

Section 164-47.3 Agricultural Protection Overlay District.

B. Applicability.

(1) The AP-O District qualifying area is hereby established as an overlay district as shown on the Town of Warwick Agricultural Protection Overlay District Qualifying Area Map, and containing a critical mass of lands meeting the following criteria:

(a) Contiguous land in single ownership as of the effective date of this chapter on which at least 50% of the surficial soils are classified as prime farmland soils (Class 1 and 2), soils of statewide significance (Class 3 and 4) or black dirt soils as established by criteria of the Natural Resources Conservation Service, United States Department of Agriculture (hereinafter "agricultural soils"); or

(b) Parcels of land included in Agricultural District 2 established pursuant to the New York State Agriculture and Markets Law, Article 25-AA, §§ 303 and 304, both as of the effective date of this chapter and as may thereafter be added to the District; or

(c) Parcels of land receiving farm tax assessment as of the effective date of this chapter and as may thereafter receive such assessment; or

(d) Parcels of land that are part of an operating farm as of the effective date of this chapter and as verified

through submission annually to the Town of Warwick Building Department, a copy of Federal Form 1040, Schedule F (Profit or Loss from Farming) demonstrating a minimum of \$10,000 in annual farm income; and
[Amended 4-14-2022 by L.L. No. 3-2022]

(e) Other parcels of land, which because of their location within or adjacent to lands described in Subsection **B(1)(a), (b), (c)** and/or **(d)** above and their undeveloped nature, large size or siting amidst farmlands are necessary to include in the AP-O District to prevent the proliferation of conflicting adjacent uses that could jeopardize the future survival of farming within the District.

(2) The Town Board hereby adopts the map entitled "Town of Warwick Agriculture Protection Overlay District Qualifying Area Map", reflecting lands included within the AP-O District as described in Subsection **B(1)** above. Said map shall be the basis for administration of the regulations contained in this District.

(3) Any landowner whose land has not been mapped on the Town of Warwick Agriculture Protection Overlay District Qualifying Area Map may request to be covered by the regulations of this District. If the Town Board finds that such land satisfies the criteria for AP-O designation in § **164-47.3B(1)** above, it may amend the AP-O Map to include such land.