**DRAFT:**

Town of Canandaigua

Agricultural Enhancement Act

*LAST REVISED 3/19/2019*

[§ 1-17**Definitions.**](https://ecode360.com/9049317#9049317)

Except as otherwise provided herein, words and terms used in the Town Code shall have their usual and customary meanings. As used in this Code, the following terms shall have the meanings indicated:

**[AGRICULTURAL DATA STATEMENT](https://ecode360.com/9049357" \l "9049357)**

A statement as defined in Section § 301 of New York State Agriculture and Markets Law

[**AGRICULTURAL OR FARMING ACTIVITIES**](https://ecode360.com/9049358#9049358)

See “Agricultural Use”[**AGRICULTURAL STRUCTURE**](https://ecode360.com/9049359#9049359)

See “Building, Agricultural”.

[Added 7-25-2005 by L.L. No. 7-2005]

[**AGRICULTURAL USE**](https://ecode360.com/9049360#9049360)

Cultivation of land, or raising or harvesting of any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training of and management of animals, including the sale of products grown on or raised directly on such land and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems, farm ponds on such lands, and the necessary accessory uses for storage; provided, however, that the operation of any such accessory use shall be incidental to that of the principal agricultural activities.. The term "farm" is included in this definition.

[Added 7-25-2005 by L.L. No. 7-2005]

[**BARN**](https://ecode360.com/9049383#9049383)

See “Building, Agricultural” [Added 7-25-2005 by L.L. No. 7-2005]

[**BUFFER AREA**](https://ecode360.com/9049397#9049397)

A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms, and designed to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, noise, or other noxious or objectionable elements.

**BUILDING, AGRICULTURAL**

A detached building or structure used to support an established agricultural use. Said building or structure may be used for the housing of farm animals, agricultural products, agricultural materials, agricultural equipment, or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with to the operation of the farm.

[**BUILDING COVERAGE**](https://ecode360.com/9049400#9049400)

The area of all building footprints on a lot divided by the lot area. This includes all principal and accessory buildings, covered breezeways, covered porches, covered cantilevered structures, and decks.

[Amended 7-25-2005 by L.L. No. 7-2005; 4-8-2013 by L.L. No. 2-2013; 3-16-2015 by L.L. No. 3-2015]

[**BUILDING, PRINCIPAL**](https://ecode360.com/9049406#9049406)

A building in which is conducted the main or principal permitted or special permitted use of the lot on which said building is situated.

[Amended 7-25-2005 by L.L. No. 7-2005]

[**COMMERCIAL HORSE BOARDING OPERATION**](https://ecode360.com/9049418#9049418)

An operation as defined in Section § 301 of New York State Agriculture and Markets Law [Added 12-22-2004 by L.L. No. 7-2004; amended 6-28-2010 by L.L. No. 3-2010]

[**CONSERVATION EASEMENT**](https://ecode360.com/9049429#9049429)

An easement, covenant, restriction or other interest in real property, created under and subject to the provisions of Title 3, § 49-0301 et seq., of the New York State Environmental Conservation Law which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of the real property in a manner consistent with the public policy set forth in § 49-0301 et seq. of the ECL, the adopted Town of Canandaigua Comprehensive Plan and the adopted Farmland and Open Space Conservation Plan of the Town of Canandaigua.[**[8]**](https://ecode360.com/9049317#ft9049429-8)

[Added 3-15-2004 by L.L. No. 2-2004]

**[CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS](https://ecode360.com/9049440" \l "9049440)**

Products as defined in Section § 301 of New York State Agriculture and Markets Law **[DISTURBANCE](https://ecode360.com/32271460" \l "32271460)**

The removal of vegetation, any and all excavation (including but not limited to the use of motorized machinery on soil), grading, grubbing, excavation, stockpiling, filling, removal of soil or rock, demolition of existing structures, access created for construction purposes, drilling, trenching, benching, terracing, backfilling, storm and erosion control work, embankment stabilization, installation or construction of catch basins, culvert piping, swales, ditches, rip rap, construction entrances, driveways (including shared), retaining walls or improvements of a similar nature, utility work, placing or filling soil on top of the natural vegetative cover and the conditions resulting from any of such activities. Land disturbance does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility or Agricultural Use

[Added 3-20-2017 by L.L. No. 6-2017]

[**FARM**](https://ecode360.com/9049488#9049488)

Any parcel containing at least seven acres of land which is used for agricultural or farming activities. It includes necessary farm structures and the storage of equipment used.

[Amended 7-25-2005 by L.L. No. 7-2005]

FARM ANIMALS

See, “Crops, Livestock, and Livestock Products” Subsection E

[**FARM AND CRAFT MARKET**](https://ecode360.com/9049489#9049489)

A retail marketplace comprised of independent merchants selling to the public a diverse and varied line of goods and products. Merchandise offered for sale may include, but is not limited to, farm produce, handmade furniture and other cottage craft products, prepared food, meats, antiques, and manufactured goods.

[Added 1-13-1992 by L.L. No. 2-1992]

[**FARMER**](https://ecode360.com/14185255#14185255)

Any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops or the raising of livestock.

[Added 5-14-1998 by L.L. No. 2-1998]

[**FARM BUILDING**](https://ecode360.com/9049490#9049490)

See “Building, Agricultural” [**FARMING PRACTICES**](https://ecode360.com/14185256#14185256)

An activity, now permitted by law, engaged in by a farmer as defined herein in connection with and furtherance of the business of farming and shall include, without limitation, the collection, transportation, distribution, and storage of animal wastes, storage, transportation and use of equipment for tillage, planting and harvesting; transportation, storage and use of legally permitted fertilizers, lime, insecticides and pesticides all in accordance with local, state and federal law and regulation, and in accordance with the manufacturer's instructions and warnings; construction of farm structures and facilities as permitted by local and state building code and regulation; including construction and maintenance of fences.

[Added 5-14-1998 by L.L. No. 2-1998]

[**FARM LABOR**](https://ecode360.com/9049491#9049491)

A person, or persons employed in permanent (more than 51% of the time by the farm operation) or seasonal farm work (less than 51% of the time by the farm operation) who are not a partner or owner of the farm operation.

[Added 12-22-2004 by L.L. No. 7-2004]

[**FARM LABOR HOUSING**](https://ecode360.com/9049492#9049492)

A dwelling unit used by farm labor employees and their families.

[Added 12-22-2004 by L.L. No. 7-2004]

**[FARMLAND AND CONSERVATION OPEN SPACE PLAN](https://ecode360.com/9049493" \l "9049493)**

The report accepted by the Town Board as part of the implementing phase of the Comprehensive Plan, that provides a detailed inventory of farmland and open space resources throughout the Town. The report provides the strategies to be used by the Town Board, Planning Board, developers and the public to achieve meaningful open space conservation.

[Added 7-25-2005 by L.L. No. 7-2005]

**[FARM OPERATION](https://ecode360.com/9049494" \l "9049494)**

An operation as defined in Section § 301 of New York State Agriculture and Markets Law

[Added 7-25-2004 by L.L. No. 7-2004]

[**FARM VEHICLE**](https://ecode360.com/9049495#9049495)

Any vehicle which is used in conjunction with an established farm operation.

[Added 7-25-2005 by L.L. No. 8-2005]

**[FARM WOODLAND](https://ecode360.com/9049496" \l "9049496)**

Woodland as defined in Section § 301 of New York State Agriculture and Markets Law

[Added 12-22-2004 by L.L. No. 7-2004]

[**FLOOR AREA, GROSS**](https://ecode360.com/9049504#9049504)

The sum of the gross horizontal areas of all floors of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses.

**[GROSS SALES VALUE](https://ecode360.com/9049511" \l "9049511)**

As defined in Section § 301 of New York State Agriculture and Markets Law .

[**HOME OCCUPATION**](https://ecode360.com/9049519#9049519)

A nonresidential use clearly subordinate to the permitted principal residential use of the premises.

[Amended 7-25-2005 by L.L. No. 6-2005]

[**A. HOME OCCUPATION, MAJOR**](https://ecode360.com/9049942#9049942)

Any home occupation that is not a minor home occupation.

[**B. HOME OCCUPATION, MINOR**](https://ecode360.com/9049941#9049941)

Any home occupation that:

[**(1)**](https://ecode360.com/9049522#9049522)Involves no person other than persons residing on the premises;

[**(2)**](https://ecode360.com/9049523#9049523)Shows no visible evidence (including signage) from the exterior of the dwelling unit;

[**(3)**](https://ecode360.com/9049524#9049524)Generates no additional traffic and no need for off-street parking beyond the customary needs of the occupants of the dwelling unit;

[**(4)**](https://ecode360.com/9049525#9049525)Uses no equipment which would not customarily be used by the occupants of the dwelling unit;

[**(5)**](https://ecode360.com/9049526#9049526)Is conducted entirely inside the principal dwelling unit on the premises;

[**(6)**](https://ecode360.com/9049527#9049527)Involves:

[**(a)**](https://ecode360.com/9049528#9049528)No retail sales where the public visits the premises to purchase;

[**(b)**](https://ecode360.com/9049529#9049529)No exterior display or storage of goods, materials, equipment, or inventory;

[**(c)**](https://ecode360.com/9049530#9049530)No other activities requiring a permit;

[**(d)**](https://ecode360.com/9049531#9049531)No noise other than that which is customarily generated by the occupants of the dwelling unit;

[**(e)**](https://ecode360.com/9049532#9049532)No vehicles larger than a four wheel truck and/or a four wheel trailer, both of which shall be stored within a completely enclosed building during nonbusiness hours;

[**(f)**](https://ecode360.com/9049533#9049533)No internal or external alterations or involve the construction features or use of mechanical equipment not customary in a dwelling and that the entrance to the space devoted to such occupation shall be only from within the dwelling; and the lesser of 15% or 350 square feet of gross floor area of the principal dwelling unit.

**[LAND USED IN AGRICULTURAL PRODUCTION](https://ecode360.com/9049551" \l "9049551)**

As defined in Section § 301 of New York State Agriculture and Markets Law [**PRINCIPAL BUILDING**](https://ecode360.com/9049639#9049639)

A building in which is conducted the main or primary use of the lot on which said building is located.

[Amended 7-25-2005 by L.L. No. 7-2005]

[**PRINCIPAL USE**](https://ecode360.com/9049640#9049640)

The main or primary purpose for which a building, structure or lot is to be used.

[**ROADSIDE STAND**](https://ecode360.com/9049696#9049696)

Retail outlets with all related structures for the sale of agricultural products.

**[TRUCK GARDEN/NURSERY FARM](https://ecode360.com/9049806" \l "9049806)**

A Farm Operation devoted to the growing of vegetables, fruits, woody mature plants, sod or flowers to sell to the public either on site or through established commercial facilities elsewhere.

[Added 7-25-2005 by L.L. No. 7-2005]

[**VIABLE AGRICULTURAL SOILS**](https://ecode360.com/9049819#9049819)

Land highly suitable for agricultural production and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of nonagricultural development.

[Added 12-22-2004 by L.L. No. 7-2004; amended 6-28-2010 by L.L. No. 3-2010]

[**ZONING, AMENITY**](https://ecode360.com/9049834#9049834)

Those community benefits listed in § 220-31of Chapter [**220**](https://ecode360.com/9213597#9213597), Zoning.

[Added 3-15-2004 by L.L. No. 2-2004]

[§ 174-10 **Single-stage review.**](https://ecode360.com/9208242#9208271)

[**A.**](https://ecode360.com/15756793#15756793)Applications for subdivision plats to be reviewed in one stage where no preliminary subdivision review is required shall be submitted in final form and shall include all information required for preliminary and final plats as specified in §§ [**174-13**](https://ecode360.com/9208355#9208355) and [**174-14**](https://ecode360.com/9208356#9208356) of this chapter.

[Amended 2-13-2012 by L.L. No. 1-2012]

[**B.**](https://ecode360.com/9208272#9208272)The submitted plat drawing shall be marked as final and shall include a note that no preliminary subdivision review was required.

[**C.**](https://ecode360.com/15756462#15756462)The process for single-stage subdivision review shall be as required in New York State Town Law Article 16, § 276, Part 6(d), as may be amended.

§ 220-9 Regulations applicable to all districts.

BB. Within the R-1-20, R-1-30, SCR-1, AR-1, AR-2, and RR-3, accessory buildings or accessory structures of a nonpermanent nature (movable and temporary) may be utilized for the sale of seasonal agricultural products grown principally by the operator, under the following conditions:

**[(a)](https://ecode360.com/9213723" \l "9213723" \o "220-14C(5)(a))**The stand shall be outside of the Right of Way.

**[(b)](https://ecode360.com/9213725" \l "9213725" \o "220-14C(5)(c))**Sufficient land area shall be provided to accommodate off-street parking. In no event shall a stand operation be allowed to continue when parking along a public street becomes a traffic safety concern in the opinion of either the Town Highway Superintendent or local law enforcement officials.

[§ 220-14**AR-1 Agricultural Rural Residential District.**](https://ecode360.com/9214369#9213714)

[**A.**](https://ecode360.com/9213715#9213715)Purpose. The purpose of the AR-1 Agricultural Rural Residential District is to encourage a proper environment to foster normal agricultural operations and land uses, to maintain an open rural character, to protect viable agricultural soils and areas, to conserve natural resources, and to assure compatible types and densities of residential development on lands where public sewers do not exist and are not envisioned in the future, and where public water service coverage is intermittent.

[**B.**](https://ecode360.com/9213716#9213716)Permitted principal uses.

[**(1)**](https://ecode360.com/15733037#15733037)Agriculture use(s) and agricultural structures. This may include one single-family dwelling per lot.

[**(2)**](https://ecode360.com/15733038#15733038)One single-family dwelling per lot.

[**(3)**](https://ecode360.com/15733039#15733039)One single-family dwelling with accessory apartment.

[**(4)**](https://ecode360.com/15733040#15733040)Commercial greenhouse(s) or warehouse(s) on lots of five or more acres.

[**(5)**](https://ecode360.com/15733041#15733041)The keeping, breeding, and raising of cattle (including dairies), sheep, goats and horses, subject to the following restrictions:

[**(a)**](https://ecode360.com/15733042#15733042)Minimum lot sizes shall be five acres of land.

[**(b)**](https://ecode360.com/15733043#15733043)There shall be a minimum distance of not less than 100 feet between any structure housing animals and any property line or street line of the subject property.

[**(c)**](https://ecode360.com/15733044#15733044)There shall be no piling of manure within 200 feet of a lot line. There shall be no piling of manure as otherwise prohibited in the Town Code.

[**(6)**](https://ecode360.com/15733045#15733045)The keeping, breeding and raising of furbearing animals, swine and fowl subject to the following additional restrictions:

[**(a)**](https://ecode360.com/15733046#15733046)Minimum lot sizes shall be five acres of land.

[**(b)**](https://ecode360.com/15733047#15733047)Confining shelters shall not be closer than 200 feet from any property line or street line.

[**(c)**](https://ecode360.com/15733048#15733048)Wet litter disposal operations shall be permitted only under the following conditions:

[**[1]**](https://ecode360.com/15733049#15733049)All buildings containing furbearing animals, swine, fowl or litter shall not be any closer than 200 feet from any street or lot lines and no closer than 200 feet from the nearest residence building on an adjacent lot.

[**[2]**](https://ecode360.com/15733050#15733050)Sludge or other products produced by the operation must be stored in a tank or suitable container until removed.

[**(7)**](https://ecode360.com/15733051#15733051)The provisions of Subsection [**C(5)**](https://ecode360.com/9213722#9213722) and [**(6)**](https://ecode360.com/9213726#9213726) above shall not apply to any generally accepted agricultural operation or practice occurring wi thin an established Ontario County Agricultural District.

[**C.**](https://ecode360.com/9213717#9213717)Permitted accessory uses, buildings and structures.

[Amended 4-8-2013 by L.L. No. 2-2013]

[**(1)**](https://ecode360.com/9213718#9213718)Detached accessory buildings and accessory structures serving residential uses, including but not limited to private garages, swimming pools, hot tubs, storage buildings and greenhouses, all subject to the requirements specified in Town Code § [**220-9**](https://ecode360.com/9213626#9213626) and elsewhere in this chapter.

[**(2)**](https://ecode360.com/9213719#9213719)Agricultural structures associated with an agricultural use.

[**(3)**](https://ecode360.com/9213720#9213720)Off-street parking, fencing and signs.

[**(4)**](https://ecode360.com/9213721#9213721)Permanent accessory building or accessory structure for the sale of agricultural and nursery products grown principally by the operator, subject to the following restrictions:

**[(a)](https://ecode360.com/27645894" \l "27645894" \o "220-14C(4)(c))**Such structures shall conform to the minimum setback requirements for the principal buildings in this district as specified in the schedule.

**[(b)](https://ecode360.com/27645895" \l "27645895" \o "220-14C(4)(d))**Sufficient land area shall be provided to accommodate off-street parking for not less than three vehicles on site. In no event shall a structure be allowed to continue when parking along a public highway becomes a traffic safety concern in the opinion of either the Town Highway Superintendent or local law enforcement officials.

[**(6)**](https://ecode360.com/9213726#9213726)Minor home occupations as defined in Chapter [**1**](https://ecode360.com/9049272#9049272), Article [**II**](https://ecode360.com/9049275#9049275), of the Town Code.

**[D.](https://ecode360.com/9213734" \l "9213734" \o "220-14D)**Dimensional requirements. The dimensional requirements for this district are specified in Schedule I,**[[1]](https://ecode360.com/9214369" \l "ft9213734-1)** which is a part of this chapter.

[[1]](https://ecode360.com/9214369" \l "ref9213734-1)*Editor's Note: Schedule I is included at the end of this chapter.*

**[E.](https://ecode360.com/9213750" \l "9213750" \o "220-14E)**Special permitted uses. The following uses may be permitted consistent with the provisions of Article **[VI](https://ecode360.com/9215324" \l "9215324)**, provided that a special use permit is issued by the Town Planning Board:

**[(1)](https://ecode360.com/15733055" \l "15733055" \o "220-14E(1))**Essential services, public utility or communications installations.

**[(2)](https://ecode360.com/15733056" \l "15733056" \o "220-14E(2))**Commercial excavation operations.

**[(3)](https://ecode360.com/15733057" \l "15733057" \o "220-14E(3))**Private or commercial airstrips.

**[(4)](https://ecode360.com/15733058" \l "15733058" \o "220-14E(4))**Camping grounds.

**[(5)](https://ecode360.com/15733059" \l "15733059" \o "220-14E(5))**Commercial Horse Boarding Operation, Stables or riding academies where animals are boarded, rented or leased.

**[(6)](https://ecode360.com/15733060" \l "15733060" \o "220-14E(6))**Commercial recreation uses and facilities.

**[(7)](https://ecode360.com/15733061" \l "15733061" \o "220-14E(7))**Kennels.

**[(8)](https://ecode360.com/15733062" \l "15733062" \o "220-14E(8))**Windmills or wind generators.

**[(9)](https://ecode360.com/15733063" \l "15733063" \o "220-14E(9))**Tourist homes.

**[(10)](https://ecode360.com/15733064" \l "15733064" \o "220-14E(10))**Commercial indoor storage of motor vehicles, recreational vehicles and boats.

**[(11)](https://ecode360.com/15733065" \l "15733065" \o "220-14E(11))**Small commercial establishments subject to performance criteria as described in Article **[VI](https://ecode360.com/9215324" \l "9215324)**, § **[220-57](https://ecode360.com/9215729" \l "9215729)**.

**[(12)](https://ecode360.com/15733066" \l "15733066" \o "220-14E(12))**Major home occupations as defined in Chapter **[1](https://ecode360.com/9049272" \l "9049272)**, Article **[II](https://ecode360.com/9213612" \l "9213612)**, and as further regulated in Chapter **[220](https://ecode360.com/9213597" \l "9213597)**, Article **[VI](https://ecode360.com/9215324" \l "9215324)**, § **[220-59](https://ecode360.com/9215750" \l "9215750)**, of the Town Code.

**[(13)](https://ecode360.com/15733067" \l "15733067" \o "220-14E(13))**Construction company/contractor storage yard, as further regulated in Article **[VI](https://ecode360.com/9215324" \l "9215324)**, § **[220-62](https://ecode360.com/9215765" \l "9215765)**, of the Town Code.

**[(14)](https://ecode360.com/15733068" \l "15733068" \o "220-14E(14))**Personal wireless communications facilities.

**[(15)](https://ecode360.com/15733069" \l "15733069" \o "220-14E(15))**Public uses.

**[(16)](https://ecode360.com/15733070" \l "15733070" \o "220-14E(16))**Temporary uses.

**[(17)](https://ecode360.com/32622505" \l "32622505" \o "220-14E(17))**Large-scale solar energy systems.

(18) Small-Lot Agricultural Use

[Added 12-19-2016 by L.L. No. 10-2016]

[§ 220-17**R-1-30 Residential District.**](https://ecode360.com/9214000#9213902)

[**A.**](https://ecode360.com/9213904#9213904)Purpose. The purpose of the R-1-30 Residential District is to promote orderly single-family development on sites that have public water to maintain a transitional residential density zone between the AR-1 and R-1-20 Districts and to maintain the rural residential character of the community.

[**B.**](https://ecode360.com/9213905#9213905)Permitted principal uses.

**[(1)](https://ecode360.com/9213907" \l "9213907" \o "220-17B(1))**One single-family dwelling per lot.

**[(2)](https://ecode360.com/9213910" \l "9213910" \o "220-17B(2))**One single-family dwelling with accessory apartment.

**[(3)](https://ecode360.com/9213912" \l "9213912" \o "220-17B(3))**Continuation and expansion of existing agricultural uses and agricultural structures.

[**C.**](https://ecode360.com/9213914#9213914)Permitted accessory uses, buildings and structures.

[Amended 4-8-2013 by L.L. No. 2-2013]

**[(1)](https://ecode360.com/9213917" \l "9213917" \o "220-17C(1))**The same accessory uses, buildings and structures as are allowed in the AR-1 District, subject to the requirements specified in Town Code § **[220-9](https://ecode360.com/9213626" \l "9213626)** and elsewhere in this chapter, except that permanent farm stands not on parcels within a New York State Agricultural District shall not be allowed.

[**D.**](https://ecode360.com/9213950#9213950)Dimensional requirements. The dimensional requirements for this district are specified in Schedule I,[**[1]**](https://ecode360.com/9214000#ft9213950-1) which is part of this chapter.

[[1]](https://ecode360.com/9214000#ref9213950-1)*Editor's Note: Schedule I is included as an attachment to this chapter.*

[**E.**](https://ecode360.com/9213951#9213951)Special permitted uses. The following uses may be permitted consistent with the provisions of Article [**VI**](https://ecode360.com/9215324#9215324), provided that a special use permit is issued by the Town Planning Board:

**[(1)](https://ecode360.com/9213953" \l "9213953" \o "220-17E(1))**Public uses.

**[(2)](https://ecode360.com/9213955" \l "9213955" \o "220-17E(2))**Temporary uses.

**[(3)](https://ecode360.com/9213965" \l "9213965" \o "220-17E(3))**Essential services, public utility or communications installations.

**[(4)](https://ecode360.com/9213967" \l "9213967" \o "220-17E(4))**Private golf courses and country clubs.

**[(5)](https://ecode360.com/9213986" \l "9213986" \o "220-17E(5))**Camping grounds.

**[(6)](https://ecode360.com/9213988" \l "9213988" \o "220-17E(6))**Kennels.

**[(7)](https://ecode360.com/9213989" \l "9213989" \o "220-17E(7))**Tourist homes.

**[(8)](https://ecode360.com/9213990" \l "9213990" \o "220-17E(8))**Commercial indoor storage of motor vehicles, recreational vehicles and boats.

**[(9)](https://ecode360.com/9213991" \l "9213991" \o "220-17E(9))**Keeping of horses.

[**(10)**](https://ecode360.com/9213993#9213993)Major home occupations, as defined in Chapter [**1**](https://ecode360.com/9049272#9049272), Article [**II**](https://ecode360.com/9049275#9049275), and as further regulated in Article [**VI**](https://ecode360.com/9215324#9215324), § [**220-59**](https://ecode360.com/9215750#9215750).

[§ 220-18](https://ecode360.com/9214000" \l "9214000)**[SCR-1 Southern Corridor Residential District.](https://ecode360.com/9214000" \l "9214000)**

[Amended 4-8-2013 by L.L. No. 2-2013; 6-20-2016 by L.L. No. 7-2016]

[**A.**](https://ecode360.com/9214002#9214002)Purpose. The purpose of the SCR-1 Southern Corridor Residential District is to maintain an open rural character, to protect viable agricultural soils and areas, and to conserve natural resources and lake views. The Town seeks to promote orderly, conservation-oriented residential development in this district. Development in this district should create compact and walkable residential neighborhoods while simultaneously producing meaningful open space preservation. Much of this district has public water and/or public sewers.

[**B.**](https://ecode360.com/9214003#9214003)Density and minimum lot size. The minimum lot size in the SCR-1 Southern Corridor Residential District is one acre.

[**C.**](https://ecode360.com/9214004#9214004)Permitted principal uses.

**[(1)](https://ecode360.com/9214006" \l "9214006" \o "220-18C(1))**One single-family dwelling per lot.

**[(2)](https://ecode360.com/31848362" \l "31848362" \o "220-18C(2))**One single-family dwelling with accessory apartment.

**[(3)](https://ecode360.com/31848363" \l "31848363" \o "220-18C(3))**Agricultural uses and agricultural structures.

[**D.**](https://ecode360.com/9214012#9214012)Permitted accessory uses, buildings and structures.

**[(1)](https://ecode360.com/9214013" \l "9214013" \o "220-18D(1))**Detached private garage(s) for the parking of motor vehicles on the premises.

**[(2)](https://ecode360.com/9214015" \l "9214015" \o "220-18D(2))**Customary accessory structure(s) serving a residential use, including but not limited to swimming pools, hot tubs, and greenhouses. The structure must be located in the rear yard of an SCR-1 lot where the principal building is located.

**[(3)](https://ecode360.com/9214016" \l "9214016" \o "220-18D(3))**Agricultural structures associated with an agricultural use.

**[(4)](https://ecode360.com/9214018" \l "9214018" \o "220-18D(4))**Off-street parking, fencing and signs in accordance with the provisions of this chapter.

**[(5)](https://ecode360.com/9214024" \l "9214024" \o "220-18D(6))**Tennis court or other similar recreational facility for private use, subject to the dimensional restrictions for accessory structures.

[**E.**](https://ecode360.com/9214027#9214027)Dimensional requirements. The dimensional requirements for this district are specified in Schedule I, which is part of this chapter.[**[1]**](https://ecode360.com/9214000#ft9214027-1)

[[1]](https://ecode360.com/9214000#ref9214027-1)*Editor's Note: Schedule I is included as an attachment to this chapter.*

[**F.**](https://ecode360.com/9214028#9214028)Special permitted uses.

**[(1)](https://ecode360.com/9214030" \l "9214030" \o "220-18F(1))**Public uses.

**[(2)](https://ecode360.com/9214032" \l "9214032" \o "220-18F(2))**Temporary uses.

**[(3)](https://ecode360.com/9214033" \l "9214033" \o "220-18F(3))**Essential services, public utility, or communication installations.

**[(4)](https://ecode360.com/9214034" \l "9214034" \o "220-18F(4))**Golf courses and country clubs.

**[(5)](https://ecode360.com/9214035" \l "9214035" \o "220-18F(5))**Kennels.

**[(6)](https://ecode360.com/9214038" \l "9214038" \o "220-18F(6))**Tourist homes.

**[(7)](https://ecode360.com/9214039" \l "9214039" \o "220-18F(7))**Commercial indoor storage of motor vehicles, recreational vehicles and boats.

**[(8)](https://ecode360.com/31859903" \l "31859903" \o "220-18F(8))**The keeping of horses.

**[(9)](https://ecode360.com/32529896" \l "32529896" \o "220-18F(9))**Major home occupations, as defined in Town Code § **[1-17](https://ecode360.com/9049317" \l "9049317)**, and as further regulated by Town Code § **[220-59](https://ecode360.com/9215750" \l "9215750)**.

[Added 6-19-2017 by L.L. No. 11-2017]

[§ 220-19](https://ecode360.com/9214000" \l "9214045)**[R-1-20 Residential District.](https://ecode360.com/9214000" \l "9214045)**

[**A.**](https://ecode360.com/9214046#9214046)Purpose. The purpose of the R-1-20 Residential District is to promote orderly single-family development and two-family development where clustered on sites that have public sewer and/or water, and to provide for residential uses at suburban standards and densities.

[**B.**](https://ecode360.com/9214047#9214047)Permitted principal uses.

**[(1)](https://ecode360.com/9214048" \l "9214048" \o "220-19B(1))**The same as are permitted in the R-1-30 District, except that the minimum lot size for a single-family dwelling is 20,000 square feet.

[**C.**](https://ecode360.com/9214051#9214051)Permitted accessory uses, buildings and structures.

[Amended 4-8-2013 by L.L. No. 2-2013]

**[(1)](https://ecode360.com/9214053" \l "9214053" \o "220-19C(1))**The same accessory uses, buildings and structures as are allowed in the AR-1 District, subject to the requirements specified in Town Code § **[220-9](https://ecode360.com/9213626" \l "9213626)** and elsewhere in this chapter, except that permanent farm stands not on parcels within a New York State Agricultural District shall not be allowed.

[**D.**](https://ecode360.com/9214057#9214057)Dimensional requirements. The dimensional requirements for this district are specified in Schedule I,[**[1]**](https://ecode360.com/9214000#ft9214057-1) which is part of this chapter.

[[1]](https://ecode360.com/9214000#ref9214057-1)*Editor's Note: Schedule I is included as an attachment to this chapter.*

[**E.**](https://ecode360.com/9214058#9214058)Special permitted uses. The following uses may be permitted consistent with the provisions of Article [**VI**](https://ecode360.com/9215324#9215324), provided that a special use permit is issued by the Town Planning Board:

**[(1)](https://ecode360.com/9214059" \l "9214059" \o "220-19E(1))**Public use.

**[(2)](https://ecode360.com/9214060" \l "9214060" \o "220-19E(2))**Temporary uses.

**[(3)](https://ecode360.com/9214061" \l "9214061" \o "220-19E(3))**Essential services or public utility, excluding power plants, maintenance buildings and storage yards.

**[(4)](https://ecode360.com/9214062" \l "9214062" \o "220-19E(4))**Private or parochial nursery, elementary, or secondary schools.

**[(5)](https://ecode360.com/9214063" \l "9214063" \o "220-19E(5))**Tourist home.

**[(6)](https://ecode360.com/32529897" \l "32529897" \o "220-19E(6))**Major home occupations, as defined in Town Code § **[1-17](https://ecode360.com/9049317" \l "9049317)**, and as further regulated by Town Code § **[220-59](https://ecode360.com/9215750" \l "9215750)**.

[Added 6-19-2017 by L.L. No. 11-2017]

**[§ 220-21 RLD Residential Lake District](https://ecode360.com/9214182).**

1. Purpose. The purpose of the RLD Residential Lake District is to allow limited residential uses that protect the quality of Canandaigua Lake and the surrounding natural topography, including the shoreline, ridgelines, and scenic vistas of this unique and environmentally sensitive area.

E. Special permit uses.

(1) Essential services, public utility facilities or communications installations.

(2) Tourist home.

(3) Temporary Farm Stand

[§ 220-23**CC Community Commercial District.**](https://ecode360.com/9213705#9214250)

[Amended 3-16-2015 by L.L. No. 3-2015]

[**A.**](https://ecode360.com/9214251#9214251)Purpose. The purpose of the CC Community Commercial District uses is to provide a broader range of general and comparison commercial goods, services and facilities necessary to serve the needs of the population of major portions of the Town and adjacent areas.

[**B.**](https://ecode360.com/9214252#9214252)Permitted principal uses.

[**(1)**](https://ecode360.com/9214253#9214253)Any use permitted in a Neighborhood Commercial (NC) District.

[**(2)**](https://ecode360.com/9214254#9214254)Shopping centers, malls, plazas or other grouping of commercial uses and buildings.

[**(3)**](https://ecode360.com/9214255#9214255)Theaters, concert halls, stage productions or similar places of assembly when conducted within enclosed buildings.

[**(4)**](https://ecode360.com/9214256#9214256)Newspaper printing, including incidental job printing.

[**(5)**](https://ecode360.com/9214257#9214257)The sale, lease or rental of vehicles, provided that:

[**(a)**](https://ecode360.com/9214258#9214258)Such sales shall be conducted in a fully enclosed building located on the same lot and having a building area of not less than 1,000 square feet devoted to the sales and services of vehicles.

[**(b)**](https://ecode360.com/9214259#9214259)The sale of vehicles may be carried on in an unenclosed area, provided that:

[**[1]**](https://ecode360.com/9214260#9214260)Such area is on the same or an adjacent lot to such building. If the enclosed area is on an adjacent lot, the lot shall be not more than 200 feet from the lot with the building and shall further be in the same ownership as said building, be in a Community Commercial (CC) District, and be used for no other purpose.

[**[2]**](https://ecode360.com/9214261#9214261)Such unenclosed area shall be paved, shall be suitably drained, and shall be maintained in a neat and orderly manner.

[**[3]**](https://ecode360.com/9214262#9214262)All exterior illumination shall be approved by the Planning Board and shall be shielded from the view of all surrounding properties and streets in compliance with Town Code § [**220-77**](https://ecode360.com/9215857#9215857).

[**[4]**](https://ecode360.com/9214263#9214263)Suitable landscaping and/or fencing of such unenclosed area shall be required.

[**[5]**](https://ecode360.com/9214264#9214264)As used in this section, the sale of new vehicles shall be deemed to mean only the sale of such vehicles under a franchise granted to the person, firm, or corporation conducting such business by a vehicle manufacturer. Used vehicles shall be sold only in connection with the sale of new automobiles.

[**[6]**](https://ecode360.com/9214265#9214265)No establishment for the sale of new and used vehicles shall be opened, conducted, or maintained except as provided above. Site plans for any changes required to bring about such conformance shall be submitted to and approved by the Planning Board before any such change shall be made. The Planning Board may approve, modify, or disapprove such plans and may impose reasonable and appropriate conditions to such approval so that the spirit of this chapter shall be observed.

[**(6)**](https://ecode360.com/9214266#9214266)Commercial uses such as gift shops, tourist shops, clothing stores, furniture stores, craft shops, sporting goods, shoe stores, grocery stores and liquor stores.

[**(7)**](https://ecode360.com/9214267#9214267)Laundromats and dry cleaners.

[**(8)**](https://ecode360.com/9214268#9214268)Building supply and farm equipment stores and truck garden nurseries.

[**(9)**](https://ecode360.com/9214269#9214269)Electrical, heating, plumbing or woodworking shops.

[**(10)**](https://ecode360.com/9214270#9214270)Assembling, converting, altering, finishing, cleaning, or any other processing of products, provided that:

[**(a)**](https://ecode360.com/9214271#9214271)Goods so produced or processed are to be sold at retail, exclusively on the premises.

[**(b)**](https://ecode360.com/9214272#9214272)Space used for such purposes shall not occupy more than 20% of the area devoted to retail sales, shall be clearly incidental to such retail use and shall be fully concealed from any street.

[**(c)**](https://ecode360.com/9214273#9214273)Not more than two persons shall be engaged in such production/processing at any one time.

[**(11)**](https://ecode360.com/9214274#9214274)Produce markets, Farm and Craft Markets.

[**(12)**](https://ecode360.com/9214275#9214275)Funeral parlors.

[**(13)**](https://ecode360.com/9214276#9214276)Bowling alley, billiard hall or indoor skating rink, or similar forms of indoor commercial recreation.

[**(14)**](https://ecode360.com/9214277#9214277)Upon the approval of the Town Planning Board, a principal building may contain a combination of residential and business uses, provided that such residential uses are accessory to the business conducted and located elsewhere than on the street frontage of the ground floor.

[**(15)**](https://ecode360.com/9214278#9214278)Restaurants.

[**(16)**](https://ecode360.com/9214279#9214279)Financial services.

[**(17)**](https://ecode360.com/9214280#9214280)Offices of business, professional or financial organizations.

[**(18)**](https://ecode360.com/15733083#15733083)Essential services and public utilities substations, excluding power plants, maintenance buildings and storage yards.

[**(19)**](https://ecode360.com/15733084#15733084)Car wash establishments.

[**(20)**](https://ecode360.com/15733085#15733085)Rental of trucks, trailers, etc., associated with gasoline services stations or other uses.

[**(21)**](https://ecode360.com/15733086#15733086)Motel or hotel.

[**(23)**](https://ecode360.com/15733088#15733088)Antique shops.

**[C.](https://ecode360.com/9214281" \l "9214281" \o "220-23C)**Permitted accessory uses and structures.

**[(1)](https://ecode360.com/9214282" \l "9214282" \o "220-23C(1))**Any accessory use permitted in the Neighborhood Commercial District.

**[(2)](https://ecode360.com/9214283" \l "9214283" \o "220-23C(2))**Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.

**[(3)](https://ecode360.com/9214284" \l "9214284" \o "220-23C(3))**Off-street parking, loading and unloading facilities, signs, fences and landscaping, subject to the provisions of this chapter.

**[D.](https://ecode360.com/9214285" \l "9214285" \o "220-23D)**Dimensional requirements.

**[(1)](https://ecode360.com/9214286" \l "9214286" \o "220-23D(1))**The dimensional requirements for this district are specified in Schedule I,**[[1]](https://ecode360.com/9213705" \l "ft9214286-1)** which is a part of this chapter.

[[1]](https://ecode360.com/9213705" \l "ref9214286-1)*Editor's Note: Said schedule is included as an attachment to this chapter.*

**[(2)](https://ecode360.com/9214287" \l "9214287" \o "220-23D(2))**Driveway spacing and corner clearance requirements are specified in Schedule I-A,**[[2]](https://ecode360.com/9213705" \l "ft9214287-2)** which is a part of this chapter.

[[2]](https://ecode360.com/9213705" \l "ref9214287-2)*Editor's Note: Said schedule is included as an attachment to this chapter.*

**[E.](https://ecode360.com/9214288" \l "9214288" \o "220-23E)**Special permitted uses. The following uses may be permitted, consistent with the provisions of Article **[VI](https://ecode360.com/9215324" \l "9215324)**, provided that a special use permit is approved by the Town Planning Board:

**[(1)](https://ecode360.com/9214289" \l "9214289" \o "220-23E(1))**Motor vehicle service stations and motor vehicle repair stations.

**[(2)](https://ecode360.com/9214290" \l "9214290" \o "220-23E(2))**Fast-food service restaurant.

**[(3)](https://ecode360.com/9214291" \l "9214291" \o "220-23E(3))**Research, engineering, and light manufacturing, as follows:

**[(a)](https://ecode360.com/15733089" \l "15733089" \o "220-23E(3)(a))**Scientific or engineering research and/or experimental development of materials, methods or products;

**[(b)](https://ecode360.com/15733090" \l "15733090" \o "220-23E(3)(b))**Engineering design of products and laboratory research;

**[(c)](https://ecode360.com/15733091" \l "15733091" \o "220-23E(3)(c))**Manufacture of:

**[[1]](https://ecode360.com/15733092" \l "15733092" \o "220-23E(3)(c)[1])**Electric, electronic or optical instruments or devices;

**[[2]](https://ecode360.com/15733093" \l "15733093" \o "220-23E(3)(c)[2])**Scientific, laboratory and process control instruments and devices; and

**[[3]](https://ecode360.com/15733094" \l "15733094" \o "220-23E(3)(c)[3])**Computers and data processing equipment.

**[(d)](https://ecode360.com/15733095" \l "15733095" \o "220-23E(3)(d))**Light manufacturing, assembling, fabrication, coating, painting, washing or packaging of products produced from previously prepared materials such as textiles, plastics, paper, leather, metals or stones, glass, ceramics, base metal bar, sheet, and special shapes; and

**[(e)](https://ecode360.com/15733096" \l "15733096" \o "220-23E(3)(e))**Testing and repairing of the products or type of products which may be manufactured in the district.

**[(4)](https://ecode360.com/9214292" \l "9214292" \o "220-23E(4))**Personal wireless communications facilities.

**[(5)](https://ecode360.com/9214293" \l "9214293" \o "220-23E(5))**Public uses.

**[(6)](https://ecode360.com/9214295" \l "9214295" \o "220-23E(6))**Temporary uses.

**[(7)](https://ecode360.com/30096140" \l "30096140" \o "220-23E(7))**Commercial speech signs.

**[(8)](https://ecode360.com/32622506" \l "32622506" \o "220-23E(8))**Large-scale solar energy systems.

[Added 12-19-2016 by L.L. No. 10-2016]

[§ 220-25 **LI Limited Industrial District.**](https://ecode360.com/9214369#9214329)

[Amended 4-8-2013 by L.L. No. 2-2013; 8-12-2013 by L.L. No. 8-2013]

[**A.**](https://ecode360.com/9214330#9214330)Purpose. The purpose of the LI Limited Industrial District is to permit, where appropriate, the construction of facilities for: research- and development-oriented industries; high technology and/or light manufacturing operations; certain retail outlets; and warehousing. Areas for this zoning shall be identified by the Town Board or upon application. Areas shall be zoned as Limited Industrial Districts in accordance with the normal rezoning procedures. In reaching its decision, the Town Board shall consider the general criteria set forth in this chapter, the adopted Comprehensive Plan for the Town, and this statement of purpose.

[**B.**](https://ecode360.com/9214331#9214331)Permitted principal uses.

**[(1)](https://ecode360.com/9214332" \l "9214332" \o "220-25B(1))**Scientific or engineering research and/or experimental development of materials, methods or products.

**[(2)](https://ecode360.com/9214333" \l "9214333" \o "220-25B(2))**Engineering design of products and laboratory research.

**[(3)](https://ecode360.com/9214334" \l "9214334" \o "220-25B(3))**Manufacture of:

**[(a)](https://ecode360.com/9218657" \l "9218657" \o "220-25B(3)(a))**Electric, electronic or optical instruments or devices;

**[(b)](https://ecode360.com/9218658" \l "9218658" \o "220-25B(3)(b))**Scientific, laboratory and process control instruments and devices; and

**[(c)](https://ecode360.com/9218659" \l "9218659" \o "220-25B(3)(c))**Computers and data processing equipment.

**[(4)](https://ecode360.com/9214335" \l "9214335" \o "220-25B(4))**Light manufacturing, assembling, fabricating or packaging of products produced from previously prepared materials such as textiles, plastics, paper, leather, precious or semiprecious metals or stones, glass, ceramics, base metal bar, sheet, and special shapes.

**[(5)](https://ecode360.com/9214336" \l "9214336" \o "220-25B(5))**Testing and repairing of the products or type of products which may be manufactured in the district.

**[(6)](https://ecode360.com/9214337" \l "9214337" \o "220-25B(6))**Support services for the facilities and employees of the district, so long as the floor area occupied by the support services does not exceed 15% of the area occupied by the primary activities.

**[(7)](https://ecode360.com/9214338" \l "9214338" \o "220-25B(7))**Offices associated with the permitted activities.

**[(8)](https://ecode360.com/9214339" \l "9214339" \o "220-25B(8))**Administrative, educational and other related activities and facilities in conjunction with a principal permitted use.

**[(9)](https://ecode360.com/9214340" \l "9214340" \o "220-25B(9))**Warehousing facilities.

**[(10)](https://ecode360.com/9214341" \l "9214341" \o "220-25B(10))**Agricultural or farming activities; and agricultural processing facilities limited to the processing of crops and/or dairy products.

[Amended 9-22-2014 by L.L. No. 8-2014]

**[(11)](https://ecode360.com/15733097" \l "15733097" \o "220-25B(11))**Continuation and expansion of existing residential uses.

[**(12)**](https://ecode360.com/27645897#27645897)Existing commercial space may be utilized for any principal permitted use listed in any other commercial district except restaurants. Physical expansion of existing commercial space conducted as a primary use within this district shall be subject to § [**220-107**](https://ecode360.com/14212434#14212434), Preexisting nonconformities.

(13) Within the R-1-20, R-1-30, SCR-1, AR-1, AR-2, and RR-3, accessory buildings or accessory structures of a nonpermanent nature (movable and temporary) may be utilized for the sale of seasonal agricultural products grown principally by the operator, under the following conditions:

**[(a)](https://ecode360.com/9213723" \l "9213723" \o "220-14C(5)(a))**The stand shall be outside of the Right of Way.

**[(b)](https://ecode360.com/9213725" \l "9213725" \o "220-14C(5)(c))**Sufficient land area shall be provided to accommodate off-street parking. In no event shall a stand operation be allowed to continue when parking along a public street becomes a traffic safety concern in the opinion of either the Town Highway Superintendent or local law enforcement officials.

[**C.**](https://ecode360.com/9214342#9214342)Dimensional requirements.

**[(1)](https://ecode360.com/9214343" \l "9214343" \o "220-25C(1))**The dimensional requirements for this district are specified in Schedule I, which is a part of this chapter.**[[1]](https://ecode360.com/9214369" \l "ft9214343-1)**

[[1]](https://ecode360.com/9214369#ref9214343-1)*Editor's Note: Schedule I is included at the end of this chapter.*

**[(2)](https://ecode360.com/9214344" \l "9214344" \o "220-25C(2))**Driveway spacing and corner clearance requirements are specified in Schedule I-A, which is a part of this chapter.**[[2]](https://ecode360.com/9214369" \l "ft9214344-2)**

[[2]](https://ecode360.com/9214369#ref9214344-2)*Editor's Note: Schedule I-A is included at the end of this chapter.*

[**D.**](https://ecode360.com/9214345#9214345)Special permitted uses. The following uses and their accessory uses shall be permitted upon issuance of a special permit by the Planning Board:

**[(1)](https://ecode360.com/9214346" \l "9214346" \o "220-25D(1))**Office buildings for professional, executive, engineering and administrative purposes.

**[(2)](https://ecode360.com/9214347" \l "9214347" \o "220-25D(2))**Commercial, storage buildings, including mini-warehouse facilities.

**[(3)](https://ecode360.com/9214348" \l "9214348" \o "220-25D(3))**Wholesale operations of building materials and supplies and storage of these materials within an enclosed structure.

**[(4)](https://ecode360.com/9214349" \l "9214349" \o "220-25D(4))**Essential services, including power (substations) plants, maintenance buildings and storage yards.

**[(5)](https://ecode360.com/9214352" \l "9214352" \o "220-25D(7))**Antique shops.

**[(6)](https://ecode360.com/9214353" \l "9214353" \o "220-25D(8))**Private or commercial airstrips.

**[(7)](https://ecode360.com/9214354" \l "9214354" \o "220-25D(9))**Personal wireless communications facilities.

**[(8)](https://ecode360.com/13952601" \l "13952601" \o "220-25D(10))**Public uses.

**[(9)](https://ecode360.com/13958114" \l "13958114" \o "220-25D(11))**Temporary uses.

**[(10)](https://ecode360.com/27645898" \l "27645898" \o "220-25D(12))**Accessory commercial uses.

[**E.**](https://ecode360.com/9214355#9214355)Permitted accessory uses and structures.

[**(1)**](https://ecode360.com/9214356#9214356)Uses subordinate and customarily related to the principal use on the same lot.

[§ 220-34**Authority.**](https://ecode360.com/9215325#9215325)

[**A.**](https://ecode360.com/9215326#9215326)The Town of Canandaigua Planning Board is hereby empowered to grant special use permit approval in accordance with the provisions of Article 16 of the New York State Town Law and the powers reserved to the Town pursuant to the Municipal Home Rule Law.

[**B.**](https://ecode360.com/9215341#9215341)Unless as specified herein, the procedure for initial review as well as renewal of special use permits by the Planning Board shall follow procedures described in New York State Town Law, Article 16, § 274-b.

[**C.**](https://ecode360.com/15733160#15733160)The Town Planning Board shall require that all provisions of this article shall be complied with, but where it is deemed appropriate by the Town Planning Board, any of these provisions contained in §§ [**220-34**](https://ecode360.com/9215325#9215325) through [**220-62.2**](https://ecode360.com/32622508#32622508), inclusive, may be waived by the Planning Board based upon findings as set forth in the public record on said application.

[Amended 2-13-2012 by L.L. No. 1-2012; 12-19-2016 by L.L. No. 10-2016]

[§ 220-46 Commercial Horse Boarding Operation](https://ecode360.com/9215646" \l "9215646) **[Stables or riding academies.](https://ecode360.com/9215646" \l "9215646)**

The Town Planning Board may approve a special use permit for the use of land and buildings for stables for the commercial boarding of horses or riding academies in the AR-1, AR-2 and RR-3 Residential Districts, provided that, in addition to compliance with the general requirements in § [**220-35**](https://ecode360.com/9215357#9215357) of this article, the following standards and provisions are maintained:

[**A.**](https://ecode360.com/9215647#9215647)No site preparation or construction shall commence until final site plan approval, as required by Town Code § [**220-64**](https://ecode360.com/9215818#9215818), Authority; approval required, has been granted by the Planning Board.

[**B.**](https://ecode360.com/9215650#9215650)The permitted use may include any of the following:

**[(1)](https://ecode360.com/9215651" \l "9215651" \o "220-46B(1))**Storage of horse vans for transporting horses as may be accessory to the principal use.

**[(2)](https://ecode360.com/9215652" \l "9215652" \o "220-46B(2))**Sale or rental of horses for use by public by the hour, day, month or year.

**[(3)](https://ecode360.com/9214901" \l "9214901" \o "220-46B(3))**Rides on horses by the public.

**[(4)](https://ecode360.com/9214902" \l "9214902" \o "220-46B(4))**Rental of horse vans.

**[(5)](https://ecode360.com/9214903" \l "9214903" \o "220-46B(5))**Riding lessons to the public.

[**C.**](https://ecode360.com/9215655#9215655)The land devoted to this use shall not be less than 7 contiguous acres.

[**D.**](https://ecode360.com/9215656#9215656)One principal single-family dwelling may be located on the land devoted to this use, provided that it complies with the requirements for this chapter. The land area on which the principal single-family dwelling is located (minimum lot size of AR-1 District) shall not be considered as part of the land devoted to this use, as set forth in Subsection [**C**](https://ecode360.com/9215655#9215655) above.

[**E.**](https://ecode360.com/9215661#9215661)The number of horses that may be boarded and/or trained at such property shall be at least10 horses for the first 7 acres of land devoted to this use.

[**F.**](https://ecode360.com/9215662#9215662)The stable shall be located not less than 100 feet from any boundary line. The storage of manure shall be located on land not less than 200 feet from any boundary line. The Planning Board may require manure storage areas to be screened and/or buffered from adjacent areas.

[**G.**](https://ecode360.com/9215665#9215665)Riding rings shall meet the following requirements:

**[(1)](https://ecode360.com/9214909" \l "9214909" \o "220-46G(1))**Any riding ring shall be at least 50 feet from any boundary line.

[**H.**](https://ecode360.com/9214910#9214910)Accessory buildings, such as barns (not housing horses), sheds and the like, may be located on the land devoted to this use, provided that they are set back from the street line and from each side boundary as set forth in Schedule I[**[1]**](https://ecode360.com/9215646#ft9214910-1) and they are not used for the storage of manure.

[[1]](https://ecode360.com/9215646#ref9214910-1)*Editor's Note: Schedule I is included at the end of this chapter.*

[**I.**](https://ecode360.com/9214911#9214911)Structures on the land devoted to this use (not including the principal dwelling) shall not in the aggregate cover more than 5% of the area of the land devoted to this use.

[**J.**](https://ecode360.com/9214912#9214912)No structure shall exceed 35 feet in height.

[**K.**](https://ecode360.com/9214913#9214913)Suitable and adequate off-street parking shall be provided in accordance with the requirements established by the Town Planning Board.

[**L.**](https://ecode360.com/9214914#9214914)Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjoining property.

[**M.**](https://ecode360.com/9214915#9214915)Any loudspeakers shall be installed or used on the premises in a manner to minimize potential nuisances to adjacent properties.

N. The provisions in this section shall not apply to any generally accepted farm operation or practice within an established Ontario County Agricultural District.

[§ 220-49.1](https://ecode360.com/9215667" \l "9215667) **[Produce markets, farm and craft markets and antique shops.](https://ecode360.com/9215667" \l "9215667)**

The Town Planning Board may approve a special use permit for produce markets, farm and craft markets and antique shops, provided that the general conditions of § [220-35](https://ecode360.com/9215357#9215357) are met and that the following standards are met with respect to sales in outdoor areas or the display of goods for sale other than within a building:

[A.](https://ecode360.com/15733185#15733185)The specific area designated for the outside display of goods for sale must be delineated on a site plan approved by the Planning Board, and no goods may be displayed for sale outside the designated area.

[B.](https://ecode360.com/15733186#15733186)The specific area designated for the outside display of goods for sale may not be located any nearer to any property line than would be a building for the display of goods for sale, and all site lighting associated with the outside display shall be directed away from adjacent property.

[C.](https://ecode360.com/15733187#15733187)Goods for sale may only be displayed within the designated area for a period not exceeding 48 hours within any calendar week and shall not be stored in a vehicle parked on the site when goods are not on display.

[D.](https://ecode360.com/15733188#15733188)The Planning Board shall impose such additional conditions as it finds necessary to ensure an appropriate balance of outdoor and indoor display of goods for sale.

E. The provisions in this section shall not apply to any generally accepted farm operation or practice within an established Ontario County Agricultural District.

[§ 220-56.1](https://ecode360.com/9215728" \l "9215728) **[Keeping of livestock in R-1-30 and SCR-1 Districts.](https://ecode360.com/9215728" \l "9215728)**

The Town Planning Board may approve a special use permit for keeping of livestock in the R-1-30 and SCR-1 Districts, provided that, in addition to compliance with the general requirements in § [**220-35**](https://ecode360.com/9215357#9215357) of this article, the following standards are maintained:

[**A.**](https://ecode360.com/9214988#9214988)There shall be located on the subject premises one principal single-family dwelling which shall be the full-time residence of the owner or tenant of the property.

[**B.**](https://ecode360.com/9214989#9214989)The minimum lot size shall be five acres.

[**C.**](https://ecode360.com/9214990#9214990)No more than one such livestock shall be permitted per acre of fenced area. In no instance shall more than five (5) of such livestock be permitted.

[**D.**](https://ecode360.com/9214991#9214991)Manure or any other material or substance which causes or creates any noxious or offensive odors or dust or which causes or may cause the presence of or attract any vermin, rodents, or other animals shall be stored at least 200 feet from any property line. The applicant must demonstrate adequate means for disposal of manure and waste feed. The burning of manure or feed products is prohibited.

[**E.**](https://ecode360.com/9214992#9214992)A thirty-five-foot grassed buffer must be maintained at all times around property lines and any streams or tributaries. Said buffer strip may not be used for grazing or manure disposal.

[**F.**](https://ecode360.com/15733197#15733197)No structure used for the housing, harboring or stabling of livestock may be placed closer than 100 feet to any adjacent property line. All other accessory structures shall be subject to the applicable zoning setbacks, provided they are not used for the storage of manure. No structure used for the housing, harboring or stabling of livestock may be placed closer than 50 feet to the rear setback of any residential structure on the subject or immediately adjacent properties.

[**G.**](https://ecode360.com/15733198#15733198)The Planning Board may also require adequate setbacks, screening and/or fencing for any buildings or structures located on the premises or for any corrals, runs, tracks or other open areas used so that there is minimal impact on adjacent property owners. All such buildings, structures, corrals, runs, tracks, or other areas shall be maintained in a neat and clean manner.

[**H.**](https://ecode360.com/15733199#15733199)No structure associated with this use shall exceed 35 feet in height.

[**I.**](https://ecode360.com/15733200#15733200)Exterior lighting shall be permitted only to the extent necessary to prevent injury and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjacent properties.

J. The provisions in this section shall not apply to any generally accepted farm operation or practice within an established Ontario County Agricultural District.

§ 220-56.2 **Small-Acreage Agricultural Use**

The Town Planning Board may approve a special use permit for the use of land and buildings for keeping of livestock in the AR-1, AR-2 and RR-3 Residential Districts, provided that, in addition to compliance with the general requirements in § [220-35](https://ecode360.com/9215357" \l "9215357) of this article, the following standards and provisions are maintained:

1. Subject Parcel meets dimension requirements of the zoning district.
2. Planning Board approves a statement of operation that includes
   1. Number and Type of each Livestock
   2. Hours of Operation
   3. How livestock excrement will be handled to be no more objectionable to the users of nearby properties, by reason of odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
   4. Fencing, Setbacks, and Buffers
3. Sketch Plan showing location of Agricultural Buildings to house livestock and showing such building minimizes impact to nearby properties.
4. Application for Special-Use will be forwarded for comments to the Town of Canandaigua Agricultural Enhancement Board.
5. The provisions in this section shall not apply to any generally accepted farm operation or practice within an established Ontario County Agricultural District.

§ 220-56.2 **Temporary Farm Stands**

The Town Planning Board may approve a special use permit for the use of land for the sale of seasonal agricultural products provided that, in addition to compliance with the general requirements in § [220-35](https://ecode360.com/9215357" \l "9215357) of this article, the following standards and provisions are maintained:

1. Accessory buildings or structures utilized must be movable and temporary.
2. The stand shall be set back outside of the Right of Way.
3. Sufficient land area shall be provided to accommodate off-street parking. In no event shall a stand operation be allowed to continue when parking along a public street becomes a traffic safety concern in the opinion of either the Highway Superintendent or local law enforcement officials.
4. The provisions in this section shall not apply to any generally accepted agricultural operation or practice within an established Ontario County Agricultural District.

[§ 220-71](https://ecode360.com/9215847" \l "9215847)**[Planning Board findings.](https://ecode360.com/9215847" \l "9215847)**

Planning Board determinations regarding site plans shall be accompanied by findings regarding whether or not:

[**A.**](https://ecode360.com/9215301#9215301)Review of the proposal was completed in compliance with applicable procedural requirements.

[**B.**](https://ecode360.com/9215302#9215302)The proposal clearly and accurately describes the proposed lots as well as proposed development of same.

[**C.**](https://ecode360.com/9215303#9215303)Proposed development and uses are in compliance with the Site Design and Development Criteria,[**[1]**](https://ecode360.com/9215847#ft9215303-1) Town Code requirements and the intent of this chapter.

[[1]](https://ecode360.com/9215847#ref9215303-1)*Editor's Note: The Site Design and Development Criteria are available in the Town offices or through the Town's online version of the Code (eCode360®).*

[**D.**](https://ecode360.com/15733429#15733429)Subsequent use and development of the lot(s) will not be unduly limited by easements, deed restrictions or other encumbrances.

[**E.**](https://ecode360.com/15733430#15733430)Proposed development provides for:

**[(1)](https://ecode360.com/15733431" \l "15733431" \o "220-71E(1))**Safe and efficient vehicular and pedestrian access.

**[(2)](https://ecode360.com/15733432" \l "15733432" \o "220-71E(2))**Sufficient space for on-site parking, loading and unloading and similar activities.

**[(3)](https://ecode360.com/15733433" \l "15733433" \o "220-71E(3))**Adequate emergency access.

**[(4)](https://ecode360.com/15733434" \l "15733434" \o "220-71E(4))**Proper drainage in compliance with Chapter **[165](https://ecode360.com/9207152" \l "9207152)** of the Town Code and current New York State Department of Environmental Conservation requirements.

**[(5)](https://ecode360.com/15733435" \l "15733435" \o "220-71E(5))**Safe and sufficient water supply.

**[(6)](https://ecode360.com/15733436" \l "15733436" \o "220-71E(6))**Proper sewage disposal.

**[(7)](https://ecode360.com/15733437" \l "15733437" \o "220-71E(7))**Proper access to other available utilities such as gas, electric and telephone.

[**F.**](https://ecode360.com/15733438#15733438)Resulting development will not have an undue negative impact on the safety and efficiency of the existing road network.

[**G.**](https://ecode360.com/15733439#15733439)Resulting development will not have an undue negative impact on neighboring properties including farmland and agricultural operations.

[**H.**](https://ecode360.com/15733440#15733440)Proposed development is designed and arranged to minimize modification of existing landforms, including rock outcroppings, hilltop lookouts and natural contours.

[**I.**](https://ecode360.com/15733441#15733441)Proposed development is designed and arranged to avoid impacts to natural features identified in the Natural Resources Inventory (NRI). Planning Board findings shall address the specific questions contained in the NRI.

[**J.**](https://ecode360.com/15733442#15733442)Proposed development avoids negatively impacting historically significant features.

[**K.**](https://ecode360.com/15733443#15733443)Proposed development avoids encroaching on areas subject to periodic flooding. Where avoidance of such areas proves impractical, such measures as required in Chapter [**115**](https://ecode360.com/9067112#9067112) of the Town of Canandaigua Town Code, Flood Damage Prevention, will be taken to minimize potential for flood damage to proposed improvements and adjoining properties.

[**L.**](https://ecode360.com/15733444#15733444)Outdoor lighting is dark-sky compliant in accordance with the provisions contained in § [**220-77**](https://ecode360.com/9215857#9215857) of the Town Code.

[**M.**](https://ecode360.com/15733445#15733445)The site plan design allows the continuation of agricultural practices on the balance of the site and/or surrounding parcels, and considers the effects such design shall have on minimizing the impedance of such practices.

[**N.**](https://ecode360.com/15733446#15733446)The site plan design follows the Town's adopted Shoreline and Ridgeline Development Guidelines.[**[2]**](https://ecode360.com/9215847#ft15733446-2)

[[2]](https://ecode360.com/9215847#ref15733446-2)*Editor's Note: The Shoreline and Ridgeline Development Guidelines are included in the Site Design and Development Criteria, which are available in the Town offices or through the Town's online version of the Code (eCode360®).*

[**O.**](https://ecode360.com/15733447#15733447)The project is sufficiently landscaped and in compliance with § [**220-76**](https://ecode360.com/9215856#9215856), Landscaping and buffering, of this chapter.

[**P.**](https://ecode360.com/15733448#15733448)Signs are suitable to the development and neighborhood in compliance with Town Code § [**220-81J**](https://ecode360.com/15733648#15733648).