

**TOWN OF WESTMORELAND**  
**LOCAL LAW NO. 1 of the year 2010**

**Section 1.**     Purpose: The promulgation of these amendments to the Zoning Ordinance of the Town of Westmoreland was prompted by an ongoing effort of the Town Board to make its agricultural zoning regulations more consistent with the current state of the Town of Westmoreland and incorporate some of the suggestions of the 2007 Comprehensive Plan so as to allow for growth while, at the same time, protecting the importance of agricultural operations.

**Section 2.**     The Zoning Ordinance of the Town of Westmoreland is hereby amended by eliminating the Section 3(G) “Agricultural Districts” so that there are no “Town of Westmoreland Agricultural Districts”.

**Section 3.**     The Zoning Ordinance of the Town of Westmoreland is hereby amended by amending Section 6(A)-7 so that no agricultural operations are allowed in an R-1 District (unless said property falls within a County adopted, New York State Certified Agricultural District). The new section 6(A)-7 shall read as follows:

Customary agricultural operations but only if the property falls within a County adopted, New York State Certified Agricultural, provided however, that no storage of manure or odor and/or dust producing substance shall be within 25 feet of any property line; and provided further than any building in which farm animals or poultry are kept is at least 25 feet from any side or rear lot lines.

**Section 4.**     The Zoning Ordinance of the Town of Westmoreland is hereby amended by eliminating the Section 6(G)(4)(b) and making a new Section 7(G)4 which will read as follows:

7(G)(4)

For barns, stable, poultry house, kennel or other animal shelter or farm structure, twenty-five (25) feet from side or rear lot line.

**Section 5.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by inserting the words “not grown” to Section 7(A)(3), as follows:

Temporary stands for agricultural products which are not predominantly regionally grown or produced, upon obtaining a permit from the Zoning Board of Appeals. Such permit shall be for a period of not to exceed six months and shall be subject to such reasonable restrictions as the Zoning Board of Appeals may prescribe.

**Section 6.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by adding to Section 7, R-2 Districts, as follows:

(A)(4) Customary agricultural operations, provided however, that no storage of manure or odor and/or dust-producing substance shall be permitted within 25 feet of any property line; and provided further that any building in which farm animals or poultry are kept at least 25 feet from any side or rear lot lines.

a. In an R-2 District, from the adoption of this legislation forward, there shall not be permitted the equivalent of one animal unit, as defined in Definition V, on lots/parcels which contain less than 40,000 square feet of open, unused land.

b. In an R-2 District, There shall be allowed one animal unit or the equivalent for every 40,000 square feet of open, unused land.

c. In an R-2 District, for a landowner who wishes to have more than five animal units on their land, said landowner shall have to undergo a streamlined site plan review from the Oneida County Soil and Water Conservation District regarding said lot/parcel and the request for more than five large animals or the equivalent. All costs associated with this special permit and the mandatory review shall be the responsibility of the landowner. Said proposal, after the site plan review must be approved by the Town of Westmoreland Planning Board and filed with same.

**Section 7.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by adding to Section 8, R-3 Districts, as follows:

(A)(4) The “Agricultural Districts” formerly described in Section 3(G) are hereby incorporated into and made a part of the R-3 District.

**Section 8.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by adding to the Zoning Ordinance a new Section as follows:

Section 9(H) Addition of Five or More Large Animals Animal Units

If, after the adoption of this legislation, a property in a New York State Certified Agricultural District and/or Zone which did not contain any animal husbandry practices and/or livestock operations immediately previously thereto and wished to add over five animal units to the property; said landowner shall be required to undergo a streamlined site plan review from the Oneida County Soil and Water Conservation District regarding said lot/parcel and the request for more than five animal units. All costs associated with this special permit and the mandatory review shall be the responsibility of the landowner.

**Section 9.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by eliminating Section 12 “Agricultural Districts” and amending/adding to Section 8 R-3 Districts as follows:

(8)(A)(4) Customary Agricultural Operations, excluding migrant labor camps and hog farms; provided, however, that no storage of manure or odor or dust producing substances shall be permitted within 100 feet of any property line.

(8)(A)(5) Additional depth for any business use may be acquired in R3 Districts adjoining business districts by obtaining a special permit from the Zoning Board of Appeals in accordance with the provisions of Section 18 (B) (2) hereof.

8(A)(6) The following uses only upon obtaining a permit from the Town Board and subject to such reasonable restrictions as may be prescribed by the Town Board.

- (a) Dump
- (b) Natural land production uses.
- (c) Summer recreation camps.
- (d) Golf courses operated for profit together with facilities customarily incidental thereto.

- (e) Aircraft landing fields operated for profit.
- (f) Riding academies where adjacent to R-3 and R-4 residential districts.
- (g) Mobile Courts where adjacent to B-1 and B-2 Districts.
- (h) Temporary commercial parking of more than 25 vehicles.

**Section 10.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by adding to Section 2. Definitions as follows:

**(S) CUSTOMARY AGRICULTURAL OPERATIONS –**

The use of 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 a commercial enterprise including “commercial horse boarding operations”, “timber processing” and “compost, mulch or other biomass crops” as are all defined in NYS Agriculture and Markets Law.

**Section 11.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by adding to Section 2. Definitions as follows:

**(T) RIDING ACADEMIES**

A commercial operation which offers horse riding lessons to the public and/or individuals that do not own or have a long-term lease for the horse that is boarded and/or used at the facility for such riding.

**Section 12.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by adding to Section 2. Definitions as follows:

**(U) UNUSED LAND**

All land available over and above the land required for the primary residence which includes the residence, well, road set back, septic system and driveway.

**Section 13.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by adding to Section 2. Definitions as follow:

(V) ANIMAL UNITS

The definition of an animal unit as previously utilized by the United States Environmental Protection Agency and as previously utilized by the New York State Department of Environmental Conservation is generically based on 1,000 pounds of animal body weight to equal one animal unit.

**Section 14.** The Zoning Ordinance of the Town of Westmoreland is hereby amended by amending/adding to Section 9F AGRICULTURAL PROPERTY as follows:

Where land is used for active farming, although zoned other than agriculturally, the owner may place a temporary mobile home for the use of a person actively engaged in the work of the farm, provided other facilities are not available and subject to the following restrictions:

- (1) The location must be approved by the Building Inspector prior to the placement of the mobile home to assure compliance with the Town Code and the Building Code of the State of New York.
- (2) The size of the mobile home shall be in accordance with 2H.

**Section 15.** The Town of Westmoreland Zoning Map is hereby amended to change parcels of land (the entire parcel of 314.000-1-56.1 as well as the portion of 314.000-1-49.3 up to 500 feet from Creaser Road) to commercial.

**Section 16.** Effective Date: This local law shall take effect immediately subject to this law being filed with the Secretary of State.