

DRAFT Zoning Regulations
Proposed Agricultural Production Zoning District

Definitions:

Farm Dwelling - A residence located on a farm parcel.

Farm Parcel - A tract or parcel of land devoted primarily to agricultural uses, and which may include a dwelling and/or other accessory uses.

Farm-Related Business - A business engaged principally in providing supplies, implements, livestock and/or other products or services needed for agricultural uses, including but not limited to seed, fertilizers, herbicides, pesticides, animal feeds, tools, fencing and parts for farm machinery or equipment, blacksmithing, farm implement repair, storage of agricultural products, or retail sale of agricultural products. This definition shall not include agricultural processing plants, dealerships for farm equipment or machinery or slaughterhouses.

Non-farm Lot - A lot or parcel within the Agricultural Production Zoning District (APZ) that:

- a) contains less than 25 acres and contains one or more dwelling units or other non-agricultural use.; or
- b) contains 25 or more acres and is devoted to uses other than agricultural or residential.

Parent Tract - A tract of land located within an Agricultural Production Zoning District (APZ) on the effective date of this Local Law, and held in single and separate ownership.

§ XXX-1. Purpose and intent.

The intent of the Agricultural Production Zoning District (APZ) is to facilitate existing and future agricultural land uses; to preserve existing prime agricultural soils; to maintain highly productive agricultural lands by limiting encroachment of nonagricultural development; to minimize the conflicts between agricultural and nonagricultural uses; to discourage residential sprawl and minimize adverse fiscal impacts through the extension of municipal services; to maintain agricultural vistas, to promote agro-tourism, and to preserve the rural character of the Town of Batavia.

§ XXX-2. Uses.

In the APZ, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses.

Town of Batavia Agricultural & Farmland Protection Plan

Appendix F

(1) Agricultural production, including but not limited to the following:

(a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans.

(b) Fruits, including apples, peaches, grapes, cherries and berries.

(c) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.

(d) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

(e) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur-bearing animals, milk, eggs and furs.

(f) Christmas trees grown in a managed Christmas tree operation, whether dug for transplanting or cut from the stump.

(g) Commercial horse boarding operation.

(2) Dwelling, one-family.

(3) Attached single-family dwellings within a cluster or conservation subdivision.

(4) Riding academy, corral or facilities for the training of horses.

(5) Greenhouse.

(6) Farm Market

(7) Roadside Stand

B. Uses allowed with a special use permit.

(1) Bed-and-breakfast.

(2) Kennel, commercial.

(3) Agricultural Worker housing, subject to the requirements of § XXX-__.

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

(1) Home occupation.

(2) Roadside Stand

Town of Batavia Agricultural & Farmland Protection Plan

Appendix F

(3) Agricultural worker housing pursuant to the requirements of § XXX-__.

(4) Agricultural use.

§ XXX-25. General lot, yard, bulk and height requirements.

A. No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this article by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

B. Area Requirements

1. No farm parcel shall be subdivided to create a lot of less than 25 acres.
2. No more than one dwelling unit shall be permitted for every 25 acres of a parent parcel.
3. A non-farm lot subdivided from a parent tract shall have a minimum of 20,000 square feet and a maximum of two (2) acres.
4. All other uses permitted by right or by special use permit shall have a minimum lot area of 20,000 square feet, except as specified in Schedule A.

C. Limitations on Subdivision of Parent Tracts

1. It is the intent of this provision to limit the creation of non-farm lots and the subdivision of farm parcels from parent tracts, in order to provide for the retention of tracts of sufficient size to be used reasonably for agricultural purposes.
2. For every non-farm lot created through subdivision from a parent tract, an amount of land equal to 25 acres minus the size of the non-farm lot shall be delineated on the subdivision plat as agricultural or conservation land within which no additional residential subdivision shall be permitted.
3. Landowners are encouraged to prepare a development and conservation plan for their entire holdings before subdividing a non-farm lot from a parent tract. Such development and conservation plan should identify the areas within a farm parcel that are most appropriate for limited residential development, as well as those which are the most suited for continued agricultural use.
4. A single family detached dwelling may be erected on any single undeveloped lot of record (parent tract) as of the effective date of this Local Law. Such lot must be a parent tract in single ownership and not contiguous with other tracts in the same ownership. The parent tract must meet applicable requirements for minimum lot size, and any buildings erected on the lot must meet yard setback, lot coverage, and height regulations.

Town of Batavia Agricultural & Farmland Protection Plan

Appendix F

5. In the event a tract of land not originally classified as part of the PA-Production Agricultural District on the effective date of this Ordinance is hereafter classified as part of the Agricultural Production Zoning District (APZ), the size and ownership of such tract of land and its classification as a parent tract, shall be determined as of the effective date of the change in the zoning classification to Agricultural Production Zoning District (APZ).
- D. Requirements for Dwellings Located on Non-farm Lots
1. Dwellings located on non-farm lots shall be subject to Site Plan Review by the Planning Board. The application for Site Plan Review shall include a scaled drawing indicating the location of the proposed dwelling in relations to surrounding farms.
 2. The non-farm lot shall be sited on that portion of the parent parcel which separates it as much as possible from adjacent farming, including minimizing the length of property lines shared by the residential lot and adjoining farms.
 3. The dwelling and its lot shall be located on the least productive farmland wherever practical.
 4. The dwelling shall be sited on the smallest practical area to satisfy the requirements of this Section and on-site sewage disposal regulations.

§ XXX-26. Cluster development and additional subdivision requirements.

- A. Purpose and intent. It is the purpose of this article to require cluster development pursuant to § 278 of the Town Law in order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect prime agricultural soils and scenic vistas without impeding agricultural land use on a portion of a property or on adjacent or nearby properties.
- B. In order to accomplish the clustering of residential lots within the APZ, an applicant for subdivision shall provide a standard yield plan and a cluster plan, which succeeds in preserving agricultural land for agricultural use to the greatest extent practicable. In its review of a cluster subdivision plan, the Planning Board shall consider the following:
 - (1) The location and extent of prime agricultural soils;
 - (2) The location of wooded areas;
 - (3) The location and extent of natural features;
 - (4) The general topography and the location and extent of sloped areas;

Town of Batavia Agricultural & Farmland Protection Plan

Appendix F

- (5) The spatial relationship of the property to contiguous or neighboring preserved agricultural land;
 - (6) The general stormwater tributary area and the extent and direction of overland drainage.
- C. Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots and the recording of agricultural easements, except that the Planning Board may approve a cluster subdivision with a lower percentage of preserved prime agricultural soils in order to ensure appropriate arrangement of lots, streets, and public facilities.
- D. In the event that the Planning Board approves a cluster plat that preserves less than 70% of the prime agricultural soils, the reasons supporting such decision shall be set forth within the resolution approving the preliminary plat. The Planning Board shall not approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open space areas.
- E. Cluster Development Guidelines.

The following guidelines are to be applied in addition to subdivision regulations (Article __) and cluster development (Article __) and shall apply to all cluster subdivisions within the APZ. The cluster subdivision plat shall be designed so as to preserve agricultural vistas.

1. The cluster subdivision plat must locate and arrange the residential lots so as to protect, to the maximum extent practicable, that portion of the tract preserved for agricultural use.
2. The cluster subdivision plat must depict an arrangement of residential lots so as to reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
3. The residential portion of the cluster subdivision plat must be so laid out, and protected during construction, as to remain as harmonious to the greatest extent practicable with the natural environment minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands and other similar disturbances of the natural environment pursuant to Chapter __ of the Batavia Town Code.
4. The agricultural lots of a cluster subdivision plat must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all storm water runoff.

Town of Batavia Agricultural & Farmland Protection Plan

Appendix F

5. The cluster subdivision tract must demonstrate the ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.

6. The Planning Board shall not cluster lots within the Agricultural Production Zone in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable.