

Town of Pine Plains

Local Law No. _____ of 2015

A Local Law to enact certain amendments to the Zoning Law of the Town of Pine Plains, enacted on October 15, 2009.

SECTION I. TITLE.

This local law shall be known as “A Local Law Enacting Certain Zoning Amendments to the Zoning Local Law of the Town of Pine Plains”.

SECTION II. AUTHORITY.

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law 10, the New York State Town law, and in accordance with Chapter 100, Article XVII, Amendments. To the extent that the provisions of this Local Law are in conflict with Section 278 of the New York State Town law, the Town Board hereby asserts its intention to supersede Section 278 pursuant to Home Rule Law.

SECTION III. PURPOSE AND FINDINGS.

In 2009, the Town of Pine Plains enacted its first comprehensive zoning local law. After having over five (5) years to utilize the provisions of the zoning local law, the Town is proposing to enact this law to clarify the types of uses allowed in certain zoning districts in a manner consistent with the Town Comprehensive Plan.

SECTION IV. REVISIONS TO ZONING LAW OF THE TOWN OF PINE PLAINS, ENACTED OCTOBER 15, 2009.

The Zoning Law of the Town of Pine Plains is hereby amended as follows:

1. **Add definition of “performing arts/cultural uses”.** Amend Section 100-101.C, Definitions, to add the following definition of “performing arts/cultural uses”:

PERFORMING ARTS/CULTURAL USES: Any use or combination of uses involving the performance of live or artistic displays, including but not limited to theatrical plays, music concerts, lectures, movie screenings, art galleries, and similar artistic expressions. Said use may also include classroom and studio space for practice and educational training, offices and other uses accessory to the principal performing arts/cultural use. Special events may be held from time to time, in conjunction with the use, such as festivals and charitable events.

2. **Revise definition of “agricultural operations”.** Amend Section 100-101.C, Definitions, to delete the existing definition of agricultural operations and replace it with the following:

AGRICULTURAL OPERATIONS – Land and on-farm buildings, equipment, uses, activities, and practices which contribute to the production, preparation, marketing and sale of

crops, livestock and livestock products as a commercial enterprise, as those terms are defined in Article 25-AA of the Agricultural and Markets Law, including a horse boarding operation as defined herein. Agritourism uses, as defined in this Zoning Law, shall be allowed accessory and incidental to a farm operation. On farm events and accessory uses, such as catering, tasting rooms, special events including charitable events, shall be allowed in conjunction with an agricultural operation to the extent that the NYS Department of Agricultural and Markets determines that said ancillary uses are part of the agricultural operation.

3. **Amend use table.** Section 100-10., Schedule of Use Regulations, Table A., Schedule of Use Regulations, shall be amended to add the following use under “Nonresidential Uses” , after “Office, medical”:

TABLE A								
SCHEDULE OF USE REGULATIONS								
Use	H-BUS	H-MS	H-CR	H-R	H-B	H-PC	R	WP
NONRESIDENTIAL USES								
Performing Arts/Cultural Uses	SP	SP	X	X	X	X	X	X

4. **Amend agricultural use regulations to allow existing agricultural operations as permitted uses in any district.** Amend Section 100-20, Agricultural uses, subsection D, “Agricultural operations, exceptions”, to add a new subsection “(5)” .

“(5) In order to further protect and promote agriculture, agricultural operations in existence on the effective date of this Zoning Law that are located within an agricultural district created pursuant to Article 25-AA of the NYS Agriculture and Markets Law shall be deemed a permitted use within any zoning district in which said use is located, and this section shall supersede the Schedule of Use Regulations contained in Section 100-10. The agricultural operation shall otherwise comply with the Zoning Law and the provisions of this Section 100-20. ”

SECTION V. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION VI. CONFLICT WITH OTHER LAWS.

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION VII. EFFECTIVE DATE.

This Law shall become effective upon filing with the New York State Secretary of State.

SECTION VIII. AUTHORITY.

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.