

Understanding Agriculture & Zoning

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Purpose of this guide

This sheet is to help new supervisors, planning and zoning board members, building officials and municipal staff understand how local zoning and municipal code interacts with New York State Agricultural Districts Law (AML Article 25-AA) and what municipalities can and cannot regulate with farm operations.

Zoning vs. Agricultural Districts: What's the difference?

Zoning (local law)

- Set by the municipality, adopted through local legislative process
- Regulates uses, setbacks, lot size, density, and site plan/special permit requirements
- Applies to all properties, including farms

Agricultural Districts (NYS Ag & Markets Law, Article 25-AA)

- State program administered through the County
- Protects farm operations from unreasonably restrictive local laws or review procedures
- Offers protections such as:
 - Right-to-farm
 - Limits on local governments' ability to regulate farm operations
 - Notice requirements (such as Notice of Intent for public projects affecting farmland in an agricultural district)

Zoning tells you what is allowed. Ag District law tells you how far local regulation can go.

Examples of activities that DO meet the definition (when commercial):

- Raising cattle, sheep, goats, pigs, poultry, or equine* as a commercial enterprise
- Producing field crops, vegetable + fruit operations, horticultural specialties (i.e. nursery stock), Christmas trees
- Producing value-added products (maple syrup and honey)
- Production, preparation, and marketing of crops for wine, beer, cider and distilled spirits

Frequently asked municipal questions:

Q: Does being in an Agricultural District exempt a farm operation from zoning?

A: No. Farms still follow zoning code, but local laws and procedures cannot unreasonably restrict a protected farm operation unless public health or safety is genuinely at risk.

Q: Can towns require site plan review for barns, greenhouses, or other agricultural buildings?

A: Yes. But only to the extent needed for health and safety. Under AML 305-a, municipalities are encouraged to use expedited or sketch-plan review for typical agricultural structures.

Examples that DO NOT meet the definition:

- Keeping horses as personal pets with no boarding, training, or sales component
- Maintaining small numbers of goats, chickens, or other livestock as pets or for household use only
- Hobby gardens that produce no consistent commercial output

Important Note for Municipal Officials

A farm does not need to prove high income, year-round sales, or a certain farm size to have "commercial intent." i.e. Start-up operations

But it does need to show that:

- The products or animals are raised for sale,
- The activities support a business purpose, and
- The use is consistent with agricultural production under AML Article 25-AA.

Only farm operations as defined in AML §301(11) qualify for Agricultural District protections.

Personal, hobby, or household uses do not qualify.

*Commercial equine boarding/operations consisting of at least 7 acres and having at least ten horses