

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.

County City Town Village
(Select one.)

of Hamburg

Local Law No. 4 of the year 2024

A local law to amend Chapter 280 of the Hamburg Town Code, entitled "Zoning", specifically
(Insert Title)
Section 280-332.3 and Section 280-332.4 to include additional accessory uses and minor
definition revisions

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Hamburg as follows:

Section 1:

This local law amends Chapter 280 of the Hamburg Town Code entitled Zoning. Specifically Sections 280-332.3 and 280-332.4 to include additional accessory uses and minor definition revisions as outlined on the following page.

Section 2:

This local law to take effect immediately after proper filing, including with the Department of State.

Dated: May 20, 2024

(If additional space is needed, attach pages the same size as this sheet, and number each.)

§ 280-332.3. Craft farm breweries and craft brewery activities.

No special use permit for a craft (farm) brewery or a craft (farm) brewery with craft brewery activities shall be authorized unless the project meets the requirements of § 280-312B(1), (2), (3) and (4), and the following:

A. Definitions

- 1 Craft Farm Brewery. As defined by the Farm Brewery License under New York State Liquor Authority.
- 2 Licensed product. As defined by the farm licenses in New York State Alcoholic Beverage Control Law (Sections 51-A, 76-A, and 61 2.a).

B. Principle farm business activities may include (depending on site location and attributes) the following:

- 1 Licensed product tasting.
- 2 Retail sale of licensed product.
- 3 Retail sales of related products, souvenirs, etc.
- 4 Drying spent grain.
- 5 Recovering carbon dioxide and yeast.

C. Accessory uses and structures to farm license businesses may include the following (as determined and approved under the SUP process):

- 1 Making and serving of food.
- 2 Hosted party and event space.
- 3 Production of related products such as soft drinks, syrups, and other beverages permitted by New York State Liquor Authority.

D. The minimum acreage of the lot required for a craft farm brewery shall be 15 acres (and must be large enough to accommodate parking, required setbacks, etc.). [Amended 10-21-2019 by L.L. No. 10-2019]

E. Craft (farm) breweries with retail sales will need to show adequate parking and screening from any adjacent residential uses.

F. All manufacturing activities and storage must take place within an enclosed building.

G. Manufacturing buildings must be located a minimum of 500 feet from any residential structures located on surrounding properties (unless a "sign-off" letter is received from such adjacent residential use) and must have adequate buffering and screening.

- H. Obtain and maintain a farm brewery license from the State of New York Liquor Authority and operate in conformance with said license.

§ 280-332.4 Craft winery.

[Added 10-21-2019 by L.L. No. 10-2019]

No special use permit for a craft winery shall be authorized unless the project is shown to meet the requirements of § 280-312B(1), (2), (3) and (4) and the following:

A. Definitions

- (1) Craft Winery. As defined by the Farm Winery License under New York State Liquor Authority.
- (2) Licensed product. As defined by the farm licenses in New York State Alcoholic Beverage Control Law (Sections 51-A, 76-A, and 61 2.a).

B. Principle craft winery activities may include (depending on site location and attributes) the following:

- (1) Licensed product tasting.
- (2) Retail sale of licensed product (in accordance with New York State law) and must be made on site.
- (3) Retail sales of related products souvenirs, souvenirs, etc.

C. Accessory uses and structures to farm license businesses may include the following (as determined and approved under the SUP process):

- (1) Making and serving food.
- (2) Hosted party and event space.
- (3) Production of related products such as soft drinks, syrups, and other beverages permitted by New York State Liquor Authority.

D. The minimum acreage of the lot used for a craft winery shall be five acres (and must be large enough to accommodate parking, required setbacks, etc.).

E. Craft wineries with retail sales will need to show adequate parking and screening from adjacent residential uses.

- F. All manufacturing/processing activities and storage must take place within an enclosed building.

- G. Manufacturing/process buildings must be located a minimum of 200 feet from any residential structures located on surrounding properties (unless a sign-off letter is received from such adjacent residential use).

- H. The winery must operate in accordance with all New York State laws.

(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. 4 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Hamburg was duly passed by the Town Board on May 20 2024, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

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.

Catherine A. Pufanowski

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

Date: 5/23/24

(Seal)