

Proposed Local Law #6 of the year 2019

§ 200-8.1. Agricultural and Open Space District (A-OS).

A.

Intent. It is the intent of this district to maintain the rural tradition and character of the Town and stabilize land values through the preservation of rural and agricultural uses and to provide protection from uses adverse to the continuation of agricultural uses. In accordance with the Town of Evans Comprehensive Plan ~~and the~~ Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins, ~~and adopted into an Erie County Agricultural District,~~ valuable agricultural, open space, scenic views and conservation and environmentally sensitive areas should be identified and protected from the undesirable impacts of growth and development. That plan recognizes agriculture and open space as an integral part of the Town to be safeguarded from loss and destruction. Farming and farm-related industries provide income and jobs for residents. Activities that preserve farmland complement efforts to protect open space, scenic vistas and wildlife habitat. Preserving agricultural uses discourages urban sprawl, promotes wiser suburban development and controls public costs, resulting in a more economical allocation of public services, thereby controlling the value of land and the tax base. Protecting agricultural uses, farmland and open space also extends the history, tradition and ethics of the Town. It is the intent of this district to maintain the integrity of agricultural uses, promote agriculture as a component of the local economy, help farmers continue viable business activities under current economic conditions, and preserve open space and the rural character of the Town. This law is intended to put the recommendations of the Evans Comprehensive Plan and the Regional Farmland Protection Plan for the Towns of Brant, Evans and North Collins into action. Furthermore, within this district any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, § 308, shall not constitute a private nuisance.

[Amended 12-14-2011 by L.L. No. 11-2011]

(8)

Accessory structures and uses.

[Amended 5-26-2010 by L.L. No. 1-2010]

(a)

Agricultural buildings' and structures' location:

[1]

From another structure: 20 feet.

[2]

From any lot line: 20 feet.

[3]

Size: ~~2,000 square feet maximum~~ Maximum lot coverage 10%

(b)

All other structures' location:

[1]

From another structure: 10 feet.

[2]

From any lot line: five feet.

[Amended 12-14-2011 by L.L. No. 11-2011]

[3]

Size: 1,200 square feet maximum.

[4]

Height: 20 feet maximum.

[Added 5-15-2013 by L.L. No. 4-2013; amended 8-17-2016 by L.L. No. 5-2016]

C.

No unreasonable regulations. Unless it is shown that public health or safety is threatened otherwise, none of the regulations contained in this chapter shall be construed, interpreted or imposed by the reviewing board or official in such a way as to unreasonably restrict/restrain those farms or farm operations located in a state-certified Agricultural District approved pursuant to New York State Agriculture and Markets Law Article 25-AA. In instances where health or safety has been identified as being threatened by such use, these regulations shall be applicable per law, subject to review by the Department of Agriculture and

Markets. By way of example and without limitation, the requirements for a special permit for a particular farm operation use for an additional accessory building may be reviewed by the farmer with the Codes Enforcement Officer, or discussed with the Department of Agriculture and Markets. Pursuant to the existing provisions of the New York State Agriculture and Markets Law (including § 305-a), farm operations located within a state-certified Agricultural District may have certain protections from zoning laws that unreasonably restrict farm practices. In such instances, while the terms of this chapter may prohibit or regulate certain activities or uses, any individual farm operation owner may review such proposed prohibition or regulation with the Town's Codes Enforcement Officer to determine if such request is unreasonably restrictive. Further, the farm operation may, pursuant to New York State Agriculture and Markets Law § 305-a, seek a review of the provisions of this chapter from the New York State Department of Agriculture and Markets for a determination of the applicability of the regulation or restriction.