

A LOCAL LAW TO AMEND CHAPTER 175 (ZONING)
AND CHAPTER 97 (FARMING) OF THE SWEDEN
TOWN CODE IN FURTHERANCE OF
SUPPORT FOR AGRICULTURE, FARM OPERATIONS
AND FARMLAND PROTECTION IN THE
TOWN OF SWEDEN

Be it enacted by the Sweden Town Board, County of Monroe, State of New York
(hereinafter referred to as the Board), as follows:

SECTION 1. TITLE

This Local Law shall be referred to as the "Local Law to Amend Chapter 175 (zoning)
and Chapter 97 (farming) of the Sweden Town Code in Furtherance of Support for Agriculture,
Farm Operations and Farmland Protection in the Town of Sweden".

SECTION 2. PURPOSE AND INTENT

The Town of Sweden (hereinafter referred to as the Town) and the Board recognize that
farming is an essential enterprise and an important industry that enhances the economic base,
natural environment and quality of life in the Town. The Board further declares that it shall be
the policy of the Town to encourage agriculture and foster understanding by all residents of the
necessary day to day operations involved in farming so as to encourage cooperation with those
practices, all as also more specifically referenced and recognized in Sweden Town Code §97-1.

SECTION 3. AUTHORITY

This Local Law is enacted pursuant to the New York State Constitution, Municipal Home Rule Law §10 and the Agriculture and Markets Law (including the guidelines established by said law and hereinafter referred to as AML and/or AML Guidelines).

SECTION 4. CHAPTER 97 (FARMING)

1. Chapter 97 (farming) of the Sweden Town Code is hereby amended to add a §97-3.
2. Sweden Town Code §97-3 to be added shall read as follows:

"Reference is hereby made to the definitions of "farm", "farming" and "farm operation" as contained in Chapter 175-7 (Zoning) of the Sweden Town Code. No regulations contained in the Sweden Town Code shall be construed, interpreted or imposed by a reviewing board or official in such way as to unreasonably restrict/restrain farms, farming and/or farm operations located in a State Certified Agriculture District approved pursuant to AML Article 25-AA. In those circumstances when the health, safety and welfare of the area have been identified as being potentially jeopardized by such uses, these regulations shall be applicable per law."

SECTION 5. CHAPTER 175-7 (ZONING)

1. Chapter 175-7 (Zoning) of the Sweden Town Code is hereby amended to delete the existing definition of "farm" and to replace same with the following definitions:

A. "BREWERY" - A facility for the fermenting and production of malt beverages on-premises which may include on-premises for retail sale and tasting or consumption at certain specified times. A brewery may also include a farm brewery associated with a farm operation subject to the AML/AML guidelines. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

B. "CIDERY" - Any place or premises where cider is manufactured for sale and tasting or consumption at certain specified times, vaults, yards and store rooms connected therewith or where any part of the manufacture of cider is carried on or where the apparatus connected with such manufacture is kept or used or where any of the products of cider are stored or kept and same shall be deemed to be included in and form part of the cidery to which they are attached or are appurtenant. A cidery may also include a farm cidery associated with a farm operation subject to the requirements of the guidelines of the AML. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

C. "DISTILLERY" - a facility for distillation of fermented products to produce distilled beverages with a high alcohol content on premise for retail sale, tasting and consumption during regular business hours. A distillery shall include a farm distillery associated with a farm operation which markets farm products consistent with the guidelines of the AML. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

D. "FARM AND FARMING" - Any lot or parcel at least ten (10) acres which is used in gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment

used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

E. "FARM BREWERY, CIDERY, DISTILLERY AND/OR WINERY" - Any brewery, cidery, distillery and/or winery associated with and in connection with the marketing of farm products as recognized under the AML. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

F. "FARM OPERATION" - As defined in the AML, Article 25-AA §301(11) as amended, land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as commercial enterprise, including a commercial horse boarding operation. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. In consideration of any approvals or interpretations relative to farm operations, the reviewing officer or body may consider the applicability of the AML Article 25-AA along with the AML Guidelines with respect to such uses. A farm operation may include a farm stand, subject to the granting of site plan approval. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

G. "FARM STAND" - An incidental and subordinate activity of a farm involving a building or lot or portions of a building or lot used for the seasonal retail sale of agricultural products and may include activities in which retail customers pick or select their own produce from the fields or growing areas. A farm stand is deemed to be an accessory use to a farm operation. Farm stands with an area greater than 100 sq. ft. but less than 1,000 sq. ft. shall

require the granting of a site plan approval from the Planning Board. A farm stand in excess of 1,000 sq. ft shall only be allowed upon the issuance of a Special Use Permit. Farm stands with an area less than 100 sq. ft. are allowed as an accessory use as of right. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

H. "MANURE STORAGE FACILITY" - A facility constructed as an accessory use to a legally established animal husbandry use, public or private stable or kennel intended or used to collect, hold, process, store, treat or distribute animal solid and/or liquid waste, including by way of example storage tanks, lagoons, seepage pits, drains and collection systems intended to handle waste. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

I. "NURSERY OR GREENHOUSE" - Any operation engaged in the production of any agricultural plan to produce trees, shrubs, bushes, sod, flowers, ferns, plants or associated products that will be used in another location. Such use shall require the issuance of a Special use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

J. "WINERY" - Any business established for the conversion of grapes or other fruits and foods into wines, grown on the premises or consistent with the AML. A winery may also include a farm winery associated with a farm operation subject to the requirements of the AML and AML Guidelines. Such uses may also provide wine tasting, wine sales and sales of related wine products. Such use shall require the issuance of a Special Use Permit by the Zoning Board of Appeals and Site Plan Approval from the Planning Board.

SECTION 6. CHAPTER 175-30 (ZONING)

1. Chapter 175-30(C)(9) is hereby amended to delete the existing language and replace same with the following:

" No signs, banners, balloons, posters, flags or searchlights which are attached to any vehicle, ground, or building shall be allowed without a special event permit or sign permit. Signs, banners, balloons, posters, flags or searchlights for grand openings, sales and special events may be used for a limited time period, no more than 14 days prior to the event and removed 48 hours after the event."

2. Chapter 175-30(C)(17) is hereby amended to delete the existing language and replace same with the following:

"Off-site advertising signs, announcing a political, educational, charitable, philanthropic, civic, religious, agricultural , or like campaign, drive, movement or special event shall not be placed prior to 14 days preceding the event and shall be removed within 48 hours after the event. Such signs may be placed off site with permission of the property owner(s). No more than 10 off-site such signs may be placed in Town. Exception: Political signs can be placed 45 days prior to the election and there are no limits to the number of political signs that can be placed."

3. Chapter 175-30(D)(2)(a)[4] is hereby amended to delete the existing language it is entirety.

4. Chapter 175-30(D)(2)(b) is hereby amended to delete the existing language and replace same with the following:

"All such signs shall be removed within 48 hours after the conclusion of any event of which the sign gives notice."

5. In relationship to Chapter 175 Attachment 1:5, the category designated as "special events" is modified as follows and all as also shown on the zoning chart 175 attachment 1:5 attached hereto.

A) Special Events, Allowable Signs: The word "tents" is to be removed therefrom and also a new subparagraph worded "off-premise signs" is to be added at the end of same.

B) Special Events, Maximum Total Area: The words "64 sq. feet not to exceed 32 sq. feet per sign" are to be added in correlation to the off-premise signs category.

C) Special Events, Maximum Height Above Ground (ground-mounted): The words "8 feet" are to be added in correlation to the off-premise signs category.

D) Special Events, Permit Required: The letter "Y" is to be added in correlation to off premise signs category.

E) Special Events, Comments: The words "No more than 1 special event to be held each month for a period not exceeding 7 consecutive calendar days. Special Events permits required for each event" are to be deleted entirely and replaced with the following: " No more than 2 special events to be held each month or 12 special events per calendar year. Signs up no more than 14 days prior to event and removed within 48 hours after event." The foregoing is in correlation to on-premise signs, posters, banners, flags, search lights, balloons, etc. for grand openings, sales and special events for a limited time period.

F) Special Events, Comments: The words "Refer to Town Code, §175-30(C)(17)" is to be added in correlation to the off-premise signs category.

SECTION 7. SEVERABILITY AND/OR VALIDITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudged by any Court of competent jurisdiction to be invalid or unconstitutional, such Order or Judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which said Order or Judgment shall be rendered.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with Municipal Home Rule Law §27.

Dated: Brockport, New York