

## For Public Hearing 7/7/2022

### Local Law F of 2022

#### A Local Law amending Chapter 140 of the Code of the Town of Rochester

#### § 140-14 Agricultural Use

##### Section 1. Chapter 140 Amendment

Chapter 140 of the Code of the Town of Rochester § 140-14. **Animal Husbandry.** shall be deleted in entirety and replaced with a new Subsection § 140-14 **Agricultural Use.** as follows.

##### § 140-14 Agricultural Use.

A. Findings. The Town recognizes that farming is an essential enterprise and an important industry which enhances the economic base, natural environment, and quality of life in the Town of Rochester as stated in the Comprehensive Plan and demonstrated with the adoption of Chapter 75, Farming, of the Town Code. It is the policy of the Town to encourage agricultural use and farm operations, particularly in certified county agricultural districts and in the AR-3, AB-3, and A-10 zoning districts, so as to promote production of food and other agricultural products on its agricultural lands and to preserve open space and the rural character of the Town and to not unreasonably restrict or regulate such use.

##### B. Applicability.

- 1) Agricultural use of property shall be regulated to the degree that all provisions of the codes, laws, and regulations of the Town of Rochester and the State of New York; including but not limited to the New York State Uniform Fire Prevention and Building Code, New York State Agriculture and Markets law, New York State Environmental Conservation law, and Ulster County Board of Health requirements shall be applicable excepting such regulations where exemption is specifically granted under the laws of the Town of Rochester or New York State. Some agricultural uses shall require site plan and/or special use approval by the Planning Board as provided for in the Schedule of District Regulations and this chapter.
- 2) Farm operations located within a certified county agricultural district.
  - a. All agricultural uses operated as a farm operation, as defined in §140-4 of this code and located on parcels within a certified county agricultural district are a permitted use in any zoning district by right.
  - b. The construction of on-farm buildings and structures to be used in conjunction with a farm operation, as defined in §140-4 of this code and located on parcels within a certified county agricultural district are a permitted use in any zoning district by right. All agricultural use permanent structures shall require a zoning permit and shall comply with NYS Uniform Fire Protection and Building Codes and shall comply with the minimum setbacks of the district in which they are located. Accessory structures shall comply with § 140-13.

C. Non-Animal Agricultural uses are permitted uses by right in all zoning districts.

D. Animal Agricultural uses not located in a certified county agricultural district in the A-10, AR-3, AB-3, B, and R-5 zoning districts are permitted uses by right.

E. Animal Agricultural uses not located in a certified county agricultural district in the PL-10, NR, H, R1 and R2 zoning districts require site plan approval.

F. Animal Agricultural uses not located in a certified county agricultural district are prohibited in the I zoning district.

G. Animal Agricultural uses not located in a certified county agricultural district shall meet the following standards:

- 1) minimum lot size shall conform to the lot standards defined in section § 140-14.1
- 2) open storage of manure and other hazardous, polluting, odor or dust producing substances or uses shall be setback a minimum of 100 feet from a parcel boundary and 200 feet from a watercourse or wetland as per §140-16, Wetlands and Stream Buffer Requirements and section §140 – 12(E), Waterfront Yards.
- 3) No animals shall be housed or enclosed within 200 feet of an existing neighboring residential structure or within 100 feet of a property boundary.
- 4) Existing conditions shall be suitable for the grazing and or feeding of the proposed animal(s) species.
- 5) Changes to the required setbacks may be determined by the Code Enforcement Officer on finding that the potential effects of the animal agricultural use could be minimized or enhanced due to topography, natural vegetation, and/or separation by other physical features or adjacency with other agricultural uses

I. Agricultural Use Structures. All agricultural use structures may require a zoning and/or building permit as determined by the Code Enforcement Officer and shall comply with NYS Uniform Fire Protection and Building Codes and shall comply with the minimum setbacks of the district in which they are located. Accessory structures shall comply with § 140-13. Agricultural buildings shall be exempt from height restriction standards as detailed in §140-11.

J. Farm Stands are permitted as accessory uses in all Zoning Districts, provided that:

- 1) Such stand shall not exceed 150 square feet in total area.
- 2) Setbacks shall comply with section §140-12 Yards (Setbacks)
- 3) A minimum of one (1) off street parking space shall be provided. All parking shall comply with TOR Code §132 Vehicles and Traffic.
- 4) Such stand is used solely for display and sale of agricultural products grown exclusively by the operator of the roadside stand.
- 5) Signage is limited to 12 square feet and is located not less than five feet from any street line.
- 6) These standards shall also apply to 'pop-up' tent and other temporary farm stands

K. Agricultural labor housing, as defined herein, shall be exempt from the minimum lot area requirements of the given zoning district; however, setback requirements for residential use shall apply. Agricultural housing shall not be used to house persons other than seasonal or full-time employees.

## **Section 2. Severability**

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

## **Section 3. Effective Date**

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.