

Agricultural Animal Information Sheet

- **Permit Required**

- An agricultural animal permit is required for agricultural animals kept for noncommercial purposes in the R-1A zoning district.
- An agricultural animal special use permit is required agricultural animals kept for noncommercial purposes in the R-1B, R-1C, and R-1D zoning districts.

- **Applying for an Agricultural Animal Permit**

- Annual agricultural animal permits shall be issued by a Code Enforcement Officer, or any officer designated by the Town Board, upon demonstration that the property to be used meets the requirements.
- The Code Enforcement Officer shall perform an inspection of the property to determine if the property to be used meets the zoning requirements.

- **Applying for an Agricultural Animal Special Use Permit**

- Applications shall be submitted on the forms provided by the Town.
- Upon receipt of an application for either a new agricultural animal special use permit, or an increase in the number of animals, adjoining property owners shall be notified of the application and public hearing date.
- Within 31 days after receipt of the application, the Planning Board shall review the application and supporting data, and Board shall recommend approval, approval with modifications or conditions, or disapproval of the special use permit. The Planning Board's action shall be in the form of a written recommendation of approval or disapproval of the application.

- The failure of the Planning Board to act within 31 days following the conclusion of such hearing, or such longer period as may be agreed to by the applicant, shall be deemed a recommendation for the approval of the development plan as submitted.
- Within 31 days following the receipt by the Town Board of the report of the Planning Board, or its failure to act as above provided, the Town Board shall conduct a public hearing. Within 62 days thereafter the Town Board shall either approve or deny the special use permit.
- In granting approval, the Town Board may impose conditions as necessary to ensure the harmonious integration and compatibility of special permitted uses within neighborhoods and with surrounding areas.
- Each special use permit shall be deemed to only approve one use.
- Any special use permit granted shall include any conditions established by the grant of a variance related to the permit.

- **Fees**

- Agricultural Animal Permit
 - Initial Application \$150.00
 - Yearly Renewal \$50.00
- Agricultural Animal Special Use Permit
 - Initial Application \$150.00
 - Yearly Renewal \$50.00

- **Definitions**

- Agricultural Animal:
 - Any domestic species of animal which are normally, and have historically, been kept and raised on farms in the U.S. Examples include cattle, sheep, swine, goats, llamas, horses, chicken, ducks, turkey, or geese. This term also includes any other animal when they are used solely for purposes of meat, fur, or eggs.

- **General Requirements**

- Up to 10 agricultural animals may be permitted provided that:
 - The lot has a minimum width of 100 feet and a minimum lot area of two acres for the first agricultural animal and additional area of one acre for each additional agricultural animal.
 - The barn, coop, or other animal housing structure, and any grazing or feeding area, is to be located at least 200 feet from any neighboring residence and at least 100 feet from the applicant's personal residence.
 - The barn, coop, or other animal housing structure is to be located at least 25 feet from any lot line. Manure and other waste or excretion accumulation on such premises or in a structure shall not be kept in an unsightly or unsanitary manner. The waste shall be properly disposed of so as not to create odors that disturb occupants of adjoining properties. Nothing in this provision shall authorize on-site disposal of waste of any animals not resident on the zoning lot.

- **Agricultural Animal Permits**

- Annual Renewal.
 - Agricultural animal permits shall be issued for a period of one year and may be renewed annually.
 - Prior to expiration of the permit the property owner shall apply to have the permit renewed and pay the renewal fee.
 - After the renewal fee has been paid and prior to renewal of the agricultural animal permit the property for which the permit was issued shall be inspected by the Code Enforcement Officer.
 - If no animals are brought onto the property within one year of the permit issuance, or if any of the requirements have been violated, the permit will expire and will not be renewed.
 - The property owner may apply for a new permit if the existing permit expires.

- **Agricultural Animal Special Use Permits**

- Expiration of a special use permit occurs in the following circumstances:
 - After the time period set in the special use permit. To insure compliance with conditions on the permit, the Board may, in its sole discretion, set shorter time periods for the first year of a special use permit than upon renewal.
 - A special use permit is terminated on the next day following the end of any period granted to correct deficiencies and/or violations of any condition attached to the granting or renewal of the permit, where such period has been established by the Board after a hearing.
 - A special use permit shall expire if the special permitted use fails to obtain a building permit within three months of the Town Board's approval.
 - A special use permit shall expire, where no structure is involved, if the lot shall not have been put into use, for the purpose for which such permit was granted, within 12 months after the date of issue of such permit.
 - A special use permit shall expire if construction and/or use of the structure for which such permit was granted shall not have actually begun within 12 months after the date of issue of such permit.
 - A special use permit shall expire if the entire structure for which such permit was granted shall not have been completed according to filed plans within three years after the date of such permit.
 - An applicant may apply for a new special use permit to replace the terminated permit. Such new permit is subject to the approval process in use at the time of application.

- Inspections; revocation.
 - Inspections shall be carried out at least annually for agricultural animal special use permits, before renewal for all special use permits; and upon complaint by the public or Town officials where appropriate, and in accordance with applicable law.
 - Whenever it shall appear to the Town Board, based on investigation or complaint from the public, that a permit holder is not complying with a condition of a special use permit, the Town Board may, after holding a public hearing at which the permit holder is given an opportunity to be

heard, order the revocation of the permit either immediately, or after a cure period, if the permit holder fails to cure the violation. Upon revocation of the permit, the use shall immediately cease and desist until a new special use permit is issued by the Board.

- Renewal.
 - Where a special use permit shall have been issued with an expiration date, the following shall be the procedure for renewal:
 - Between 30 and 60 days prior to the date of each special use permit renewal, a Code Enforcement Officer shall arrange for an inspection of the permitted property. Based on this inspection, the Officer shall prepare a report to the Town Board stating whether:
 - Any violations of the specific conditions on the Special Use Permit were found;
 - Any violations of other Town Code provisions were found; or
 - No violations were found.
 - In cases where violations of the existing permit and/or of other Town Codes are found, the report to the Town Board shall specifically list each violation, the specific provision of the Town Code or state the code that is violated, the recommendation for how to correct the condition, and any other information that the staff feels is appropriate for the Board to consider in the renewal.
 - A special use permit renewal shall not be placed on the regular agenda until so directed by the Town Supervisor.
 - Based on the report of the staff and, where applicable, any subsequent investigation, the Town Board shall:
 - Renew the special use permit unchanged;
 - Renew the special use permit with additional conditions;
 - Renew the special use permit with specific deadlines for correcting specific violations; or
 - Call for a public hearing to consider the revocation of the special use permit.