

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 Town Village
(Select one.)

FILED
STATE RECORDS

of Fabius _____

~~OCT 04 2021~~

Local Law No. 1 of the year 2021

DEPARTMENT OF STATE

A local law Farm Event Center Law
(Insert Title)

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

County City Town Village
(Select one.)

of Fabius _____ as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW # 1, 2021
TOWN OF FABIUS FARM EVENT CENTER LAW

1) AUTHORITY

This Farm Event Center Law is being adopted pursuant to Sections 261 – 263 of the Town Law and Section 20 of the Municipal Home Rule Law of the State of New York, which authorizes a Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of the State of New York, to make provisions for, so far as conditions and circumstances may permit, for the accommodation of Farm Event Centers in A-2 Districts in the Town of Fabius.

2) STATEMENT OF PURPOSE

After a review of the Fabius Code, it has been determined by the Town Board that Farm Event Centers would be appropriate in A-2 Agricultural Districts with the issuance of a special use permit by the Town Board. This District is identified in the Fabius Code as areas of less intensive and productive farming. By allowing Farm Event Centers in this District, subject to the conditions and regulations of this law, it is felt that this will help preserve existing farmland and farm structures.

3) DEFINITIONS

Applicant: A person or corporation applying for a special use permit pursuant to this local law.

Code Enforcement Officer: The code enforcement officer of the Twn of Fabius Onondaga County, New York.

Parking Capacity: For the purpose of this local law, parking capacity shall be the number of cars, limousine or t buses on the site according to a site plan approved by the Town of Fabius Planning Board.

Farm Event Center: An agricultural site located in an A-2 Agricultural District that includes a repurposed existing agricultural building(s) originally constructed for agricultural purposes used, or rented for use, in exchange for remuneration, as a location for group celebration events including but not necessarily limited to weddings, reunions, graduations, and similar celebrations. The existing agricultural and farming operations on the property must be continued concurrently with the agricultural event center, and the use/rental may not be

detrimental to the farming or agricultural operations on the property the use shall serve to augment farming or agricultural operations on the property, and shall be compatible with said farming and agricultural operations.

4) SITE PLAN REVIEW

All applicants for a special use permit under this section, in addition to the requirements for Site Plan Review under Chapter 150 Section 21 of the Fabius Code shall submit the following information to the Planning Board for review and comment;

- 1) Property lines and physical features, including roads, and all improvements for the project site as shown on a current survey prepared and signed by a licensed surveyor.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation of structures.
- 3) Zoning designation for the district for the parcels of land comprising the project site.
- 4) The size and location of any existing buildings or structures that will be in operation during the course of the farm event and any proposed building structure or signs to be erected for the center.
- 5) Location of any stage or tents, if any.
- 6) The location of all exits.
- 7) The location all of all fire extinguishers and other fire safety of equipment.
- 8) The layout of any parking area for automobiles and other vehicles and the means of ingress and egress for such parking areas.
- 9) A plan for the use of live outdoor music, loudspeakers and other sounds that will be used if any , the expected dB level of any music loudspeakers or other sounds. A description of other amplified sound expected to occur from the property with a good faith estimate of the anticipated dB levels of the sound as measured from adjoining property lines.

10) The location and a description of any outdoor lighting to be utilized in conducted in conjunction with the center.

11) The location of sanitary facilities on the site.

12) A list of the addresses of properties within 750 feet of all physical boundaries of the of the proposed event center location with the names of owners and their mailing addresses.

13) Notwithstanding the foregoing, the code enforcement officer and/or the Planning Board, upon request by an applicant in writing may waive in whole or in part the foregoing site plan review requirements upon a finding that said requirements are not necessary for the proper consideration of the permit application. The code enforcement officers or Planning Board's determination of any waiver request shall be in writing to the applicant and shall specify the reason for the grant or denial. If a waiver is granted, the code enforcement officer may attach appropriate conditions to protect the public interest.

14) Is the event center seasonal in use or year-round and hours and days of operation.

15) The range of the number of guests anticipated to attend events and the type of events anticipated to take place at the center.

16) Provide an ambient noise survey or report by a licensed consultant acceptable to the Planning Board.

5) APPLICATION PROCESS (MOVE TO # 4)

a) Applications for special permit under this section shall be reviewed by the code enforcement officer for completeness. Applicants shall be advised within 15 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive reviewed.

b) The Planning Board shall complete site plan review within 45 days of receiving a completed application and(also shall conduct a public hearing on notice as

required by the town law) ??and shall thereafter file within 10 days their recommendation for approval , disapproval or modification to the Town Board.

c) The application shall be referred to County Planning Department pursuant to Gen. Municipal Law section 239 – M.

d) Within 45 days of the Town Board receiving the report from the Town Planning Board , the Town Board shall conduct a public hearing on the application. The applicant shall notify adjoining property owners within 750 feet of the proposed site of the hearing and shall provide an affidavit of mailing to the town clerk or code officer of same. This hearing will be conducted within 45 days of the receipt by the Town Board of a completed application, report from County Planning and a list of property owners notified of the hearing. Within 45 days after the hearing, the Town Board shall either approve or disapprove or approve with modifications the application for special use permit for a Farm Event Center.

6) Special Use Permit Regulations for a Farm Event Centers in an A-2 District.

a) The use must be conducted on property concurrently used for agricultural production utilizing a previously existing buildings originally constructed for agricultural purposes.

b) The grounds and buildings upon and in which to use is taking place shall be complementary to agricultural activities on the property and shall be compatible with the surrounding neighborhood and not detrimental to neighboring properties.

c) Signage and on-site advertising of the use shall be limited to one unlighted sign, no larger than 6 square feet in area per face.

d) Site lighting will not produce glare onto adjacent property or roads. Light spillover at the site property lines shall be no greater than 0.1 footcandle. All light fixtures shall be certified as “dark skies” certified and compliant and prior to installation of such fixtures, the code enforcement officer shall be provided with the manufacturers data sheets, including the dark skies certification for each fixture to be installed.

e) Buildings and parking areas shall be no closer than 200 feet from any property line.

- f) Access driveway shall intersect the public road at approximately 90°.
- g) Days and hours of operation shall be subject to recommendation by the Planning Board and final approval by the Town Board.
- h) No offensive noise, odor, smoke, dust, heat, glare or electrical disturbance will be produced by such use. No noise associated with the use shall be audible beyond the boundary line of the premises after 10 PM. No noise from the use shall exceed a sound level of 70 dB at the site property lines at any time.
- i) Water and sanitary waste facilities will be adequately provided in accordance with the requirements of the Onondaga County Health Department and all other agencies with jurisdiction.
- j) There shall be sufficient off-road parking for the expected number of guests at the venue, not less than one parking space for every four persons in attendance. (Off-street parking areas shall not be located in the front yard of the facility) ???. The event operators shall provide appropriate on-site parking attendants and other appropriate appropriate traffic control personnel for all events.
- k) There shall be a statement specifying the precautions to to be utilized for fire protection.
- l) A site plan shall have been approved in accordance with the applicable provisions in section 15 B. Landscaping shall be provided in accordance with the conditions of the site plan approval. Any ground disturbance shall be in accordance with the applicable storm water management regulations. Those shall be no adverse drainage impacts upon upon neighboring properties..
- m) All health and safety and food and beverage services requirements shall have been complied with on the state, county and municipal level and all necessary permits and insurance have been obtained.
- n) No overnight camping or transient occupancy of the premises shall be permitted.
- o) Minimum Lot size for a Farm Event Center is 100 acres.

p) A plan for clearing and/or grading of the site and a Storm Water Pollution Prevention Plan for the site shall be provided.

6 SEVERABILITY

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

7 ENFORCEMENT

Violation of this law shall be subject to the same enforcement requirements, including the civil and criminal penalties as provided for in the zoning or land use regulations of the Town of Fabius.

8 EFFECTIVE DATE

This Law shall be effective upon filing with the office of the Secretary 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. 1 of 2021 of the ~~(County)~~(City)(Town)(Village) of Fabius was duly passed by the Town Board on August 16 2021, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20 , in accordance with the applicable provisions of law.

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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. ~~(Elective Chief Executive Officer*)~~

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.

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 was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such local ~~(Elective Chief Executive Officer*)~~ 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.

* 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 chairperson 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 _____ 20____, 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8/17/2021

(Seal)

