

<b>Topic:</b>	Farmland Protection & Preservation; Open Space Preservation; Accessory Uses; Agriculture
<b>Resource Type:</b>	Regulations
<b>State:</b>	New York
<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Town of Chili
<b>Year (adopted, written, etc.):</b>	1996-2002
<b>Community Type - applicable to:</b>	Suburban; Rural
<b>Title:</b>	Town of Chili Agricultural Conservation District Ordinance
<b>Document Last Updated in Database:</b>	May 1, 2017

### ***Abstract***

This law was created by the Town Board of Chili, NY, in an effort to protect agricultural lands within the town by creating the Agricultural Conservation District. The law describes: the accessory and conditional uses that are allowed, the dimension requirements for the district, incentive zoning requirements and other miscellaneous requirements needed to set up the district.

### ***Resource***

Town of Chili NY Agricultural Conservation District  
Code of the Town of Chili NY  
Chapter 115: Zoning  
General Code

§ 115-20.3. AC Agricultural Conservation District. [Added 1-17-1996 by L.L. No. 1-1996]

- A. Purpose. The purpose of the AC Agricultural Conservation District is to encourage a proper environment to foster customary agricultural operations and rural residential land uses; to maintain an open rural character; to protect viable agricultural soils; and to coordinate residential densities with the availability of utilities. The district regulations contain incentives to encourage landowners to maintain lands in permanent open space and/or agricultural use. In exchange for owners agreeing to maintain lands in open space or agricultural use, the Town Board may approve an incentive that would increase the number of single-family lots that would be otherwise permitted. The Town will strive to achieve attractive and functional site development plans consistent with the rural residential objectives of the Town's Comprehensive Plan. Strip roadside development will be discouraged and subdivisions should be designed to maintain open

space and to minimize the disruption of viable farming activities.

B. Permitted uses. The following uses and their accessory uses are permitted outright:

- (1) General farming, including but not limited to the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains and similar food and fiber crops.
- (2) Animal husbandry, including the breeding and raising of cattle, sheep horses, goats, pigs and rabbits.
- (3) Poultry ranching.
- (4) Sale of agricultural products.
- (5) Dairies.
- (6) One single-family dwelling per legal lot.
- (7) Customary home occupations.
- (8) Forest and wildlife preserves.
- (9) Greenhouses and nurseries.
- (10) Ancillary or auxiliary structures, such as a tool or storage shed, pump house, gazebo or picnic shelter, garden house or greenhouse, provided that such a structure is 160 square feet or less in floor area and is 12 feet or less in height above the existing grade elevation. Such structures shall conform to the provisions of § 115-41.

C. Conditional uses. The following uses and their accessory uses are permitted when authorized in accordance with Article IV;

- (1) Public and private utility buildings, structures and uses, but not including corporation, storage or repair yards, warehouses, power plants and similar uses.
- (2) Recreational uses such as parks, playgrounds, golf courses, golf driving ranges, country clubs, swimming clubs and tennis clubs, but not including such intensive outdoor recreation uses as a race track or amusement park. [Amended 7-31-

2002 by L.L. No. 2-2002]

- (3) Stables or riding academies where animals are boarded, rented or leased.
- (4) Cemeteries and related uses.
- (5) Veterinarian's offices or animal hospitals.
- (6) Agribusinesses.
- (7) Communication tower, provided that the same is for personal, not commercial, use and does not exceed the height restrictions set forth in this chapter.
- (8) Private animal kennels, provided that no structure or area used for such purposes, including pens and exercise yards, shall be located within 200 feet of any residential property line.
- (9) Antique shops.
- (10) Bed-and-breakfast establishments.
- (11) Tack shops.
- (12) Notwithstanding § 115-20.3C(2), motorized recreational vehicle outdoor off-road track subject to conditions provided for in § 115-24.2 and subject to Article IV. Outdoor motorized recreational vehicle off-road tracks when they exist on a parcel of land in a residential district, shall only be located on a lot where the operator(s)' single-family dwelling exists. [Added 7-31-2002 by L.L. No. 2-2002]

D. Dimensional requirements.

- (1) The minimum lot area for a farm, forest or wildlife preserve within the AC Agricultural Conservation District shall be 10 acres.
- (2) The minimum lot area for a single-family dwelling within the AC Agricultural Conservation District shall be five acres.
- (3) Notwithstanding the minimum lot sizes set forth herein, if the site proposed for development is not served with public sanitary sewer facilities, the lot size shall be increased as necessary, to ensure the minimum separation distances between on-site disposal facilities and individual private water supplies as required by the

Monroe County Department of Health.

- (4) The following minimum restrictions shall apply for farms and single-family dwellings in the AC Agricultural Conservation District:

	Single-Family Dwellings	Farms
Lot size	5 acres	10 acres
Lot width	75 feet	500 feet
Front setback	00 feet	100 feet
Side setback	0 feet	50 feet
Rear setback	0 feet	50 feet
Maximum	0%	10%

aggregate

lot coverage

- (5) Any building housing livestock or any noxious commodity shall not be located closer than 100 feet to any lot line, except when abutting another use district. In such instances, the minimum distance shall be 200 feet.
- (6) The maximum building height shall be two stories or 35 feet, whichever is the lesser. Barns, silos, water towers or tanks or other farm buildings or structures may exceed the thirty-five-foot limitation, provided that they are set back not less than 100 feet from all property lines.
- E. Application of incentive zoning provisions. If the site proposed for development contains amenities to advance the Town's physical, cultural and social policies in accordance with the objectives of the Comprehensive Plan, the Town Board may implement the incentive zoning regulations as set forth in Article XVI of this chapter as follows:
- (1) The Town Board may approve an increase in the number of single-family residential lots that would otherwise be permitted in this district and may reduce the minimum lot size if the owner or owners of a proposed development site were

to offer to set aside a specific portion of the proposed development site for either permanent open space and/or for agricultural use. The number of additional lots (incentive) that may be created shall be determined by the percentage of the total site that it is proposed for designation as permanent open space and/or agriculture (amenity) according to the following formula:

Percent of Site Designated for Open Space and/or Agricultural Use (Amenity)	Percent Increase in the Number of Single-Family Lots that may be Created (Incentive)
20 to 30	
31 to 40	5
41 to 50	
51 to 60	5
61 to 70	
71 to 80	5
More than 80	

- (2) The following additional regulations shall govern the use of the incentive/amenity procedures in this district:
- (a) The minimum size of a parcel of land to be eligible for consideration under these regulations shall be 10 acres.
  - (b) In order to be eligible for consideration under these regulations, the minimum percentage of a parcel of land that may be designated for permanent open space and/or agricultural use shall be 20%.
  - (c) The computation of the number of incentive lots that may be permitted shall be rounded to the nearest whole number.
  - (d) The Town Board shall determine the area and yard requirements, including setbacks and maximum lot coverage, for single-family residential lots to be created under the provisions of these regulations on an individual case basis. Prior to making such a determination, the Town Board shall request an

advisory recommendation from the Planning Board.

- (e) Lands proposed to be included as part of an amenity package to be set aside for permanent open space and/or agricultural use shall, in the opinion of the Planning Board, be suitable for development and shall generally not include bedrock outcroppings, wetlands, lands within the one-hundred-year floodplain, sites with slopes that exceed 15% or any combination of factors that would limit the development of these areas.
- (f) Prior to the approval of any proposal under this section, the owner or owners shall enter into a recordable agreement with the Town in a form approved by the Town Attorney that guarantees that the lands included in the amenity package shall not be developed for any purpose other than a permitted agricultural use consistent with the provisions of this chapter.

F. Other provisions and requirements within the AC Agricultural Conservation District.

- (1) Site plan approval shall be obtained from the Planning Board as required in Article V of this chapter.
- (2) In reviewing proposed site plans, the Planning Board may consult with the Town Engineer, the Town of Chili Farmland Advisory Committee, other Town officials and advisory boards, representatives of the Monroe County Department of Planning and Development and the Soil Conservation Service as well as other individuals or agencies as the Planning Board deems appropriate.
- (3) Lots proposed to be subdivided for new single-family dwellings shall be sited so as to minimize potential adverse impacts on viable agricultural lands, including the disruption of drainage patterns, and to minimize interference with agricultural operations.
- (4) Dwellings shall be located so as to minimize potential adverse impacts associated with the runoff or infiltration of fertilizer and chemicals from neighboring farms and manure from agricultural operations.
- (5) Site development plans shall be encouraged to minimize the number of lots that will have direct access to an existing roadway and to maximize the number of lots that will have access from an interior subdivision street.
- (6) Wherever possible, new single-family dwellings shall be located on those portions of proposed development sites which have the least potential for agricultural use.

- G. Off-street parking. Off-street parking shall be provided as required in Article VI, § 115-113.
- H. Signs. Signs are permitted as set forth in Article VI, § 115-114.
- I. Fences, walls, hedges and screen planting. Fences, walls, hedges and screen planting are permitted as forth in Article VI, § 115-115.