

**TOWN OF HYDE PARK**

**LOCAL LAW NO. B OF THE YEAR 2020**

**A LOCAL LAW AMENDING THE DEFINITION OF COMMERCIAL RECREATION USE AS SET FORTH IN SECTION 108-2.2 OF THE TOWN CODE TO PROVIDE NEW DEFINITIONS FOR INDOOR AND OUTDOOR RECREATION USES AND AMENDING THE SCHEDULE OF USE REGULATIONS, SECTION 108 ATTACHMENT 1 TO SPECIFY IN WHICH DISTRICT SUCH USES ARE PERMITTED**

**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 Definition of Commercial Recreation Use as set forth in Section 108-2.2 of the Town Code to Provide New Definitions for Indoor and Outdoor Recreation Uses and Amending the Schedule of Use Regulations, Section 108 Attachment 1 to Specify in Which District Such Uses are Permitted”.

**SECTION 2. PURPOSE.**

The Town Board has determined that the term “Commercial Recreation” as defined in the Zoning Law should be amended to provide for two categories of commercial recreation use, to wit: indoor and outdoor commercial recreation use and that indoor recreation uses shall be permitted in every zoning district pursuant to a special use permit and site plan approval, except for the Neighborhood (N), Greenbelt (GB) and Hamlet (H) Districts where it is prohibited. Outdoor recreation shall be permitted in the Landings (L), EP Business (EPBD), Corridor Business (CB), Greenbelt (GB), Waterfront (WF), Neighborhood Core (NC), Neighborhood Business (NBD) and Hamlet Core (HC) Districts pursuant to a special use permit and site plan approval, but shall not be permitted in the Neighborhood (N), Hamlet (H), Town Core (TC) and Crossroads Core (CC) Districts.

**SECTION 3.**

Section 108-2.2 terms defined of the Town Code is hereby amended by deleting the current definition of “Commercial Recreation” and substituting in its place the following:

**“RECREATION, COMMERCIAL** – A commercial use designed and equipped principally for the conduct of sports and leisure time activities. Video parlors, computer gaming facilities, movie theaters, and bars, as principal

uses, are not commercial recreation uses. Commercial recreation is further separated into two categories as follows:

1. **Indoor** – Recreational activities conducted entirely within a building, including team or individual sports and related health and exercise facilities operated on a commercial or fee basis. An indoor recreational business shall also include, but is not limited to, a gymnasium, fitness center, bowling alley, skating rink; tennis and other racquet courts, field house, indoor track, indoor basketball, and indoor pool house. An indoor recreation use may include accessory uses, such as food service facilities, meeting rooms, serving of alcoholic beverages, video or computer game facilities, video theater facilities, sale of sport or exercise-related equipment or clothing and customary accessory uses clearly incidental to the recreation activity.
2. **Outdoor** – Recreational activities including, but not limited to, ball fields, playing fields, batting cages, golf courses and driving ranges, tennis, racquet courts, swimming, bike trails, hiking and similar outdoor activities conducted on a commercial or fee basis. An outdoor recreational use may also include customary accessory uses and buildings, such as a clubhouse, food stand, offices, and other uses accessory and incidental to the outdoor commercial use. Outdoor recreation shall not include racetracks; go-cart, motorcycle, remote controlled aircraft, ATV tracks or any other outdoor use involving motorized vehicles or equipment; gun clubs; and shooting preserves.
3. Commercial recreation uses, whether indoor or outdoor, shall not include “membership clubs” as that term is defined in §108-2.2 of the Zoning Code.”

#### **SECTION 4.**

The Town Code is hereby amended to add a new Article 29 entitled: “Commercial Indoor and Outdoor Recreational Uses” which shall read as follows:

#### **“§108-29 COMMERCIAL INDOOR AND OUTDOOR RECREATIONAL USES.**

All commercial indoor and outdoor recreational uses shall adhere to the following requirements:

- A. **Minimum bulk requirements.** No portion of any outdoor commercial recreation facility area shall be located closer than 50 feet to any property line. Parking shall not be permitted in the front yard. One or more recreational uses are allowed on a lot.

- B. **Location.** Outdoor recreation facilities shall be located on-site and in a manner that minimizes any potential impacts on nearby residential properties. Consideration shall be given to locating outdoor facilities away from residential property lines. The Planning Board may require that said facilities be screened through use of vegetation, fencing, or a combination thereof from adjoining residential properties.
- C. **Hours of operation.** The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic and similar potential effects which may be disruptive to adjoining uses.
- D. **Site lighting.** A lighting plan shall be provided and designed so as not to negatively impact adjoining residential properties. The Planning Board shall have the power to require downlighting or other mitigation measures to ensure that the lighting of the facility does not violate dark sky guidelines. The Planning Board may approve a light fixture that exceeds the height set forth in the Schedule of Bulk Regulations for an outdoor recreation use provided it finds that the lighting is integral to operation of the activity and there will be no detrimental impact on adjoining uses.
- E. **Noise.** Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not likely disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the frequency of the activity, and the time and day of the proposed activity. Public address systems are prohibited.
- F. **Waste.** The site plan shall demonstrate that wastes, including runoff containing fertilizer, pesticides, as well as solid waste will be contained, treated, and disposed of in accordance with applicable local, county, state, and federal regulations. The Planning Board shall approve the location of any port-o-san or other temporary waste disposal system that may be allowed in conjunction with an outdoor recreation facility.
- G. **Safety considerations.** Where outdoor recreation facilities are allowed, the Planning Board shall consider the need for safety nets and similar design elements to secure stray balls or other equipment from reaching adjoining properties.
- H. **Limitation on excess reuses.** The square footage of any accessory use to an indoor or outdoor recreation facility shall not exceed 15% of the total square footage of the principal use or structure. The Planning Board shall, however, have the power to

modify this requirement in the event that it determines that such modification would not be consistent with the provisions of this law and would not result in a detriment to neighboring properties.

- I. **Special considerations.** Because the range of recreational activities allowed as components of commercial recreation establishments are broad, and the characteristics and intensity of use may vary, the Planning Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and nearby properties, considering the proposed activity, the proposed location, and the nature of the adjoining community.

## **SECTION 5.**

Schedule 108, Attachment 1, "Schedule of Use Regulations" is hereby amended to eliminate "Commercial Recreation" as a non-residential use and add two new categories of Commercial Recreation, to wit: Commercial Recreation Indoor, and Commercial Recreation Outdoor. The list of Non-Residential Uses is hereby further amended to provide that indoor recreation uses are allowed in every zoning district pursuant to a special use permit and site plan approval except for the Neighborhood (N), Greenbelt (GB) and Hamlet (H) Districts in which it is prohibited. The list of Non-Residential Uses is further amended to provide that outdoor recreation uses are permitted in the Landings (L), EP Business (EPBD), Corridor Business (CB), Greenbelt (GB), Waterfront (WF), Neighborhood Core (NC), Neighborhood Business (NBD) and Hamlet Core (HC) Districts pursuant to a special use permit and site plan approval and are not permitted in the Neighborhood (N), Hamlet (H) Town Core (TC) and Crossroads Core (CC) Districts. (See attached.)

## **SECTION 6. 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 7. SUPERSESION.**

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 8.****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.

