a)(ii), if the applicant demonstrates that the minimum distance from the general event area to every point on the property lines of adjacent parcels is at least one thousand five hundred (1500) feet, the venue shall be permitted to hold up to five (5) additional events annually.
 - (iv) Where the setbacks specified in (7)(a)(ii) and (7)(a)(iii), are not fully satisfied, the Planning Board may authorize additional events in proportion to the applicant's conformity with such provisions.

8. The following items shall be required for submission to the Planning Board:

- a) A statement containing the name and address of the owner of record of the property upon which the event is to occur, and a copy of the deed to said property.
- b) A completed event application including a list of each event proposed.
- c) A detailed site plan prepared by a NYS licensed professional at a scale of 1"=50' minimum, showing:
 - (i) The entire parcel and parcel size.
 - (ii) All structures (temporary and permanent) including tents, barns, houses, staging areas and event lighting.
 - (iii) Proposed parking locations and quantities of all vehicles expected to be on site.
 - (iv) Site circulation for all proposed vehicular traffic (ensuring emergency access).

- (v) The event location(s) and distance from all proposed event areas to property lines.
 - (vi) The names of all adjacent property owners and all structures (on adjacent parcels) within 50' of the event site property boundaries.
 - (vii) Toilet facilities.
- d) Approval from the Columbia County Department of Health where applicable.
 - e) A list of contact personnel who will be in attendance at each event proposed.
 - f) A list of security personnel in attendance (if applicable).
 - g) Three photographs of the event area, and three additional interior photographs if a building is being used.

9. Copies of all permits, licenses for entities handling / preparing food and entities distributing / selling alcoholic beverages (if applicable) shall be submitted to the town Code Enforcement Officer no less than fourteen (14) days prior to the scheduled events.

10. In each year subsequent to the special permit approval, a person holding a special permit under this section shall submit to the Code Enforcement Officer a schedule of events for the calendar year. Said submittal should be made not less than sixty (60) days prior to the first scheduled event. At that time the permit holder shall identify any changes that have been made to the venue site since prior events. Material changes as determined by the Code Enforcement Officer shall trigger the need to apply to the Town of Livingston Planning Board for a modified site plan approval. At that time the permit holder shall also pay the appropriate fee based on the proposed schedule of events. The applicant must revise said annual submittal in the event that an additional event is proposed, provided that the maximum number of events per year is not exceeded.

11. There shall be a fee paid at the time of the initial application, and additional fees upon Planning Board approval based upon the number of approved events. The amount of fees shall be set by resolution of the Livingston Town board.

The table of Section 3.2 entitled "Schedule of Permitted Uses" is hereby amended by adding the following

3.2 SCHEDULE OF PERMITTED USES

District	CH-2	HDR-2	LDR-2	CON-7	C-1	FAO	AD/LI-1	LC-1
Commercial Event Venue	X	X	X	X	*	X	X	X

NOTE:

A. Site Plan and Special Permit approval is required from the Planning Board pursuant to Section 6.6 and 6.7 for Event Venue permit approval.

B. * Pre-existing commercial operations in the C-1 zoning district where Commercial Event Venues are accessory to the current use shall not be subject to this regulation.

Section 4. APPLICABILITY

The provisions of this local law shall be effective on all applications submitted, presently pending or submitted after adoption.

Section 5. VALIDITY & SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 6. EFFECTIVE DATE.

This local law shall take effect immediately upon passage, and thereafter be filed with the New York State Department of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2013 of the Town of Livingston was duly passed by the Town Board on Dec. 3, 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (~~Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*~~)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (~~Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.~~)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Paullette Kaylor

~~Cynthia Hapeman, Town Clerk~~

PAULLETTE KAYLOR, DEPUTY TOWN CLERK

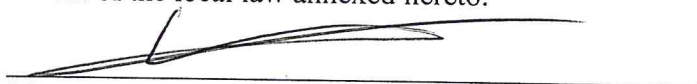
Date: December 18, 2013

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Title: Counsel

County
City of Livingston
Town
Village

Date: December 18, 2013