

*Local Law Filing*

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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.

Town of Pompey

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Local Law No. \_\_\_\_\_ of the year 2015.

A local law to amend Chapter 165 (Zoning) of the Code of the Town of Pompey to add new section

(Insert Title)

165-9.1 titled "Farm Business Overlay Zone District"

Be it enacted by the \_\_\_\_\_ Town Board \_\_\_\_\_ of the

Town of Pompey as follows:

**Section 1.** Chapter 165, Article III, § 165-9.1 of the Code of the Town of Pompey entitled "Farm Business Overlay Zone District" is hereby added to read in its entirety as follows:

**§ 165-9.1. Farm Business Overlay Zone District.**

A.

Findings and purpose. The Town of Pompey finds that protection of agriculture is essential to implementing the goals of the Town of Pompey Comprehensive Plan. Protection of land for agricultural purposes is a legitimate zoning objective under New York State law, which the rules set forth in this section seek to achieve. It is also a policy of the New York State Constitution to preserve agriculture. The purposes of the Farm Business Overlay Zone District (hereafter the FB-O District), among others, are as follows:

(1)

To implement the Town's Comprehensive Plan, which contains the goals of protecting rural and farm lands, discouraging incompatible nearby land uses, and promoting agriculture as a component of the local economy now and in the future;

(2)

To conserve a critical mass of productive farm lands in order to facilitate active and economically viable farm use of the lands now and in the future;

(3)

To enhance farm businesses that contribute to the general economic conditions of the Town;

(4)

To maintain a viable farm base to support agricultural processing and service industries;

(5)

To separate farm land uses and activities from incompatible residential, commercial, industrial, and public facility development;

(6)

To prevent fragmentation of the Town's existing farm lands by nonfarm development; and

(7)

To ensure the availability of a safe, locally grown food supply.

B.

Applicability. The FB-O District shall apply to all lands within the Town's Farm (F) Zoning District which are:

(1) a "farm" as defined in § 165-2 of this chapter;

(2) enrolled within an agricultural district pursuant to Article 25-AA, §§ 303 and 304, of the New York State Agriculture and Markets Law; and

(3) owned and operated by a "Qualified Farmer" as that term is defined by the Internal Revenue Service.

The FB-O District shall apply to a property in conjunction with and in addition to the use and geometric controls of the underlying Farm Zoning District.

C.

In addition to the permitted uses and special permitted uses for the Farm Zoning District listed in the **Use Table** in Attachment 1 of this chapter, the following permitted accessory uses are also allowed for lands within the FB-O District subject to site plan review by the Town Planning Board:

(1)

Permitted accessory uses:

On-farm retail shops for the sale of farm products (excluding "farm stands" regulated in section 165-44) such as meats, woolen goods, flowers, herbs, feed stores, dairies and creameries, and agricultural related products, including gifts, antiques and crafts, in conformance with Subsection **D(1)** below

Wineries, breweries, distilleries and cider mills (reuse of farm buildings and new

construction, the latter no greater than 10,000 square feet in gross floor area) selling product in a tasting room, derived from crops of which a minimum of 25% is grown in the Town of Pompey

Other accessory farm or agritourism uses and activities so long as the general agricultural character of the farm is maintained and such uses occur through reuse of farm buildings only. Such uses may include but not be limited to:

Educational experiences such as farm tours, day camps, farming and food-preserving classes, cooking classes, nature hikes

Value-added processing facilities for farm products of which a minimum of 50% is grown in the Town of Pompey

Bakeries selling baked goods containing produce of which a minimum of 25% is grown in the Town of Pompey, and baked on site

Petting zoos, animal displays, and pony rides

Wagon, sleigh, and hayrides

Seasonal outdoor crop mazes

Family-oriented animated barns (e.g., fun houses, haunted houses)

Organized meeting space for use by weddings, birthday parties, and corporate picnics

Nature trails

Historical Farm exhibits

Open air or covered picnic area with rest rooms

Harvest festivals and barn dances

Companion animal or livestock show

Appropriate signage, parking, hours of operation, noise, lighting, etc. for all permitted accessory uses shall be established by the Planning Board in conformance with the provisions of § 165-44

Water supply and sanitary sewage facilities shall be subject to Onondaga County Health Department approval

D.

Supplemental standards for permitted uses.

(1)

On-farm retail shops, as described in Subsection C(1) of this section, shall be allowed in the FB-O District as a permitted use, provided that:

(a)

Such shop shall not exceed 4,000 square feet in gross floor area.

(b)

Parking area subject to parking and off-street loading requirements in § 165-44.

(c)

Signage can be either seasonal or permanent subject to the provisions of §165-44.

(d)

Subject to Onondaga County Health Department approval for on-site water supply and sanitary sewage facilities if applicable to the proposal.

E.

Any property and use which are subject to the requirements in this section and which existed at the time of adoption of this section, and which use was otherwise in compliance with the Town Zoning Code at the time of adoption of this section as determined by the Code Enforcement Officer, is grandfathered from the requirements in this section.

**Section 2.** This Local Law is effective upon filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2015 of the Town of Pompey was duly passed by the Town Board on April 6, 2015, in accordance with the applicable provisions of law.

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

(Seal)

Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Attorney for the Town  
\_\_\_\_\_  
Title

Town of Pompey  
\_\_\_\_\_

Date: \_\_\_\_\_