

PROPOSED LOCAL LAW NO. ____ OF 2014
PLANNED RESORT RECREATION DISTRICT (PRRD)

A LOCAL LAW to provide for the establishment of Planned Resort Recreation Districts, amending Chapter 112 of the Code of the Town of Wawarsing.

BE IT ENACTED by the Town Board of the Town of Wawarsing as follows:

Section 1.

Article V of Chapter 112 of the Code of the Town of Wawarsing is hereby amended by adding thereto section 112-24A, Planned Resort Recreation District (PRRD), as follows:

§ 112-24A. Planned Resort Recreation District.

A. Purpose and zoning objectives.

- (1) It is the purpose of this Planned Resort Recreation District (PRRD) to provide for streamlined and flexible zoning to facilitate redevelopment of the Town's existing resorts. The Town of Wawarsing Comprehensive Plan recognizes the importance of maintaining and revitalizing existing and historical resort facilities in the Town. The PRRD will encourage the redevelopment and, particularly, reinvestment in these resorts, including the existing Nevele resort, which has for decades provided a destination resort for tourists, jobs for residents and tax revenue for the Town, the County and School District.
- (2) Zoning Objectives. The objectives of this PRRD are the redevelopment of existing, dated, destination resorts through comprehensive planning and maximum flexibility of design, which will result in the following:
 - (a) Innovation and variety in the type and design of commercial resort development and the establishment of new structures as well as the renovation of existing structures capable of cost-effective reuse;
 - (b) Efficient use of the site, and particularly the existing footprint of development to facilitate adequate and economical construction, operation and maintenance of the accessways, stormwater management facilities, water distribution and sewage collection facilities;
 - (c) Preservation of significant natural resources, such as wetlands and water bodies, and other areas of scenic and ecological value;
 - (d) Preservation of property values and long-standing land uses consistent with community character and adjoining or nearby uses;

- (e) Significant enhancement of tourism activity and related support services;
- (f) Creation of diverse full- and part-time employment opportunities for residents of the Town, County and region; and
- (g) Inducement of private investment in the Town, County and region, including reinvestment in existing businesses, existing housing developments, and the attraction of new seasonal and year-round businesses.

B. Establishment of PRRD

Upon the application of the property owner, the Town Board may establish the PRRD on any property of not less than 400 contiguous acres by adopting a local law amending the Official Zoning Map of the Town of Wawarsing. Property shall be contiguous for the purpose of this provision even if it is separated by roadways or divided into separate parcels.

C. Permitted land uses.

(1) Principal use.

- (a) The principal use permitted in the PRRD shall be a Planned Resort. A Planned Resort is a facility, developed in accordance with a Site Development Plan (SDP), that consists of the following uses:
 - (i) Hotels;
 - (ii) Convention centers, exposition centers and ballrooms;
 - (iii) A casino gambling facility as permitted under the law of the State of New York and subject to such regulations as have been or may be established by such law;
 - (iv) Seasonal and year-round indoor and outdoor commercial, private and public recreational, sports and amusement uses, including, but not limited to: golf courses and related facilities; skiing and related facilities; sledding and related facilities; rock climbing; zip lines and alpine slides; snowmobiling trails and facilities; ice skating; roller skating and skateboarding facilities; boating; fishing and related facilities; tennis courts and related facilities; squash courts and related facilities; aquatic facilities and amusements, including water slides and water features; equestrian facilities; mountain biking trails; bowling facilities; rail trails; hiking and walking trails; and family entertainment centers and facilities, including arcades and game rooms;
 - (v) Theaters, including, but not limited to, live and recorded performance venues, movie theaters, indoor performance theaters, outdoor performance amphitheaters and dinner theaters.
 - (vi) Retail uses commonly associated with a resort and integrated into the resort uses;

- (vii) Personal service shops and business offices commonly associated with a resort;
- (viii) Restaurants and catering facilities, including lounges and bars; and
- (ix) Health spas and services commonly associated with a resort.

(2) Accessory uses

(a) The following uses shall be permitted accessory to a Planned Resort:

- (i) Utility structures and utility facilities serving the Planned Resort;
- (ii) Child day-care centers;
- (iii) A heliport, provided, however, that a heliport shall not be permitted within a radius of 500 feet of a residential use, and that the hours of operation and flight path shall be subject to the approval of the Town Board.
- (iv) Other uses and facilities customarily accessory to such a resort.

(3) Prohibited Uses.

(a) Adult uses, as defined in the Code of the Town of Wawarsing, shall be prohibited in the PRRD.

D. Development regulations. Planned resorts casinos shall be developed in accordance with the following development regulations:

(1) Bulk regulations.

- (a) Maximum lot coverage by impervious surfaces: 35 percent of the site.
- (b) Maximum number of hotel units: 500.
- (c) Maximum size of gaming area within the resort: 200,000 square feet.
- (d) Maximum height of any new individual structure: 115 feet. Fences may be a maximum of 10 feet in height.
- (e) All building setbacks from the property line for new structures for the PRRD will be a minimum of 50 feet with the exception of the side yard setback to the North (along Arrowhead Road), which will be a minimum of 10 feet. Any gatehouse or security structures may have a minimum setback of 0 feet from the property boundary.
- (f) Open space. Not less than 35 percent of the acreage of the property shall be open space. Areas used for public or private recreational purposes including, but not limited to, golf courses, skiing, walking trails and the like, exclusive of any areas covered by structures associated with such outdoor uses, shall be considered open space. The open space lands may include significant ecological, aesthetic and recreational characteristics. Such open space may consist of wetlands and steep slopes, as well as other resources subject to local, State or federal regulations.

(2) Parking.

(a) Minimum number of parking spaces: One parking space for each hotel unit, plus

one parking space per 10 gaming positions on the casino floor and every two employees. The parking requirements may include additional parking as determined by the Town Board for uses not identified here and may be adjusted based on shared usage for the uses within the development.

- (b) Location and design of parking and loading spaces: Parking garages shall be preferred for providing parking spaces for resort visitors. All parking shall be provided in sufficiently close proximity to structures and uses so that resort visitors may walk to and from the parking facilities. Employee parking may be provided at distant locations with access to the site by shuttle only. There shall be a central facility for deliveries, management of solid waste and similar activities. Loading doors and areas for structures within the resort are permitted, but are not required.
 - (3) Utilities. The resort shall be serviced by central water and sewer systems. All water, sewer and gas lines and all other lines providing power and communications service shall be installed underground in the manner prescribed by the State and local agencies having jurisdiction, provided however, that this provision shall not apply to electric transmission lines that are installed, owned and operated by a public utility.
 - (4) Other zoning regulations. Development within the PRRD zoning district shall be governed by this section, to the exclusion of any inconsistent provision of the Code of the Town of Wawarsing. The provisions of chapter 70 of the Code of the Town of Wawarsing to the contrary notwithstanding, Town Board shall serve as the Historic Preservation Commission within the meaning of such chapter with respect to properties in the PRRD zoning district and shall have all of the authority with respect thereto as provided in that chapter. Nothing in chapters 36 or 66 of the Code of the Town of Wawarsing shall be deemed to restrict activities conducted in a casino gambling facility within the PRRD zoning district that are otherwise permitted in such a facility by the law of the State of New York. Activities conducted within a Planned Resort shall be exempt from the requirements of chapter 32 of the Code of the Town of Wawarsing.
- E. Procedure. Review of proposed development in the PRRD zoning district shall be accomplished in accordance with the following procedures.
- (1) Site Development Plan (SDP)
 - (a) The applicant shall submit a Site Development Plan (SDP) to the Town Board. The Town Board shall have the authority to approve or disapprove the SDP, with or without modifications or conditions.
 - (b) The SDP shall comply with the uses and development regulations established for the PRRD zoning district and shall include the following information:
 - (i) The location and types of the various uses and their areas in acres.
 - (ii) Proposed densities for each category of uses.
 - (iii) A general depiction of the exterior and proposed interior road system.
 - (iv) Location, area and use of open space.

- (v) General provisions for sewer, water, drainage and other required utilities.
 - (vi) Uses and ownership of abutting lands.
 - (vii) The proposed phasing plan, if more than one phase is proposed, for the planned resort.
 - (viii) All building permits must be issued in compliance with the approved SDP.
 - (ix) The Town Board shall review the SDP using the review criteria provided in section 112-56 of Article VII of the Town Code.
- (c) The Town Board shall consult with the Town Planning Board in its review of the SDP. Prior to approving the SDP, the Town Board shall refer the SDP to the Planning Board for its review and comments and the Town Board will not act on the request for approval of the SDP until 30 days have passed from the date of that referral.
 - (d) The Town Board will coordinate with other regional and municipal entities, such as the Ulster County Planning Board, making such referrals and undertaking such procedures, including review under the New York State Environmental Quality Review Act (NY ECL Article 8) and its implementing regulations (6 NYCRR Part 617) (SEQRA), as may be required by law.
 - (e) Prior to acting on the request for approval of the SDP, the Town Board shall hold a public hearing in accordance with the notice requirements and other procedures for the adoption of a local law.
 - (f) Mitigation measures may be imposed or required by the Town Board as conditions to the approval of the SDP.
- (2) Subdivision approval.
- (a) Subsequent to the approval of the SDP, all or any portion of the land area may be subdivided upon compliance with and in accordance with the requirements of chapter 95 of the Code of the Town of Wawarsing.

Section 2.

This law is adopted pursuant to the authority provided by section 261 of the Town Law and section 10 of the Municipal Home Rule Law. To the extent that any one or more of the provisions of this section is inconsistent with any provision of the New York Town Law, including, but not limited to section 274-a of the Town Law, then this section shall, pursuant to the Municipal Home Rule Law, be deemed to supersede any such inconsistent provision.

Section 3.

This local law shall be filed in the office of the Secretary of State of the State of New York and shall take effect immediately upon such filing.