

**Local Law Filing**

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Homer

Local Law No. 1 of the year 2019.

A local law Amending the Allowed Uses in Certain Zoning Districts.

Be it enacted by the Town Board of the

Town of Homer as follows:

FILED  
STATE RECORDS

JAN 17 2019

DEPARTMENT OF STATE

- Section 1: Town Zoning Law Article IV, Agricultural Districts, Section 403 Permitted Conditional Uses is amended to add Paragraph L: Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery, as these businesses are defined under the New York State Alcoholic Beverage Control Law.
- Section 2: Town Zoning Law Article V, Residence Districts, Section 504 Conditional Uses is amended to add Paragraph M: Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery, as these businesses are defined under the New York State Alcoholic Beverage Control Law.
- Section 3: Town Zoning Law Article XIV Supplemental Regulations is amended to add a new Section 1417 entitled "Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery."
- A) The Town Planning Board may issue a conditional permit for: Farm Breweries, Farm Cideries, Farm Distilleries and Farm Wineries in the agricultural and residential districts, allowing for the production of beer, ciders, liquors, or wines. The business may include tasting areas, food service, distribution and sales of beverages and related items. These businesses may or may not be part of a Farm Operation as defined by New York State Agriculture and Markets Law.
- B) Requirements for the issuance of a permit:

1. The applicant shall provide evidence that the operation will conform to the requirements of a Farm Brewery, Farm Cidery, Farm Distillery, or Farm Winery as those businesses are defined under New York State Alcoholic Beverage Control Law.
2. Information regarding site lighting shall be provided. Such lighting shall not illuminate adjacent residential sites. Site lighting shall be restricted to providing adequate security lighting of the property after the public use of the property has been concluded.
3. Landscaping buffers and /or berming shall be provided around the perimeter of the parking lot and/or any lot line abutting a residential use to visually screen the adjoining properties from the headlights of motor vehicles using the parking lot.
4. Entrances and Exits shall be designed to meet the New York State Department of Transportation: Policy and Standards for the design of Entrances to State Highways. Variances to these standards may be granted by the New York State Department of Transportation Regional Office for projects that exit onto State Roads, the Cortland County Highway Superintendent for projects that enter onto County Roads, or the Town of Homer Highway Superintendent for projects that exit onto Town Roads.
5. No parking areas shall be closer than 50 feet from a residential property line.
6. The entire area of the site traveled by motor vehicles shall have a hard surface and shall be maintained in a dust free condition.
7. No public address system shall be permitted, except where such system will not be audible at any property line.
8. Signage shall comply with this zoning law.
9. The applicant shall demonstrate adequate water supply and sewage disposal.
10. The hours of operation for retail and food services activities shall not be before 7AM and shall not be after 11PM.

11. There shall be a minimal site/lot size for such operation of 10 acres.

Section 4: This local law shall take effect immediately upon being filed by the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2019 of the (County)(City)(Town)(Village) of Homer was duly passed by the Town Board of Homer on January 8 2019, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_, having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative:

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on-file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Anita Trubert*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: January 11, 2019

