

LOCAL LAW NO. 4 OF THE YEAR 2023
OF THE TOWN OF LIVONIA

A local law to amend the Code of the Town of Livonia, Livingston County, New York to modify various sections, including Chapter 71 Farming - Article I, §71-2 Definitions of such Code and provisions of Chapter 150 Zoning - Article I, §150-5 Definitions, Article V, §150-32 ARC-3 Agricultural Residential Conservation - 3 District, §150-33 ARC-5 Agricultural Residential Conservation - 5 District and to create a new section under Article VII to be known as “§150-69.1 Agritourism and Agribusiness.”

Be it enacted by the Town Board of the Town of Livonia as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A Local Law to amend Code of the Town of Livonia, Livingston County, New York to modify various sections, including Chapter 71 Farming - Article I, §71-2 Definitions of such Code and provisions of Chapter 150 Zoning Article I, §150-5 Definitions, Article V, §150-32 ARC-3 Agricultural Residential Conservation - 3 District, §150-33 ARC-5 Agricultural Residential Conservation - 5 District and to create a new section under Article VII to be known as “§150-69.1 Agritourism and Agribusiness.”

New definitions will be added and modifications will be made to existing definitions in Chapter 71 Farming - Article I, §71-2 as well as Chapter 150 Zoning - Article I, §150-5; new uses permitted with a Conditional Use Permit will be added to Chapter 150 Zoning - Article V, §150-32 ARC-3 Agricultural Residential Conservation - 3 District and §150-33 ARC-5 Agricultural Residential Conservation - 5 District; and a new §150-69.1 Agritourism and Agribusiness will be added to Article VII Regulations Applicable to All Zoning Districts.

SECTION 2. PURPOSE.

A. Authority. This local law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Livonia in a fashion that is not inconsistent with the Comprehensive Plan of the Town of Livonia. This Local Law regulates the use of buildings and structures and the development and use of land within the Town of Livonia.

B. To these ends, this local law and the Article that it amends is designed to:

1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan so that the Town may realize its potential as a place to live and work, with the most beneficial and convenient relationships among the agricultural, commercial, industrial, and residential areas within the Town and with due consideration to the character of each district and its suitability for particular uses; and
2. Protect and manage the character of the Town.

SECTION 3. MODIFICATIONS TO CHAPTER 71 FARMING - ARTICLE I RIGHT TO FARM – SECTION 71-2 DEFINITIONS.

The current §71-2 shall be amended such that the following new definition will be included in such section:

“FARM OPERATION

Shall have the meaning as defined in § 301 of the New York Agriculture and Markets Law (AML).”

The current §71-2 shall be amended such that the following definitions shall be amended as set forth:

The existing definition “FARM” shall be repealed and replaced in its entirety with the following new definition:

“FARM

The use of a parcel of land of five acres or more for gain in the raising of agricultural products, trees, nursery stock, livestock, poultry or dairy products. It includes necessary Agricultural Buildings or Farm Buildings and the storage of necessary equipment. It also includes the use of a parcel of land of less than five acres, except that on such parcels the raising of fur-bearing animals, livery or boarding stables, dog Kennels and the raising of livestock or poultry for personal use or for sale and/or slaughter is excluded and therefore prohibited. No housing of poultry or stabling of livestock or storage of manure or other odor- or dust-producing material shall be allowed within 100 feet of any Lot Line separating the Farm from adjacent residences or other uses.”

SECTION 4. MODIFICATIONS TO CHAPTER 150 ZONING - ARTICLE I INTENT; APPLICABILITY; DEFINITIONS – SECTION 150-05 DEFINITIONS.

The current §150-5 shall be amended such that the following new definitions will be included in such section:

“AGRIBUSINESS

Activities conducted on a Farm or Farm Operation that are dependent upon such Farm or Farm Operation, including, but not limited to, on-farm bed-and-breakfasts, farm stay programs, Farm related camping and lodging, U-pick operations, seasonal events, pumpkin patches, farm breweries, farm cideries, farm distilleries and farm wineries, and offering to the public, or to invited groups, the sale of agricultural products, education, recreation or active involvement in the Farm or Farm Operation. An Agribusiness activity may be conducted in an Accessory Building where the use is secondary to the primary Farm or Farm Operation use on a property. The Alcoholic Beverage Control Law (ABC Law) provides the standards which must be met for farm brewery, cidery, winery and distillery licenses.”

“AGRITOURISM

Activities conducted by a farmer on a Farm or Farm Operation for the enjoyment or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the Farm or Farm Operation and enhance the public's understanding and awareness of agriculture, farming and farm life.”

“FARM OPERATION

Shall have the meaning as defined as defined in § 301 of the New York Agriculture and Markets Law (AML).”

“FARM STAND or FRUIT AND VEGETABLE STAND

An incidental and subordinate activity of a Farm, Farm Operation, Greenhouse or Nursery involving seasonal retail sale of primarily locally raised agricultural products, and may include activities in which retail customers pick or select their own produce from the fields or growing areas.”

“FARM WOODLAND; FOREST FARMING OPERATION

The land used for the production of woodland products intended for sale, including but not limited to logs, lumber, posts and firewood. Farm Woodland shall not include land used to produce Christmas trees or land used for the processing or retail merchandising of woodland products.”

“GREENHOUSE, GARDEN NURSERIES or NURSERY (EXTERIOR)

A place where trees, shrubs, vines and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated before being offered for sale and transplanting. (This definition shall not encompass those retail establishments that buy most of their horticulture stock wholesale, not propagating it themselves).”

The current §150-5 shall be amended such that the following definitions shall be amended as set forth:

The existing definition “AGRICULTURAL OR FARM BUILDING” shall be repealed and replaced in its entirety with the following new definition:

“AGRICULTURAL BUILDING OR FARM BUILDING

A Structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, or for the incidental or customary processing of farm products, and provided that such Structure is located on, operated in conjunction with and necessary to a Farm or Farm Operation, but not to include any Structure designed, constructed or used, in whole or in part, for human habitation or for Agribusiness or Agritourism.”

The existing definition “AGRICULTURAL OR FARMING OPERATION” shall be repealed and replaced in its entirety with the following new definition:

“FARM

The use of a parcel of land of five acres or more for gain in the raising of agricultural products, trees, nursery stock, livestock, poultry or dairy products. It includes necessary Agricultural Buildings or Farm Buildings and the storage of necessary equipment. It also includes the use of a parcel of land of less than five acres, except that on such parcels the raising of fur-bearing animals, livery or boarding stables, dog Kennels and the raising of livestock or poultry for personal use or for sale and/or slaughter is excluded and therefore prohibited. No housing of poultry or stabling of livestock or storage of manure or other odor- or dust-producing material shall be allowed within 100 feet of any Lot Line separating the Farm or Farm Operation from adjacent residences or other uses.”

SECTION 5. MODIFICATION TO ARTICLE V, §150-32 ARC-3 AGRICULTURAL RESIDENTIAL CONSERVATION - 3 DISTRICT.

The current Section 150-32. D. of the Zoning Ordinance of the Town of Livonia is hereby modified and amended to include a new use permitted with a Conditional Use Permit, which such section is designated as “§150-32 D. (9)” and shall read as follows:

“(9) Agritourism or Agribusiness, in accordance with Article VII - Regulations Applicable to All Zoning Districts, §150-69.1.”

SECTION 6. MODIFICATION TO ARTICLE V, §150-33 ARC-5 AGRICULTURAL RESIDENTIAL CONSERVATION - 5 DISTRICT.

The current Section 150-33. D. of the Zoning Ordinance of the Town of Livonia is hereby modified and amended to include a new use permitted with a Conditional Use Permit, which such section is designated as “§150-33 D. (10)” and shall read as follows:

“(10) Agritourism or Agribusiness, in accordance with Article VII - Regulations Applicable to All Zoning Districts, §150-69.1.”

SECTION 7. MODIFICATION TO ARTICLE VII – REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS.

The current Article VII of the Zoning Ordinance of the Town of Livonia – Regulations Applicable to All Zoning Districts is hereby modified and amended to include a new section designated as “§150-69.1 Agritourism and Agribusiness” and shall read as follows:

“§150-69.1 Agritourism and Agribusiness.

- A. Intent. To regulate Agritourism and Agribusiness in such a way that the rural character of the community remains intact while encouraging and protecting agricultural tourism at an appropriate scale and intensity. Development restrictions are intended to ensure compatibility with adjacent land uses and available public services, limit impacts to the natural environment, and to ensure farmers rights to use these beneficial accessory operations in a way that enhances the community they are located in.
- B. All Agritourism and/or Agribusiness uses shall conform to the following conditions:
- (1) Comply with Article XV, Access Management, and Article X, Off-Street Parking and Loading Regulations.
 - (2) Comply with Article IX Landscaping, Screening and Buffer Regulations.
 - (3) Comply with all regulations and processes associated with Article XIV Site Plan review and approval by the Livonia Joint Planning Board.
 - (4) Minimum lot size to be 3 acres, plus any additional acreage determined by the Planning Board to be required in order to provide for possible future expansion and buffer noise, lights, etc. from neighboring uses.
 - (5) Maximum build-out for site shall be determined by Planning Board.
 - (6) Permitted Agritourism or Agribusiness activity shall be and remain an Accessory Use to the Owner’s Farm or Farm Operation.

- (7) Any significant or material change or expansion of the uses associated with a previously granted Conditional Use Permit for Agritourism or Agribusiness shall require additional review and approval by the Town of Livonia Planning Board.
- (8) Applicant is required to provide to the Building and Zoning Department and to maintain accurate and up-to-date as-built maps of facilities.
- (9) All facilities are subject to applicable Building and Fire Codes, including periodic fire inspections.
- (10) Hours of operation and noise levels limits shall be set as determined by the Planning Board and/or Zoning Board of Appeals.

SECTION 8. EFFECTIVE DATE.

This local law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.