

LOCAL LAW NO. ____ OF THE YEAR 2026
TOWN OF CAMBRIA
COUNTY OF NIAGARA, STATE OF NEW YORK

**A Local Law Amending the Zoning Ordinance of the Town of Cambria to Regulate
Accessory Structures on Parcels of Five (5) Acres or More and to Conform the
Accessory Building Provisions to the Agriculture and Markets Law**

Be it enacted by the Town Board of the Town of Cambria as follows:

Section 1. Legislative Intent.

The Town Board finds that parcels of five (5) acres or more in the Agricultural and Residence Districts AR are increasingly used for larger detached accessory structures, and that reasonable limits on the aggregate size and placement of such structures are necessary to preserve adequate light, air, and open space, to protect adjoining properties, and to promote the public health, safety, and general welfare. The Town Board further finds and declares that the Town of Cambria is a Right to Farm community; that the majority of the Town lies within land zoned Agricultural and Residence and within one or more New York State-certified agricultural districts; that agriculture and farm operations are permitted in the AR District and in other zoning districts of the Town, including the R-1 Residence District and the Escarpment District; and that a certified agricultural district may overlap any of the Town's zoning districts. Accordingly, the Town Board finds that the Town's accessory-building, farm-structure, and farm-operation regulations must be enacted and administered, in every zoning district, so as not to unreasonably restrict or regulate farm operations, consistent with Section 305-a of the Agriculture and Markets Law and Section 283-a of the Town Law. This Local Law is adopted to establish reasonable standards for accessory structures on larger parcels and, at the same time, to bring the Town's accessory building, farm structure, and farm operation provisions, in all zoning districts, into conformity with State agricultural law. The Town Board further finds and declares that the farm-operation provisions of Section 5 of this Local Law — including the provision recognizing a farm operation as a permitted use in every zoning district within a New York State-certified agricultural district — are declaratory of, and do not enlarge, the protections and permissions already required by Section 305-a of the Agriculture and Markets Law and Section 283-a of the Town Law. Such farm operations are, and have been, allowable within a certified agricultural district by operation of State law, and Section 5 does not adopt any change in the uses allowable within any zoning district of the Town.

**Section 2. Amendment of Section 303(2), Exception (b) — Accessory Buildings on
Parcels of Five Acres or More.**

Section 303(2) of the Zoning Ordinance is amended by deleting Exception (b) in its entirety and replacing it with the following:

b. Five (5) acres or more. No accessory building as defined herein shall be placed closer to the side or rear property lines than fifty (50) feet, and for every foot above twenty-five (25) feet in height an additional two (2) feet shall be required of the lot line setback; shall not be closer than twenty-five (25) feet to the principal structure; shall not be placed closer to the street line than the rear main wall of the principal structure; and, in the case of a lot abutting more than one street, shall not be placed closer to either street than the area of the foundation farthest from each street.

Section 3. Amendment of Section 303(5)(d) — Aggregate Square Footage on Parcels of Five Acres or More.

Section 303(5)(d) of the Zoning Ordinance is amended to read as follows:

d. Five (5) acres or more. Accessory buildings shall be permitted with a maximum aggregate square footage not to exceed five thousand (5,000) square feet, subject to the setback and placement requirements of Section 303(2), Exception (b).

Section 4. Amendment of Section 303(4) — Barns and Buildings Used for Active Farm Operations.

Section 303(4) of the Zoning Ordinance is amended to read as follows:

4. No barn or building used for active farm operations, other than a building containing less than one hundred fifty (150) square feet, shall be placed closer to a side or rear property line, or closer to the street line or principal dwelling, than the setbacks applicable to a detached accessory building of comparable height on the same parcel under Section 303(2) and its Exceptions. A setback greater than those otherwise applicable under Section 303(2) shall be imposed on such a barn or building only where the Town Board or its designee makes a specific written finding, supported by evidence in the record, that the greater setback is necessary because the public health or safety is threatened. Nothing in this subsection shall be enacted or administered so as to unreasonably restrict or regulate a farm operation within a certified agricultural district, as provided in Section 5 of this Local Law.

Section 5. Agriculture and Markets Law Conformance (All Zoning Districts).

A. Definition. As used in this Section, "farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise, as defined in Section 301(11) of the Agriculture and Markets Law, whether located on one or more parcels of owned or rented land, contiguous or noncontiguous.

B. General savings clause (all districts). Notwithstanding any other provision of this Zoning Ordinance, no setback, height, separation, placement, aggregate square-footage, number, lot-coverage, area, yard, or use limitation of this Zoning Ordinance — in any zoning district, including without limitation the Agricultural and Residence (AR) District (Sections 300 and 303), the R-1 Residence District (including Sections 402 and 404), the Escarpment District, and any other district in which agriculture or a farm operation is a permitted use — shall be enacted or administered so as to unreasonably restrict or regulate a farm operation located within a New York State-certified agricultural district, unless it can be shown that the public health or safety is threatened, consistent with Section 305-a of the Agriculture and Markets Law and Section 283-a of the Town Law.

C. Farm-operation carve-out. The accessory-building, farm-structure, area, yard, setback, placement, aggregate square-footage, number, and lot-coverage limitations of this Zoning Ordinance — including, without limitation, Sections 300(4), 303(2) and its Exceptions, 303(5), 402, and 404, and the corresponding provisions of any other zoning district — shall not be applied to a barn, building, or other structure that is part of a farm operation as defined in subsection A of this Section and located within a certified agricultural district. Such barns, buildings, and structures shall be governed by Section 303(4), as amended by this Local Law, and shall in all events be treated in accordance with subsection B of this Section.

D. Farm operations permitted in all districts within a certified agricultural district. To the extent any provision of this Zoning Ordinance would prohibit or restrict a farm operation, or a use that is part of a farm operation, on land located within a New York State-certified agricultural district, such provision shall not be enforced so as to unreasonably restrict or regulate the farm operation, unless it can be shown that the public health or safety is threatened. For the avoidance of doubt, and consistent with Section 305-a of the Agriculture and Markets Law, a farm operation shall be recognized as a permitted use on land located within a certified agricultural district in every zoning district of the Town, subject to the provisions of this Section. This subsection confirms, and does not enlarge, a permission already required by State law.

E. Animal and manure structures. Any accessory structure that is part of a farm operation and is used for the housing or keeping of animals, or for the storage, processing, or handling of manure, shall be located in compliance with any setback required under the

Agriculture and Markets Law and the applicable guidelines, standards, and opinions issued by the Commissioner of Agriculture and Markets. Where such a setback applies, it shall control, and no setback or placement requirement of this Zoning Ordinance shall be applied to require a lesser or greater setback for such structure.

F. Advisory opinion. Upon the request of the Town, a farm owner or operator, or a person or entity performing agricultural practices on behalf of a farm owner or operator, the Town shall cooperate in obtaining an opinion of the Commissioner of Agriculture and Markets, pursuant to Section 305-a(1)(b) of the Agriculture and Markets Law, as to whether any provision of this Zoning Ordinance would unreasonably restrict or regulate farm operations.

G. Building Code and health-and-safety reservation. Nothing in this Section shall be construed to exempt any structure from the New York State Uniform Fire Prevention and Building Code or from any generally applicable requirement necessary to abate a demonstrated threat to public health or safety.

Section 6. Amendment of Section 300(4) — Accessory Buildings in the Agricultural and Residence (AR) District.

Section 300(4) of the Zoning Ordinance is amended to read as follows:

4. Accessory use buildings or structures including private garages as defined herein. Two buildings (only one of which may be a garage) unattached to a principal structure and not exceeding 1,000 sq. ft. each, shall be allowed, except that in the Agricultural and Residence District AR the number, size, and aggregate square footage of accessory buildings, and their required setbacks and placement, shall instead be as provided in Section 303 of this Ordinance, including the land-requirement schedule of Section 303(5), and Section 303 shall control. This exception applies only within the AR District and does not alter the standard applicable in any other district that incorporates this subsection by reference. All structures, including accessory buildings, shall not exceed thirty-five percent (35%) of the total lot size. No accessory use building or other structure, including a private garage, shall be constructed until the principal building is completed or under construction.

Section 7. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.