

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

12/20/2019

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 Canandaigua

DRAFT

Local Law No. _____ of the year 20²⁰

A local law Agricultural Use Amendments to Chapter 220 (Zoning) and Chapter 1 General Provisions

(Insert Title)

Section 17 (Definitions)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canandaigua

as follows:

See Attachment A

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

ATTACHMENT "A"

SECTION ONE. The following new subsection, "BB" shall be added at the end of Town Code § 220-9:

BB. Within the R-1-20, R-1-30, SCR-1, AR-1, AR-2, and RR-3 zoning districts, 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:

- (1) The stand shall be outside the Public Right of Way.
- (2) 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.

SECTION TWO. Town Code § 220-14(B)(5) shall be replaced in its entirety with the following:

- (5) The keeping, breeding, and raising of bovid (including dairies), camelids, and equids, subject to the following restrictions:
 - (a) Minimum lot sizes shall be five acres of land.
 - (b) 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) 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.

Town Code § 220-14(B)(7) shall be replaced in its entirety with the following:

- (7) The provisions of subsection B(5) and B(6) above shall not apply to any generally accepted farm operation or practice occurring within an established Ontario County Agricultural District.

SECTION THREE. Town Code § 220-14(C)(4)(a) and (b) shall be replaced in their entirety with the following:

- (a) Such structures shall conform the minimum setback requirements for the principal buildings in this district as specified in the schedule.
- (b) 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.

SECTION FOUR. Town Code § 220-14(C)(5) shall be deleted in its entirety.

DRAFT

SECTION FIVE. Town Code § 220-14(E)(5) shall be replaced in its entirety with the following: Commercial Horse Boarding Operation, Stables or riding academies where animals are boarded, rented or leased.

SECTION SIX. The following new special use shall be added as Town Code § 220-14(E)(18): Small-Acreage Agricultural Use.

SECTION SIX-A. The following shall be added to Town Code § 220-17(B):

(4) The keeping, breeding, and raising of bovids (including dairies), camelids, and equids, subject to the following restrictions:

(a) Minimum lot sizes shall be five acres of land.

(b) 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) 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.

(5) The keeping, breeding and raising of furbearing animals, swine and fowl subject to the following restrictions:

(a) Minimum lot sizes shall be five acres of land.

(b) Confining shelters shall not be closer than 200 feet from any property line or street line.

(c) Wet litter disposal operations shall be permitted only under the following conditions:

[1] 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] Sludge or other products produced by the operation must be stored in a tank or suitable container until removed.

(6) The provisions of Subsection B(4) and (5) above shall not apply to any generally accepted farm operation or practice occurring within an established Ontario County Agricultural District.

DRAFT

SECTION SIX-B. The following shall be added to Town Code § 220-18(C):

(4) The keeping, breeding, and raising of bovids (including dairies), camelids, and equids, subject to the following restrictions:

(a) Minimum lot sizes shall be five acres of land.

(b) 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) 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.

(5) The keeping, breeding and raising of furbearing animals, swine and fowl subject to the following restrictions:

(a) Minimum lot sizes shall be five acres of land.

(b) Confining shelters shall not be closer than 200 feet from any property line or street line.

(c) Wet litter disposal operations shall be permitted only under the following conditions:

[1] 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] Sludge or other products produced by the operation must be stored in a tank or suitable container until removed.

(6) The provisions of Subsection C(4) and (5) above shall not apply to any generally accepted farm operation or practice occurring within an established Ontario County Agricultural District.

SECTION SEVEN. Town Code § 220-18(D)(5) and § 220-18(D)(7) shall be deleted in their entirety.

SECTION EIGHT. The following new special use shall be added as Town Code § 220-21(E)(3): Temporary Farm Stand.

SECTION NINE. Town Code § 220-23(B)(11) shall be replaced in its entirety with the following: Produce markets, Farm and Craft Markets. Town Code § 220-23(B)(22) shall be deleted in its entirety.

SECTION TEN. Town Code § 220-25(B)(10) shall be replaced in its entirety with the following: Agricultural or farming activities, and agricultural processing facilities limited to the processing of crops and/or dairy products.

SECTION ELEVEN. The following new subsection "B(13)" shall be added at the end of Town Code § 220-25(B):

(13) 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) The stand shall be outside the Public Right of Way.
- (b) 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.

SECTION TWELVE. Town Code § 220-34(D) shall be deleted in its entirety.

SECTION THIRTEEN. Town Code § 220-46(B)(1) shall be replaced in its entirety with the following: Storage of horse vans for transporting horses as may be accessory to the principal use.

SECTION FOURTEEN. Town Code § 220-46(C) shall be replaced in its entirety with the following: The land devoted to this use shall not be less than 7 contiguous acres.

SECTION FIFTEEN. Town Code § 220-46(E) shall be replaced in its entirety with the following: The number of horses that may be boarded and/or trained at such property shall be at least 10 horses for the first 7 acres of land devoted to this use.

SECTION SIXTEEN. Town Code § 220-46(M) shall be replaced in its entirety with the following: Any loudspeakers shall be installed or used on the premises in a manner to minimize potential nuisances to adjacent properties.

SECTION SEVENTEEN. The following new subsection "E" shall be added at the end of Town Code § 220-49:

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

SECTION EIGHTEEN. Town Code § 220-56 shall be amended to replace "horses" with "livestock."

Specifically, the title of this section shall be "Keeping of livestock in R-1-30 and SCR-1 Districts."

The word "horses" shall be replaced with "livestock" in the first paragraph of this section.

Town Code § 220-56(C) shall be replaced in its entirety with the following:

C. 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.

The word "horses" shall be replaced by the word "livestock" in subsection (F) and subsection (G) of this section.

The following new subsection "J" shall be added at the end of Town Code § 220-56:

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

SECTION NINETEEN. The following new special use shall be added as Town Code § 220-56.1: Small-Acreage Agricultural Use:

§ 220-56.1. 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 contained in § 220-35, the following standards and provisions are met and maintained:

A. Subject Parcel meets dimension requirements of the zoning district.

B. Planning Board approves a statement of operations 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.

C. Sketch Plan showing location of Agricultural Buildings to house livestock and showing how such building minimizes impact to nearby properties.

D. Application for Special Use will be forwarded for comments to the Town of Canandaigua Agricultural Enhancement Board.

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

SECTION TWENTY. The following new special use shall be added as Town Code § 220-56.2: Temporary Farm Stands:

§ 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 contained in § 220-35, the following standards and provisions are met and maintained:

A. Accessory buildings or structures utilized must be movable and temporary.

B. The stand shall be set back outside of the Public Right of Way.

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 Highway Superintendent or local law enforcement officials.

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

DRAFT

SECTION TWENTY ONE. Town Code § 220-71(G) shall be replaced in its entirety with the following:

- G. Resulting development will not have an undue negative impact on neighboring properties including farmland and agricultural operations.

SECTION TWENTY TWO. The following definitions contained in Town Code § 1-17 shall be replaced or added in their entirety:

AGRICULTURAL DATA STATEMENT

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

AGRICULTURAL OR FARMING ACTIVITIES

See "Agricultural Use"

AGRICULTURAL STRUCTURE

See "Building, Agricultural".

AGRICULTURAL USE

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 farm 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.

BARN

See "Building, Agricultural"

BUILDING, AGRICULTURAL

A detached building or structure used to support an 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.

COMMERCIAL HORSE BOARDING OPERATION

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

CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS

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

DISTURBANCE

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

FARM

Any parcel which is used for agricultural or farming activities. It includes necessary farm structures and the storage of equipment used.

FARM ANIMALS

See, "Crops, Livestock, and Livestock Products" Subsection E

DRAFT

FARM BUILDING

See "Building, Agricultural"

FARMING PRACTICES

An activity, now permitted by law, engaged in by a farmer as defined herein in connection with and in 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.

FARM LABOR HOUSING

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

FARMLAND AND CONSERVATION OPEN SPACE PLAN

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. This shall include the Open Space, Conservation and Scenic Views Master Plan adopted in 2018; the Agricultural Enhancement Plan adopted in 2016; and other documents as may be approved by the Town Board at a later date.

DRAFT

FARM OPERATION

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

FARM WOODLAND

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

GROSS SALES VALUE

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

LAND USED IN AGRICULTURAL PRODUCTION

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

SMALL ACREAGE LIVESTOCK USE

The keeping of certain livestock for agricultural use, including associated buildings, on a parcel of land under 5 acres lot size. Regulated livestock shall include Bovids, Camelids, Equids, fur bearing animals, swine, and fowl. This use shall not regulate the keeping of Bees.

TEMPORARY FARM STAND

A structure of a nonpermanent nature (movable) and temporarily utilized for the sale of agricultural products.

TRUCK GARDEN/NURSERY FARM

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.

ZONING, AMENITY

Those community benefits listed in § 220-31 of Chapter 220, Zoning.

SECTION TWENTY THREE. The Town of Canandaigua Zoning Schedule (220a) is hereby amended and replaced in its entirety with the Zoning Schedule attached hereto as Attachment "B."

SECTION TWENTY FOUR. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION TWENTY FIVE. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable 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) (repassed after disapproval) by the _____ and was deemed duly adopted 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) (repassed after disapproval) by the _____ on _____ 20____.

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) (repassed after disapproval) by the _____ on _____ 20____. Such local 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.)

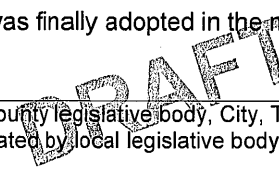
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.



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

(Seal)

Date: _____