

**Town of Erie
Ordinance No. 22-2021**

An Ordinance of the Board of Trustees of the Town of Erie Amending Chapters 2, 3, 4 and 11 of Title 10 of the Erie Municipal Code to Add a New Agricultural Holding (AGH) Zone District

Whereas, at a public meeting on August 4, 2021, the Planning Commission reviewed modifications to Chapters 2, 3, 4 and 11 of Title 10 of the Erie Municipal Code (the "UDC") and recommended that the Board of Trustees approve such modifications;

Whereas, at a properly-noticed public hearing on August 10, 2021, the Board of Trustees considered the modifications to the UDC; and

Whereas, the Board of Trustees finds that it is in the best interest of the Town to make the modifications to the UDC as set forth herein, and that such modifications are necessary for the preservation of the public property, health, safety, and welfare.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie as follows:

Section 1. Chapter 2 of the UDC is hereby amended as follows:

a. A new zone district is added to the table in Section 10-2-1.A.1, in the "Other Districts" row, as follows: AGH, Agricultural Holding.

b. Section 10-2-5 is amended by the addition of a new subsection B., to read as follows, with the remainder of Section 10-2-5 to be re-lettered accordingly:

B. Agricultural Holding (AGH)

1. Purpose. To provide for the continuance of existing agricultural-related uses on large agricultural land parcels annexed to the Town until such time the annexed parcels are redeveloped.

c. Section 10-2-7 is amended by the deletion of subsection C.2.b.i in its entirety, with the remainder of subsection C.2.b. to be re-lettered accordingly.

Section 2. Chapter 3 of the UDC is hereby amended as follows:

a. Table 3-1, the Table of Permitted Uses, is amended by the addition of the following listed uses: Agricultural Event Center, Agricultural Breeding and Equestrian Arena.

b. Table 3-1, the Table of Permitted Uses, is amended by the addition of a new column entitled AGH, with the following notations:

P for Permitted Uses shall include: Dwelling, Single-Family Detached; Alternative Tower Structure and Base Stations; Utility Facility, Minor; Utility, Town-owned; Agricultural Cultivation; Agricultural Event Center; Agricultural Grazing; Agricultural Breeding; Animal Hospital, Large Animal (indoor); Animal Hospital, Large Animal (outdoor facilities); Animal Hospital, Small Animal (indoor); Animal Hospital, Small Animal (outdoor facilities); Equestrian Arena; Horse Stables; Kennel or Animal Day Care (indoor); and Kennel or Animal Day Care (outdoor facilities).

S for Special Review Uses shall include: Child Care Center (large); Child Care Center (small); Religious Assembly; Towers; Utility Facility, Major; Campground; Golf Course; Bed and Breakfast; and Mining and Mineral Extraction.

c. Table 3-1 is amended by the deletion of Agricultural Cultivation as a Special Review Use from all zone districts.

d. Table 3-1 is amended by the deletion of Agricultural Grazing as a Special Review Use from all zone districts other than PLI.

e. Section 10-3-2 is amended by the deletion of subsection C.2. in its entirety, with the remainder of subsection C to be renumbered accordingly.

f. Table 3-2, the Table of Accessory Uses and Structures, is amended by the addition of the following new uses, to appear in alphabetical order: Farm Stand.

g. Table 3-2, the Table of Accessory Uses and Structures, is amended by the addition of a new column, entitled AGH, with the following notations:

P for Permitted Uses shall include: Accessory Dwelling Unit; Accessory Structure, General; Family Child Care Home; Farm Stand; Home Occupation; Keeping of Household Pets; Keeping of Large Animals; Dwelling Unit, Caretaker/Guard; Swimming Pool/Hot Tub.

h. Section 10-3-2.C.5.a. is amended as follows:

5. Size of Structure. Unless specified below, an accessory structure shall be subordinate in gross floor area, extent and purpose to the principal structure. When multiple accessory structures are associated with a principal use, the total of all accessory structures shall be subordinate in gross floor area, extent and purpose to the principal structure. Notwithstanding Subsection 3.3.D.1.d, the following are not required to be subordinate in gross floor area:

a. Airplane hangars, *and agricultural structures in the AGH district*, shall be exempt.

i. Section 10-3-2.D.12. is amended by the addition of a new subsection e, to read as follows: "e. Agricultural structures in the AGH district shall be exempt from the architectural design and character requirements and from the screening requirements."

Section 3. Chapter 4 of the UDC is hereby amended as follows: Table 4-3 is amended by the addition of a new row for the AGH District, with the following parameters: Minimum Lot Size – Net Area 5 acres, Minimum Width – N/A; Minimum Setbacks – 25 feet for Front, Side and Rear; Maximum Height – N/A for both Principal and Accessory Structures.

Section 4. Chapter 11 of the UDC is hereby amended as follows:

a. The definition of Agricultural is deleted from Section 10-11-3 in its entirety.

b. The following new definitions are added to Section 10-11-3, to appear in alphabetical order:

Agricultural Breeding. The breeding of cattle, sheep, horses, or other similar animals, limited to an operation of no more than 50 animals.

Agricultural Event Center. A facility on agricultural land consisting of structures or premises used to accommodate the assembly of persons for meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and any other social engagement purposes, or similar such agritainment uses. Such use may include the provision of food, beverages, and entertainment.

Agritainment. A use accessory to an agricultural event center, open to the paying public, and typically including attractions such as amusement rides, corn mazes, haunted houses, petting zoos, and the like. Agritainment may also include live entertainment such as musical or comedy performances but excludes rodeos and racing events.

Equestrian Arena. An improved area, generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs.

c. In Section 10-11-3, the definition of Agricultural Cultivation is amended to read as follows: "The raising of agricultural products include without limitation vegetables, grains, fruits, plants, and other similar products, for consumption or commercial sale."

d. In Section 10-11-3, the term Produce Stand is replaced with the term Farm Stand, with the definition remaining the same, and the definition moving to appear in alphabetical order.

e. In Section 10-11-3, the definition of Quarters for Caretaker/Guard is amended to read as follows: "An accessory dwelling on a nonresidential property occupied by the person who oversees or guards the operation, or by a person or persons assisting with an agricultural operation, *i.e.*, a bunkhouse."

Section 5. Severability. If this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 7. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this 10th day of August, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk