

**AMENDMENT TO
ZONING ORDINANCE
OF
THE TOWN OF CLAYTON, JEFFERSON COUNTY, NEW YORK**

The Zoning Ordinance of the Town of Clayton, Jefferson County, New York, as adopted on July 12, 1989, and as amended by Amendments 1 through 37, is hereby further amended as follows:

Section 1.

Article II, Section B, of the Zoning Ordinance of the Town of Clayton is further amended as follows:

- (a) The definition of "Agricultural Use" shall be amended to read as follows:

Agricultural Use: The raising of fruits, vegetables and the like for sale, and the structures incidental thereto, but not including the raising or keep of animals.

- (b) The definition of "Farm Winery" shall be amended to read as follows:

Farm winery/distillery/brewery/cidery: An agricultural operation for the growing of grapes, apples or other crops such as grains and berries, and the preparation, processing, marketing, and distribution of wine, beer or other alcoholic beverages and ciders, in addition to all uses that are permitted by the "Farm Winery Act of 1976" or the "New York Craft Act of 2014".

- (c) The following definitions shall be added:

Agricultural Processing Plant: A large scale commercial or industrial operation for the processing of animal products such as a slaughter house or dairy processing facility, or a large scale facility for the processing of wheats or grains for wholesale distribution. The term does not include Farm winery, Farm distillery, Farm brewery or Farm cidery.

Inn: An Establishment which provides not more than 16 rooms for hire for overnight accommodations within a single building.

Section 2.

Article III, Section B, of the Zoning Ordinance of the Town of Clayton as amended, shall be further amended by altering the boundary of the Industrial District by moving the same to the north and east by 700' as depicted on the map attached hereto and made a part hereof.

Section 3.

Article V, of the Zoning Ordinance of the Town of Clayton as amended shall be further amended as follows:

Schedule A – Use Regulations shall be amended by removing “house boats” from the MR District as a use requiring site plan approval, adding to the MD District and the A-IR District “Farm winery/distillery/brewery/cidery” as a use requiring site plan approval, and adding to the MD2 District “Restaurants, Taverns, and Bars” as a use requiring site plan approval .

Section 4.

Article VII, Section A(1) of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended to read as follows:

1. All facilities for receiving, processing and/or packaging agricultural products in connection with an Agricultural Processing Plant shall be located at least 1000' of any residential lot line.

Section 5.

Article VII, Section BB of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended by adding the following use at No. 12: “Inns” with a minimum requirement of “1 for each sleeping room”; and the following use at No. 15: “Farm winery/distillery/brewery/cidery” with a minimum requirement of “1 for each two anticipated patrons plus 1 for each employee”.

Section 6.

Article VII, Section II (1) of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended to read as follows:

1. Restaurants, Taverns and Bars shall be permitted only in the Agricultural and Rural Residential (AR), Marine Development 2 (MD2), Hamlet (H) and Business (B) districts upon the issuance of a special use permit by the Joint Planning Board. In the Marine Development (MD) district, restaurants taverns and bars shall be permitted only after site plan review and approval by the Joint Planning Board applying the criteria in this section and elsewhere in this Ordinance where applicable.

Section 7.

Article VII, Section QQ (5) of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended to read:

5. Off street parking facilities shall be provided in accordance with the requirements of Sections Z and BB of this Article VII.

Section 8.

Article II, Section II (5) of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended to read as follows:

5. Off street parking facilities shall be provided in accordance with the requirements of Sections Z and BB of this Article VII.

Section 9.

Article VII of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended by adding the following subsection thereto:

AAA. Farm Winery/Distillery/Brewery/Cidery.

1. Farm Wineries/Distilleries/Breweries and Cideries shall be permitted in the Marine Development (MD), Agricultural and Island Residential (A-IR), and the districts following site plan review and approval by the joint planning board, applying the criteria contained in this section and elsewhere in this Ordinance as applicable.
2. Farm Wineries/Distilleries/Breweries and Cideries may include a tasting room and a retail sales area as designated on the approved site plan.
3. All improvements located on the subject property shall be designed, constructed, maintained and operated in accordance with the standards of the New York State Building Code and shall at all times comply with the requirements of the New York State Health Department.
4. All sanitary facilities shall be built and maintained in accordance with the requirements of the New York State Department of Health and the New York State Department of Environmental Conservation.
5. Off street parking facilities shall be provided in accordance with the requirements of Sections Z and BB of this Article VII, and shall be specifically designated on the approved site plan.
6. All signs shall be designed, built and maintained in accordance with the requirements of Section PP of this Article VII, and shall be specifically included on the approved site plan.
7. All patron activities shall be conducted within the enclosed structures, or on exterior portions of the property specifically designated therefore on the approved site plan, and shall be limited to the hours of operation as approved by the joint planning board. In reviewing the exterior portions of the property to be utilized for patron activity, the planning board shall consider the proximity of the operation to neighboring residential properties, and the impact of such activities on the peaceful enjoyment of the occupants of such residential property.

Section 10.

Article XIV, Section B, of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended to read as follows:

B. Continuance of Nonconforming Uses of Structures.

1. Any nonconforming use of any building, structure, land or premises that lawfully existed at the time of the adoption of this ordinance may be continued, subject to all other provisions of this article.
2. No such nonconforming use shall be increased by the erection or placement of any additional structures, or extension, or enlargement of existing structures, and the use shall not be enlarged to occupy a greater land area. A nonconforming structure may be altered, if the alteration does not further encroach on a nonconforming set back or any other applicable zoning regulations within the District.

Section 11.

Article XIV, Section C, of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended to read as follows:

C. Changes in Existing Nonconforming Uses and Structures.

No material change shall be made in any nonconforming use except a change to a use permitted under this ordinance. Any change of a nonconforming use to another nonconforming use shall require approval by the Zoning Board of Appeals upon application for and interpretation that the requested use is not a material change in use from the existing nonconforming use. In making a determination that the use is not a material change from the existing nonconforming use, the Zoning Board of Appeals must determine that the use is similar in nature to existing nonconforming use, and will have similar impacts such as parking requirements, number of employees, volumes and traffic of customers or clients and other similar impacts. In addition, the requested use shall not occupy a greater footprint than the existing nonconforming use.

Section 12.

Article XIV, of the Zoning Ordinance of the Town of Clayton, as amended, shall be further amended by adding the following section thereto:

H. Nonconforming mobile home parks and campgrounds.

Within existing nonconforming mobile home parks and campgrounds, the setback for all new construction, alterations of existing structures, or renovation of existing structures shall be five (5) feet from the mobile home or campground property

line, and five (5) feet from any adjoining lot within the mobile home park or campground.