

REVISED 02/16/2023

Chapter 250: Zoning

Article V Supplementary Regulations

01. § 250-51. Farm Operations

- A. Intent. The Town of Clinton supports the use of land for sound agricultural practices and will exercise its powers to enact and administer the Town Comprehensive Plan, Town Zoning Code, ordinances, rules, and regulations in such a manner as may realize the policy and goals set forth in New York State Agriculture and Markets Law Article 25-AA, and shall not unreasonably restrict or regulate Farm Operations within Agricultural Districts in contravention of the purposes of New York State AGM Article 25-AA unless it can be shown that the public health or safety is threatened. The Town supports the continued operation of active Farm Operations and has provided, through the regulations of this Chapter and Chapter 206, Subdivision of Land, the means for the Town to approve the Development of nonagricultural land subject to such conditions as may be required to assure the long-term viability of active Farm Operations and sound agricultural practices by limiting the potential for conflict between these protected Uses and any newly established nonagricultural land uses. The Town supports sound agricultural practices necessary for the on-farm production, preparation, and marketing of Agricultural Products and supports the farm protection policies set forth in Article 25-AA of the Agriculture and Markets Law.
- B. Essential Activity. The Town finds that farming is an essential activity and that Farm Operations, as defined in this Chapter, reinforce the special quality of life enjoyed by citizens, provide the visual benefit of open spaces, and generate economic benefits and social well-being within the community. Therefore the Town emphasizes to newcomers that the Town of Clinton encourages its agriculture and requests newcomers to be understanding of the necessary day-to-day operations that accompany sound agricultural practices. It is the general purpose and intent of this Chapter to maintain and preserve the rural tradition and character of the Town of Clinton, to permit the continuation of sound agricultural practices, to protect the existence of Farm Operations, and to encourage the initiation and expansion of Farm Operations and Agricultural Businesses. For the purpose of reducing future conflicts between farmers and nonfarmers, it is necessary for notice to be given to future neighbors about the nature of sound agricultural practices.
- C. Right to Farm. Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town of Clinton in compliance with all laws and regulations.
- D. Notice to Prospective Neighbors. The following notice shall be included in Building Permits and on plats of Subdivisions submitted for approval pursuant to Town Law §276: "This property borders a Farm Operation, as defined in Chapter 250, Zoning, of the Town of Clinton Town Code. Residents should be aware that farmers have the right to conduct sound agricultural practices which may generate dust, odor, smoke, noise, and vibration."
- E. Setback Buffers for Agricultural and Farmland Protection. Applications for New Construction, Site Plan approval, Special Use Permits, and Subdivision approval involving the establishment of nonagricultural uses on land on, or adjacent to, any Lot located within an Agricultural District and/or Lot actively in use as a Farm Operation that might adversely affect Farm Operations by locating nonagricultural uses in proximity to

protected agricultural uses, and risk setting up potential conflicts (e.g. noise, odors, trespass, etc.) between the agricultural use and the nonagricultural use. In such cases a minimum Setback buffer of one hundred fifty (150) feet between any Structure and the Lot Line of the neighboring Agricultural District or Farm Operation is required.

Notwithstanding, the Town may allow the placement of underground utilities, Driveways, and pedestrian walkways within the buffer area. The Town is expressly authorized to require such additional Setback buffers as may be required to ensure that the nonagricultural use(s) do not conflict with the continued use of the adjacent land(s) for sound agricultural purposes. The buffer Setback area shall be permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction

F. Development Conditions. The standards listed in Subsection G below shall be applied in the review of any application for New Construction, Site Plan, Special Use Permit, or Subdivision approval if the application review reveals that the Lot meets any of the following conditions:

1. Meets the standards for residential Cluster Development set forth in §250-42(C)(2) of this chapter; or
2. Is located within an Agricultural District; or
3. Is located on land adjacent to an Agricultural District; or
4. Is located on land that was actively used for agricultural purposes within three (3) of the previous five (5) years; or
5. Is adjacent to land that is used as a Farm Operation; or
6. Contains fifty percent (50%) or more Soils of Statewide Agricultural Significance or fifty percent (50%) or more Prime Agricultural Soils.
 - a. The Town shall make the initial determination as to whether a particular parcel contains the requisite amount of agricultural soils as set forth herein. Acreage determinations may be rebutted by evidence presented by a licensed surveyor or engineer.

G. Development Standards. Where one or more of the conditions in Subsections E and F above exist, the Town shall review the application and shall, to the extent practicable as determined by the Town, require that any nonagricultural uses and improvements be located as follows:

1. In the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use; and
2. Along the far edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon agricultural soils and enable new residential development to be visually absorbed by natural landscape features; and
3. In such a manner that the boundaries between house lots and agricultural land and active Farm Operations are well buffered by vegetation, topography, Roads, or other barriers to minimize potential conflict between agricultural and nonagricultural uses.

H. Setback Envelopes. Where one or more of the conditions in Subsections E and F above exist, the Town may require the use of Setback Envelopes within which nonagricultural improvements may be placed, and outside of which only limited improvements, such as utilities and Driveways, may be located. Where the Town requires the use of Setback envelopes in order to limit disturbance to agricultural soils and farm operations, the Town shall ensure that any such Development restrictions are permanently preserved by recorded deed instrument in a form approved by the Town Attorney, and which shall provide for Town enforcement of said restriction.

- I. Farm Worker Housing. In order to accommodate long workdays, seasonal housing needs, the shortage of nearby rental housing, and because Farm Worker Housing is considered by New York State to be an integral part of numerous Farm Operations, the Town of Clinton allows for Farm Worker Housing as part of a Farm Operation under the following regulations:
 1. Exemption from §250-29. Farm Worker Housing shall be exempt from regulation under §250-29, Accessory Dwelling Units, and shall not be included in the count of total Accessory Dwelling Units nor Accessory Structures allowed on a Lot, provided all portions of §250-51.1 are met as required.
 2. Use of Farm Worker Housing. Only a Farm Worker, as defined in this Chapter, and his or her Immediate Family may live in or otherwise occupy Farm Worker Housing. Farm Worker Housing may not, at any time, be used as any other type of Dwelling Unit, including but not limited to a Principal Dwelling Unit or an Accessory Dwelling Unit, nor may it be used for any other Use including but not limited to Short-Term Rental, transient lodging, or long-term rental, without an application made to the Town for a change in the Certificate of Occupancy which may require Site Plan approval and a Special Use Permit.
 3. Permit Required. A Building Permit shall be required for Farm Worker Housing and a Certificate of Occupancy must be issued, meeting either Housing and Urban Development (HUD) standards or passing inspection as provided in Residential Code AE 102.6, prior to the commencement of occupancy of the Farm Worker Housing. At the discretion of the Building Inspector, and as allowed for in §250-92.D, Certificates of Occupancy, a Temporary Certificate of Occupancy may be issued when deemed necessary by the Building Inspector.
 4. Size, Type, and Location. Farm Worker Housing shall be no smaller in Gross Floor Area than four hundred (400) square feet per individual unit of Farm Worker Housing, but must be of a size to reasonably accommodate a Farm Worker, and his or her Immediate Family if they will also be in residence of the Farm Worker Housing, in a safe and healthy manner. It may be of any approved construction type or method allowed under the Uniform Code, including but not limited to Manufactured Housing and Mobile Homes, with consideration to maintaining a reasonable affordability for the Farm Operation. Farm Worker Housing may be located anywhere within the Farm Operation Lot or Lots, provided that all applicable Setback requirements are met and that appropriate consideration is given to environmental and operational considerations.
 5. Modified Site Plan Review. In cases where the proposed Farm Worker Housing presents reasonable concern or other special considerations, the Zoning Administrator may, after consulting with the New York State Department of Agriculture and Markets, require Modified Site Plan approval by the Planning Board under Subsection K below.
 6. Water and Wastewater. All water and Wastewater utilities serving Farm Worker Housing shall be approved and certified by the Dutchess County Department of Health prior to a Certificate of Occupancy or Temporary Certificate of Occupancy being issued. Proof that the proposed water supply and Wastewater management system meet the requirements of the Dutchess County Health Department is required to be submitted prior to the issuance of a Building Permit for Farm Worker Housing.
 7. Professional Advisors Required. As a Dwelling Unit intended for human habitation, Farm Worker Housing is subject to the Uniform Code and, therefore,

- the plans submitted with a Building Permit application for Farm Worker Housing must be certified and approved by a licensed engineer or architect.
8. Exclusions. A Dwelling or Accessory Dwelling occupied by any owner or partner of a Farm Operation shall not be considered Farm Worker Housing. Also, any family of any owner or partner of a Farm Operation who is not employed as a full time employee of the Farm Operation shall not be eligible for Farm Worker Housing and shall not occupy Farm Worker Housing unless they are also the Immediate Family of a Farm Worker.
 9. Maintenance and Upkeep. Farm Worker Housing units, as tenant-type Dwelling Units, shall provide housing for Farm Workers that is consistent with New York State Real Property Law and shall, according to Real Property Law §235-B, Warranty of Habitability, be maintained in such a way as to be fit for human habitation and kept in such a way so that no Farm Worker, or Immediate Family member thereof, residing therein shall be subjected to any conditions which would be dangerous, hazardous, or detrimental to his or her life, health, or safety.
 10. Screening. Because Farm Worker Housing is not considered by the Town to be objectionable or different from other forms of residential housing, the Town shall not generally require the screening of Farm Worker Housing from neighboring Lots nor from adjacent roadways. However, should it be determined that the existence or conditions of any specific Farm Worker Housing creates a threat to the public health or safety, or if it is shown that there are other special local considerations that make screening necessary, screening may be required.
 11. Termination of Use and Conversion or Removal. The Town understands that Farm Operations are not only seasonal in nature, but often have varying requirements from one year to another. Because there may be years in which a unit of Farm Worker Housing is not required by the Farm Operation, such a vacancy or interruption of Use shall not cause such Use to expire. However, should a unit of Farm Worker Housing remain unused for a period of three (3) years or be Used for another Use for any amount of time, the Certificate of Occupancy and the Use of said Farm Worker Housing shall terminate and the unit must either be converted to a different approved Use, subject to Town Code, or be removed from the Lot. Similarly, should the Farm Operation cease operations in a permanent manner, all Farm Worker Housing in existence within said Farm Operation must either be converted to a different approved Use, subject to Town Code, or be removed from the Lot.
- J. Agricultural Business. In agreement with the intent of New York State Agriculture and Markets Law Article 23, Direct Marketing, as stated in AGM §281, the Town of Clinton recognizes the need of Farm Operations to engage in a variety of alternative marketing structures for Agricultural Products including, but not limited to, direct sales of raw and processed agricultural commodities or foods containing agricultural commodities, Agricultural Tourism, Farm Marketing Events, Farm Markets, Farm Restaurants, and Farm Tasting Rooms. As indicated in standards set in New York State Agriculture and Markets Law Article 25-AA, the primary purpose of an Agricultural Business must be to sell the farm's crops, livestock, and livestock products in a manner which primarily promotes the sale, marketing, production, harvesting, or use of the products of the farm and enhances the public's understanding and awareness of farming and farm life. The Town recognizes that the nature of most farms within the Town of Clinton does not allow for effective marketing and sales of Agricultural Products if limited to only those agricultural products produced on-farm and, in agreement with guidelines provided by

New York State Department of Agriculture and Markets, allows for an Agricultural Business to be supplied by multiple New York State farms. The amount and extent of the relationship between on-farm agricultural products and imported agricultural products is described below as necessary. The intent of this paragraph is to provide a means for Farm Operations to directly market to the public in a way that promotes the rural and agricultural nature of the Town of Clinton. Nothing herein shall preclude or prevent a Farm Operation from engaging in more than one Agricultural Business. The following regulations apply to Agricultural Business in the Town of Clinton:

1. Agricultural Event Venues. Agricultural Events shall be any Event or activity not otherwise considered direct farm marketing as described herein and shall be subject to Town of Clinton Code §250-45.1.
 - a. While Agricultural Event Venues are not restricted from incorporating a significant portion of imported agricultural products, a primary purpose of Agricultural Event Venues shall be to enhance the public's understanding and awareness of farming and farm life.
2. Agricultural Tourism. Activities that are conducted by a farmer on-farm for the purposes of marketing the Farm Operation's Agricultural Products through the enjoyment and/or education of the public are allowed on all Farm Operations in the Town of Clinton, without Special Use Permit or Site Plan Approval, with the following regulations:
 - a. Agricultural Tourism is allowed only as an Accessory Use on Lots where the Principal Use is a Farm Operation and such Use does not require a Special Use Permit or Site Plan Approval, provided all requirements of this paragraph are satisfied. However, a Farm Operation intending to conduct Agricultural Tourism on a regular basis should register with the Zoning Department.
 - b. Activities must predominantly promote the sale, marketing, production, harvesting, or use of the products of the farm on which the activities take place, or to specifically serve the purpose of educating the public about farms and Agriculture. In order to be considered as predominantly promoting the above, it must be demonstrably clear.
 - c. The focus of the activities must be to enhance the public's understanding and awareness of farming and farm life.
 - d. The number of attendees at any one time, not including Farm Workers and such persons that might be considered chaperons, group leaders, or tour coordinators, shall not exceed twenty-five (25).
 - e. Agricultural Tourism activities shall not occur in the hours between 10:00 pm and 10:00 am.
 - f. Parking shall be in designated areas only and shall be buffered from view of neighboring properties by farm buildings, fencing, topography, or other reasonable means. While parking on vegetated areas is allowed, such parking areas shall be large enough to provide for the continued growth and health of the vegetation.
3. Farm Marketing Events. As described in Agriculture and Markets Law §301 and further explained in New York State Agriculture and Markets Law Guidance Documents, Farm Marketing Events are a useful tool for attracting customers to farms and, as such, may contribute to the production, preparation, and marketing of Agricultural Products as a commercial enterprise. The following regulations apply to Farm Marketing Events:

- a. Farm Marketing Events are allowed as an Accessory Use to any Farm Operation in the Town of Clinton. No Special Use Permit or Site Plan Approval shall be required.
 - b. The primary purpose of the Event must be to sell the farm's Agricultural Products and not to gain admission fees or rental income.
 - c. Agricultural Products from the Farm Operation must be grown or raised on-site and sold through direct marketing to the public at the time of the Farm Marketing Event. Although additional Agricultural Products from other New York State farms may also be marketed and sold as part of a Farm Marketing Event, the sales from such products may not be included in the gross sales from the retail sale of onsite Agricultural Products mentioned below.
 - d. Farm Marketing Events must be incidental and subordinate to the Farm Operation. Incidental is determined to mean that the total of gross annual receipts from such events does not exceed thirty percent (30%) of the total gross sales from the retail sale of onsite Agricultural Products at such events.
 - e. Farm Operations are required to keep sufficient records to prove that the financial requirement is met and must submit a report of such records to the Town annually if requested by the Town.
4. Farm Restaurants and Farm Tasting Rooms. In the interest of better connecting consumers to the farms from which their food originates, the Town of Clinton recognizes the value in broadening the available forms of direct sales of Agricultural Products from Farm Operations to the general public. Furthermore, Farm Restaurants and Farm Tasting Rooms have the unique opportunity to sell a variety of specialized, gourmet, or hard-to-find fresh Agricultural Products, including but not limited to herbs, mushrooms, fruits, meats, vegetables, wines, ales, and spirits, in a variety of specialized ways while creating a rural community experience centered around farming and Agriculture. To this end the Town of Clinton allows for Farm Restaurants and Farm Tasting Rooms to be operated as part of a Farm Operation according to the following regulations:
- a. Accessory Use. Farm Restaurants and Farm Tasting Rooms are Accessory Uses to a Farm Operation and may not be Principal Uses.
 - b. Food Service at Farm Restaurants. A Farm Restaurant must primarily be a food service establishment but may also serve and sell beverages, New York State Agricultural Products, and other relevant goods as accessory to food service (see Subsections 4.m and 5.b below).
 - c. Food Service at Farm Tasting Rooms. Food service at Farm Tasting Rooms shall be limited to the minimum requirements of the New York State Liquor Authority and such establishments may not hold a Food Service Permit from the Dutchess County Department of Health, though they may sell other relevant goods (see Subsections 4.m and 5.b below).
 - d. Use of a Building Required. A Farm Restaurant or Farm Tasting Room shall be principally located within a Building and shall not be located solely within a tent or other temporary Structure, though use of a tent that is accessory to the primary Building is allowed. All Buildings and Structures, including tents, sheds, barns, and other outbuildings, must have a valid Certificate of Occupancy issued by the Town of Clinton to be used as any part of a Farm Restaurant or Farm Tasting Room. Such

Buildings, Structures, and/or tents must meet the requirements of the New York Uniform Code.

- e. Lot Size. The minimum Lot size for a Farm Operation to have a Farm Restaurant or Farm Tasting Room shall be ten (10) acres
- f. Appearances. The overall size, layout, and construction of a Farm Restaurant or Farm Tasting Room shall be complementary to the Farm Operation and to the surrounding environment and neighborhood. The capacity shall be restricted by the Uniform Fire Safety Code as determined by the Fire Safety Inspector of the Town of Clinton.
- g. Days and Hours of Operation. Farm Restaurants and Farm Tasting Rooms shall be allowed to operate within the following parameters, though the Planning Board, at its discretion, may provide other parameters:
 - 1. Between the hours of 6:00 am and 10:00 pm on Sundays through Thursdays and between 6:00 am and 12:00 midnight on Fridays and Saturdays.
 - 2. Up to seven (7) days per week.
 - 3. Up to three hundred sixty five (365) days per year.
 - 4. Herein, the word *operation* shall mean the service of customers and shall not include time required for opening or closing procedures.
- h. Outdoor Activities. Food Service, beverage service, and other related activities that are complementary to the promotion and marketing of Agricultural Products shall be allowed in defined outdoor areas in accordance with all applicable sections of this Chapter and any requirements imposed by the Planning Board as included in the final resolution granting the Special Use Permit. Outdoor areas proposed to be used for such outdoor activities shall be clearly shown on the Site Plan and described in the application narrative.
- i. Music. Live or recorded music is allowed provided that it is complementary to the promotion and marketing of Agricultural Products and must comply with §250-28.A. of the General Performance Standards. This allowance shall not be construed to mean that live or recorded music can be played at such a volume so as to detract from the on-farm experience, nor to be a disturbance or nuisance to the neighborhood. Noise complaints shall be recorded against the property owner and may result in fines and penalties as described in this Chapter which may include the revocation of the Special Use Permit.
- j. Large Events. The principal purpose of a Farm Restaurant or Farm Tasting Room shall be to provide for the promotion and marketing of Agricultural Products by offering such products for sale to the public as an exceptional opportunity within otherwise rural agricultural neighborhoods. It shall not be the purpose of these establishments to act as event venues without also holding a Special Use Permit under §250-45.1, Agricultural Event Venues. Therefore the number of events larger than the stated capacity of a Farm Restaurant or Farm Tasting Room, if any, shall be limited by the Planning Board and such limitation shall be clearly stated in their final resolution granting the Special Use Permit. In its determination the Planning Board should consider the size and

occupancy capacity of Buildings and Structures, the proximity of these to adjoining residences, the size and location of parking facilities, the overall topography and natural features of the Lot, the potential for noise or other disruptions to the neighborhood, and the overall safety and health of all persons.

- k. Other Applicable Laws. As they are intended to operate with considerable frequency in rural areas within the Town of Clinton for the benefit and inclusion of the general public, and are not considered Agricultural Buildings as defined in the New York State Uniform Code, Farm Restaurants and Farm Tasting Rooms are subject to Site Plan approval under §250-96; to the granting of a Special Use Permit under §250-97; and must comply with §250-28, General Performance Standards, §250-63, Off-Street Parking and Loading, §250-91 Building Permits, §250-92 Certificates of Occupancy, and any other applicable Town of Clinton Codes as determined by the Zoning Administrator and/or the Planning Board in their review of an application for a proposed Farm Restaurant or Farm Tasting Room.
- l. Governance by Other Agencies. Additional permits, licenses, and certifications shall be obtained by the applicant as required and may include:
 - 1. The Dutchess County Department of Health for Food Service, Public Water Supply, Wastewater, and any other relevant permits required by the New York State Department of Health.
 - 2. The New York State Liquor Authority for the service of any alcohol.
 - 3. The New York State Department of Agriculture and Markets for retail food sales and any other permits, licenses, or certifications required by the Department of Agriculture and Markets.
 - 4. Any other permits, licenses, or certifications as may be required by any agency having jurisdiction over the proposed operation of a Farm Restaurant or Farm Tasting Room within a Farm Operation.
- m. Similarity to Farm Store. Farm Restaurants and Farm Tasting Rooms may offer Agricultural Products for sale, similar to a Farm Store, without being subject to the Farm Store requirements in addition to the requirements of a Farm Restaurant or Farm Tasting Room, except that Subsection 5.c below shall apply as though the words *Farm Store* are replaced with the words *Farm Restaurant or Farm Tasting Room*.
- n. Existing Operations. Since there was nothing in the Town of Clinton Zoning Code that allowed the operation of Farm Restaurants or Farm Tasting Rooms prior to the adoption of this section, any business or operation that could be deemed a Farm Restaurant or Farm Tasting Room under the provisions of this Section in existence at the time of the adoption of this Section shall be deemed to be have been operating illegally and must come into compliance with this section or cease operations.
- o. Enforcement and Revocation. Like all Special Use Permits, a permit to operate a Farm Restaurant or a Farm Tasting Room is a privilege granted to a property owner by the Town and, as such, may be revoked,

canceled, or withdrawn at any time for cause. Farm Restaurants and Farm Tasting Rooms do not necessarily receive special protections under New York State Agriculture and Markets Law Article 25-AA since these operations are considered retail merchandising facilities which are expressly excluded in the Article 25-AA definition of Land Used in Agricultural Production. The enforcement of this Section and paragraph will be conducted by the Zoning Administrator or the Municipal Code Enforcement Inspector under §250-89 of the Town of Clinton Town Code.

5. Farm Store. In order to provide a mechanism to improve the access of the public to New York Agricultural Products and to promote the economic viability of Farm Operations within the Town of Clinton, Farm Stores are allowed as part of a Farm Operation with the following regulations:
 - a. Accessory Use. A Farm Store is an Accessory Use to a Farm Operation and may not be a Principal Use.
 - b. Use of a Building or Structure Required. A Farm Store shall be principally located within a Building or Structure and will not be an open air store nor located solely within a tent, though use of a tent that is accessory to the primary Building or Structure is allowed. All Buildings and Structures, including tents, sheds, barns, and other outbuildings, must have a valid Certificate of Occupancy issued by the Town of Clinton to be used as a Farm Store. Such Structures and/or tents must meet the requirements of the New York Uniform Code as amended.
 - c. Items for Sale. The principal purpose of a Farm Store shall be to provide for the promotion of Agricultural Products by offering such products for sale to the public. Therefore the clear majority of items sold must be from New York State farms with at least fifty percent (50%) of the Agricultural Products for sale being made up from on-farm Agricultural Products. Complementary products that enhance the promotion of New York State Agricultural Products, such as t-shirts, books, stickers, etc., may also be sold, but shall be clearly incidental to the sale of Agricultural Products, so demonstrated by representing fewer than twenty percent (20%) of total items and products for sale.
 - d. Facilities and Equipment. Farm Markets may include the facilities and equipment necessary for the packing, shipping, first-instance processing, or storage of farm and food products. All such facilities, equipment, and processing shall, as necessary, meet the requirements of New York State Agriculture and Markets Laws, the New York State Liquor Authority, the Dutchess County Health Department, and any other regulations or requirements as are determined to be necessary.
 - e. Days and Hours of Operation. Farm Stores shall be allowed to operate within the following parameters, though the Planning Board, at its discretion, may provide other parameters:
 1. Between the hours of 8:00 am and 8:00 pm.
 2. Up to seven (7) days per week.
 3. Up to three hundred sixty five (365) days per year.
 4. Herein, the word *operation* shall mean the service of customers and shall not include time required for opening or closing procedures.

- f. **Setback Exception.** The requirements of §250-23, Measurement and Use of Yards, and the applicable requirements of Attachment 2 District Schedule of Area and Bulk Regulations for the Zoning District in which the Farm Store is proposed to be located shall apply, except that Farm Stores shall be exempt from the Front Yard Setback therein, such requirement being replaced by a Front Yard Setback deemed appropriate by the Planning Board based on its review of the application for a Special Use Permit for a Farm Store. However, in no instance shall a Farm Store be less than twenty (20) feet from the nearest Roadway edge, nor shall it negatively impact site lines on any Roadway.
 - g. **Design.** The overall size, layout, and construction of a Farm Store shall be complementary to the Farm Operation and to the surrounding neighborhood.
 - h. **Site Plan Approval.** Farm Stores shall be subject to Site Plan Approval by the Planning Board following the Modified Site Plan Process in Subsection K below.
 - i. **Compliance with Other Codes.** Farm Stores, being intended to operate in rural areas within the Town of Clinton for the benefit and inclusion of the general public and not simply as Agricultural Buildings are subject to a Special Use Permit from the Planning Board under §250-97, Special Use Permits, and must comply with §250-91, Building Permits, §250-92, Certificates of Occupancy, §250-63, Off-Street Parking and Loading, and any other applicable Town of Clinton Codes as determined by the Zoning Administrator and/or the Planning Board in their review of the application for a Special Use Permit.
 - j. **Governance by Other Agencies.** Additional permits, licenses, and certifications shall be obtained by the applicant as required and may include:
 - 1. The Dutchess County Department of Health for Food Service, Public Water Supply, Wastewater, and any other relevant permits required by the New York State Department of Health.
 - 2. The New York State Liquor Authority for the service of any alcohol.
 - 3. The New York State Department of Agriculture and Markets for retail food sales and any other required permits, licenses, or certifications required by the Department of Agriculture and Markets.
 - 4. Any other permits, licenses, or certifications as may be required by any agency having jurisdiction over the proposed operation of a Farm Store within a Farm Operation.
6. **Roadside Stand.** The Town of Clinton is fortunate to have a large number of small farms and home producers of Agricultural Products. In order to help these growers and producers directly market and sell or share their Agricultural Products and the general public to procure them, the Town recognizes the community need for small-scale Buildings, Structures, or vehicles located nearer to the road than may otherwise be allowed in this Chapter. Roadside Stands in the Town of Clinton shall be regulated as follows:
- a. **Building Permits Not Required.** Provided the requirements below are met, Buildings and Structures used for Roadside Stands shall require

neither a Building Permit nor a Certificate of Occupancy, nor shall they count against the total number of Accessory Structures allowed on a Lot. Roadside Stands must, however, be registered with the Zoning Department by means of submitting a Building Permit application and receiving a Certificate of Use.

1. A Roadside Stand shall not be greater than one hundred (100) square feet in gross floor area and no greater in height than ten (10) feet at its highest point.
 2. There will be no permanent foundation, but a Roadside Stand shall be placed on a level, well-drained surface.
 3. A Roadside Stand may be served by electricity provided such electrical service meets the requirements of the Uniform Code as inspected and confirmed by the Building Inspector. It shall not be served by any other utilities.
 4. There shall be no heat source, including open flame, within or on a Roadside Stand..
- b. Location. Roadside Stands shall be located not less than twenty (20) feet from the nearest Roadway edge. Adequate site distance and space for vehicles to pull off the roadway and park safely must be provided and maintained. However, the construction or installation of impervious surfaces, such as asphalt or concrete, for the express use of a Roadside Stand is prohibited.
 - c. End of Use. Should the Use of a Roadside Stand be abandoned, discontinued, terminated, or left unused for a period of one (1) year, such Roadside Stand shall be removed by the property owner.
 - d. Multiple Vendors. Agricultural Products marketed, sold, or shared utilizing a Roadside Stand shall be grown, raised, and/or produced on the Lot on which the Roadside Stand is located, except that up to two (2) additional local small growers or small producers may also market, sell, or share their Agricultural Products therein.
 - e. Vendor Permit. Property owners with Roadside Stands shall not require a permit to sell Agricultural Products.
 - f. Other Roadside Vendors. A roadside Building, Structure, or vehicle used to market, sell, or share other than Agricultural Products shall not be considered a Roadside Stand and shall be regulated by other relevant sections of the Town Code.
 - g. Other Agencies. It is the full responsibility of the property owner to be aware of and to comply with all applicable Town, County, State, and Federal laws, if any, in regard to the Agricultural Products being marketed, sold, or shared in a Roadside Stand.
7. On-farm Slaughterhouse. New York State Agriculture and Markets Law provides for the on-farm slaughter and butchering for food under New York State AGM Article 5-A . Therefore the Town of Clinton allows for slaughtering or butchering only as part of a Farm Operation and only under strict adherence to Article 5-A mentioned above.
 - a. License Required. Any person, firm, or corporation engaged in the operation of any place or establishment where animals or fowls are slaughtered or butchered for food must be licensed by the Commissioner of the New York State Department of Agriculture and Markets as

described and regulated under New York State Agriculture and Market Law Article 5-A, Licensing of Slaughterhouses.

- b. Registration with the Town. The operation of a slaughterhouse or a butchering facility as part of a Farm Operation shall be registered with the Town, and such registration shall include a copy of the license given by the Commissioner of the Department of Agriculture and Markets.
 - c. Reporting of Complaints. Any and all complaints or concerns offered against a slaughterhouse or butchering facility, or potential violations allegedly committed by such of any laws, regulations, or requirements of any agency tasked with the governance of slaughterhouses and/or butchering facilities, shall be reported to the Commissioner of the Department of Agriculture and Markets and shall be considered a violation of the Town of Clinton Code 250-51.J.7. Enforcement by the Zoning Administrator shall be coordinated with the Department of Agriculture and Markets.
- K. Modified Site Plan Process. In the interest of facilitating beneficial communication between the Town and local Farm Operations and to assist farmers in creating safe, accessible, and efficient operations, where Site Plan approval by the Planning Board is required for an Agricultural Business it will follow the Modified Site Plan approval process as suggested by New York State Agriculture and Markets Guidance Documents and described below:
- 1. Sketch Plan. A sketch of the Lot or Lots of the Farm Operation on a location map (e.g., tax map) plainly showing boundaries and dimensions of the Lot or Lots involved, identifying contiguous properties and Roadways, and including any known easements or rights-of-way which burden or benefit the Lot or Lots. Additionally, the sketch must show the following:
 - a. The approximate location of all existing Buildings, Structures, Uses, and features, including crops, pastures, woodlands, watercourses, wetlands, water and wastewater systems, manure storage, and composting areas of the Lot or Lots as well as those within five hundred (500) feet of the Farm Operation.
 - b. The proposed location and arrangement of all proposed Buildings, Structures, and Uses on the Lot or Lots, including but not limited to proposed Buildings, tents, gazebos, barns, sheds, signs, means of ingress and egress, parking, and traffic circulation. This sketch must include exterior dimensions and elevations of front, side, and rear views of each Building or Structure as well as clear labels of each Use. A copy of any available blueprints, plans, or drawings shall also be included.
 - 2. Narrative Description. A description of all aspects of the Farm Operation (existing and proposed) and a narrative describing the intended Uses and locations of proposed Buildings, Structures, tents, gazebos, barns, Signs, etc., including relevant information regarding anticipated Uses, proposed hours of operation, a list of proposed products and merchandise to be sold (if any), types of anticipated events (if any), and any anticipated changes in the existing topography and natural features of the Lot or Lots to accommodate the proposed changes. The narrative should also contain an Agricultural Data Statement and a description of how the proposed Agricultural Business, Agricultural Event Venue, or Farm Operation meets the goals of promoting New York State Agricultural

Products and of enhancing the public's understanding and awareness of farming and farm life.

3. Owner Information. Provide the name and address of the applicant and all owners of the Farm Operation Lot or Lots. If the owners of the Lot or Lots are entities other than a natural person, provide the names and addresses of the individual or individuals who are the owners or members of the entity.
4. Professional Advisors. Although in most cases a professional advisor or licensed professional will not be required, should a Farm Operation choose to utilize them, their names and addresses must be included with the Site Plan application. Professional advisors include but are not limited to authorized agents, architects, attorneys, and engineers. The Town reserves the right to require a professional advisor or advisors for large and/or complex Agricultural Business, Agricultural Event Venue, or Farm Operation Site Plan applications.
5. Authorization. If the applicant is not the owner of the Lot or Lots, written authorization of the owner of the Lot or Lots is required.
6. Wetlands. If any new Buildings, Structures, tents, gazebos, barns, or Signs are going to be located adjacent to a Watercourse or Wetland, provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the Lot or Lots.
7. Fee. Payment of the application fee, as set by resolution of the Town Board, is required. See the Town of Clinton Fee Schedule.

DEFINITIONS

AGRICULTURE, AGRICULTURAL USE - The employment of land to generate remuneration from raising, harvesting, keeping, and selling crops or feed, and for keeping, grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or dairying and the sale of dairy products, or any other horticulture, floriculture or viticulture, aquaculture, hydroponics, silviculture, animal husbandry, or a combination thereof as defined by New York State Agriculture and Markets Law. It also includes the employment of land for the purpose of obtaining a profit, for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, including other on-farm niche marketing promotions as allowed under §250-51.

AGRICULTURAL BUSINESS – A specific type of commercial enterprise allowed to operate as an Accessory Use to a Farm Operation in order to promote local Agricultural Products as regulated in §250-51.

AGRICULTURAL BUILDING – A Structure designed and constructed to house farm equipment, farm implements, poultry, livestock, horses, hay, grain, or other agricultural items, as part of a Farm Operation, that is not a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

AGRICULTURAL DISTRICT -- A district established pursuant to Article 25-AA of the New York State Agriculture and Markets Law, as well as any individual Parcel therein located.

AGRICULTURAL PRODUCT -- Any and all products produced wholly within New York State and known as "crops, livestock, and livestock products" as defined in New York State Agriculture and Markets Law §301, as well as the marketable and saleable services or products that result from a Commercial Horse Boarding Operation or a Commercial Equine Operation.

AGRICULTURAL TOURISM – Activities conducted by a Farm Operation for the marketing, promotion, and/or sale of on-farm Agricultural Products through the enjoyment and/or education of the public that also intends to enhance the public's understanding and awareness of farming and farm life.

ANIMAL HUSBANDRY -- The keeping, grazing, feeding, and care of animals other than household pets. For the purpose of this chapter, all animals, except offspring less than six months old, are counted in the permitted total. The calculation of acreage required for animals shall be in land made available for such use, not total land owned, unless otherwise designated herein.

DWELLING, DWELLING UNIT -- A structure or portion thereof providing complete housekeeping facilities for one family including independent kitchen, sanitary and sleeping facilities, and physically separate from any other dwelling unit, whether or not in the same structure. (Note: The terms *dwelling*, *single-family dwelling*, *multifamily dwelling* or *dwelling unit* shall not be deemed to include a hotel, motel, or any other accommodation used solely for transient occupancy.)

- a) **DWELLING, SINGLE-FAMILY** -- A detached building occupied exclusively by one family and containing not more than one dwelling unit.
- b) **DWELLING, TWO-FAMILY** -- A detached building where not more than two dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common hallway or cellar. A "two-family dwelling" includes a single structure containing two dwelling units. Side-by-side is considered a "two-family dwelling" regardless of individual ownership of either half of its structure, provided that they are on the same lot of record.
- c) **DWELLING, MULTIFAMILY** – A detached or attached building or group of buildings, or portions thereof, on one lot, containing three or more dwelling units.
- d) **TOWNHOUSE** -- A row of two or more attached dwelling units wherein each unit is intended for single-family occupancy. Each unit shall share a common wall with one or more other units and shall not share a common floor or ceiling. Ownership of the townhouse may include the land on which the unit is placed.

FARM OPERATION -- One or more contiguous or noncontiguous parcels of owned or leased land and on-farm buildings, equipment, manure processing and handling facilities, and practices that contribute to the production, preparation, and marketing of crops, livestock, and livestock products specifically as a commercial enterprise, including a Commercial Horse Boarding Operation, Commercial Equine Operation, Timber Operation, and Compost, Mulch, or Other Biomass Crops as defined by New York State Agriculture and Markets Law §301.

FARM MARKETING EVENT - An Event produced in order to market the Agricultural Products of a Farm Operation that meets the following criteria: is directly related to the sale and promotion of Agricultural Products of the Farm Operation; is incidental and subordinate to the retail sale of the Farm Operation's Agricultural Products; is hosted by the Farm Operation; and features the Farm Operation's Agricultural Products. **See §250-51.J.3. [IS THIS REFERENCE NECESSARY? ALSO SEE BELOW.]**

FARM WORKER HOUSING - A specific type of Dwelling Unit, provided to a Farm Worker, as further defined, regulated, and protected under New York State Agriculture and Markets Law Article 25-AA and §250-51.I. of this Chapter.

FARM WORKER – A person working full time, whether seasonal or year-round, engaged in the production functions of a Farm Operation, who is neither an owner nor a partner in the Farm Operation.

FARM RESTAURANT – A food service operation located wholly within a Farm Operation for the principal purpose of promoting New York State Agricultural Products through the serving of food and beverages made primarily from such Agricultural Products. **See §250-51.J.4.**

FARM TASTING ROOM –A beverage service operation located wholly within a Farm Operation for the principal purpose of promoting New York State Agricultural Products through the serving of beverages made primarily from such Agricultural Products. **See §250-51.J.4**

RESTAURANT - An establishment for the preparation, serving, and consuming of food and beverages.

RETAIL BUSINESS -- An establishment where goods or products are sold or rented and are offered to the public. Special Use Permit or Site Plan approval shall be limited to the specific use applied for, not for "retail business or service" as a category.

ROADSIDE STAND - Any structure or vehicle whose principal use is to display and sell or share Agricultural Products, and which uses its proximity to a roadway to attract potential customers. **See §250-51 Farm Operations.**

SAWMILL - A facility which uses mechanical processes to transform wood through cutting, sawing, or shredding operations, for commercial purposes.

NEW CONSTRUCTION - The building of a structure where none existed or an addition to an existing structure that increases the floor area.

PARCEL - An area of land identified with a Parcel Identification number by the Real Property Tax Service Agency of Dutchess County

SETBACK ENVELOPE

The front, rear, and side setback requirements for the Lot, as stated in Chapter 204, Zoning, for the district in which the lot is located, drawn to scale to form an "envelope" within which a building may be sited. The minimum lot width requirement may also be superimposed on the envelope to further restrict the area in which a building may be sited.

SITE PLAN – A specific plan for a Lot and its Use or proposed Use, including descriptive material, drawings, and other information required. **See the Schedule of Use Regulations for Uses requiring Site Plan approval and §250-96, Site Plans, for detailed Site Plan scope and requirements.**

SITE PLAN, MODIFIED – A Site Plan modified in accordance with New York State Agriculture and Markets Law and Guidance Documents for use by Farm Operations. **See §250-51.K for detailed scope and requirements.**