

May 25, 2018

Definitions

Agricultural Building – A building constructed for the use of housing or storing, livestock, feeds, farm implements, produce, bedding for livestock or any other material or object associated with farming operations.

Agritourism/Ag Event - "Agricultural tourism" means activities, including the production of maple sap and pure maple products made therefrom, conducted by a farmer on-farm for the enjoyment and/or education of the public, which primarily promote the sale, marketing, production, harvesting or use of the products of the farm and enhance the public's understanding and awareness of farming and farm life.

Animals

Commercial – an animal used for the purpose of generating income or contributing as a significant source of food.

Recreational – an animal used for the purpose of companionship, amusement or generation of small amounts of produce, i.e., eggs from poultry, for one's personal use or enjoyment.

Beverage and food tasting – Wine, beer, cider, fruit juices, spirits, cheese, etc.

Farm Implement Store – A store whose principal business is the retail sale of tractors, plows, combines, wagons, or any other mechanical implement used in daily farm operations.

Farm Market - A specified location, not necessarily associated with farming operations, where several farming operations individually provide farm products for sale for the benefit of the farm from which the products originated.

Farm Operation – (Excerpted from Ag and Markets Law 25-AA, §301(11)). "Farm Operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in §301(13) of 25-AA, a "timber operation" as defined in §301(14) of 25-AA, "compost, mulch or other biomass crops" as defined in §301(16) of 25-AA and "commercial equine operation" as defined in §301(17). Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. (The definition will change as NYS Ag and Markets modifies their definition).

In furtherance: from §301(2); "Crops, livestock and livestock products" shall include but not be limited to the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticulture specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals such as alpacas and llamas, milk eggs and furs.
- f. Maple sap.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
- j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purpose of this paragraph, “nucs” shall mean small bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

Farm Store – A cart, temporary structure or new or existing building, used for the purpose of selling farm products produced on the associated farm or on a parcel that is owned or leased by the entity where the farm products are produced.

Food Hub or Cooperative – A store or facility that purchases farm products for resale or takes farm products for consignment sales from more than one farm operation and offers said farm products for retail sale at a centralized location.

Large Scale Storage Facilities – A facility used to store farm products from more than one farm operation including grain, hay, straw, or livestock for the purpose of holding the products for future on farm use or for purchase as wholesale or retail to other facilities.

Petting Zoo – an access controlled area where the general public is allowed and encouraged to interact with animals typically indigenous to the farm operation.

U Pick Farm Operation – A farm operation where predominately the patrons walk through the fields and picks their own produce, i.e., apples, berries, strawberries.

- A. Intent. The Town of Victor has determined that it is important to maintain, preserve and promote the rural character that farms provide, in that green and open space is preserved. Urban sprawl has pressured farm lands to be converted to residential developments. Agritourism seeks to provide additional means to promote farm operations via direct product sale, education and the opportunity to enjoy the farming experience.
- B. Permitted uses for Agritourism are allowed in all zoning districts with the exception of Planned Development Districts unless specifically is a listed use, regardless of agricultural district designation providing that the event must be associated with a farm operation within the Town of Victor or Ontario County.
- C. Bulk regulations of the underlying zoning district shall apply. In no case shall an agricultural building be less than 100 feet from a residential structure on an adjacent parcel.
- D. Permitted uses require an Ag Event permit issued by the Planning Board, site plan review by the Planning Board is required. Upon receipt of a completed application, applicable fees, and

supporting documentation, the application will be placed on the next available Planning Board agenda but in no case will the application be placed on an agenda within less than 5 business days in advance of the next meeting. Ag Event Permits may be issued for single or multiple events as well as extended periods of time, depending on the request.

Permitted uses are as follows:

1. Activities associated with NYS designated "Maple Weekends"
2. Seasonal pancake restaurant limited to January 15 - April 15.
 - (a) The seasonal restaurant may be utilized for the promotion of other seasonal products providing dates and times have been requested.
 - (b) Approval may also be required from other agencies (NYS DOH, NYS AG & Markets, etc.).
3. Weddings or gatherings of parties not related to the owners of the parcel, utilizing tents, farm structures or open spaces.
 - (a) NYS Uniform Fire Prevention and Building Codes will apply.
4. Beverage or farm product tasting (times and frequency will be established via the Ag Event permit).
 - (a) Beverage or food tasting must occur on a parcel that meets the definition of a farm operation.
 - (b) Beverages or food for tasting not from produce generated on said parcel must offer farm products for sale that are produced on said parcel of the beverage or food tastings.
5. Single event meals.
6. Children's day camp with the number of participants limited by the NYS Department of Health guidelines if applicable.
7. Short term rentals (refer to §211-37 for requirements and qualifications).
8. "Farm Stores" on farms to sell farm produced products, open year round. A limited amount of nonfarm produced items is allowed by Ag and Market laws.
9. Festivals.
10. Events that may include non-farm operation vendors (arts, crafts, food trucks, etc.)
11. Centralized processing, (for example: one location to process all maple sap into maple syrup, place to sell maple syrup via pancake breakfasts, commercial kitchen, brewery, winery, distillery, process and package produce), except for slaughtering of animals or fish (exclusive of poultry) in Residential and Light Industrial Districts. A 5-A license/facility as provided by NYS AG & Markets is required for poultry processing. Products sold must be from farm operation products originating from farm operations located in the Town of Victor.
12. Businesses associated with processing, storage, repair and sales pertaining to farm operations. These businesses would cater to farm operations more so than retail to the general public.
13. Halloween haunts, hayrides, corn maze, holiday events, for example; sleigh or wagon rides.
14. Custom Agriculture services; exemplified by, "plowing for hire".

15. Food Hub or Cooperative.
 16. U-pick farm operations.
 17. Any other event or activity determined to be similar in nature by the Code Enforcement Officer or the Zoning Board of Appeals.
- E. Permitted uses not requiring an Ag Event permit.
1. Roadside stands per §211-38 with the exception that a farm operation is allowed to have a roadside stand from January 1-December 31 that complies with the requirements of a permanent structure.
 2. Animal “petting zoos”
 3. Farming activity demonstrations for groups of 20 or less or 1 family unit (milking of livestock, sawmill operation, any other farming activity).
 4. Educational tours providing that structures are not entered.
- F. Applications for an Ag Event permit via Planning Board Review shall include;
1. A site map that indicates the location of all structures and activities with dimensions. An Engineered drawing need not be submitted unless specifically requested by the Planning Board. The site map shall indicate the scale accurately.
 2. Proposed signs advertising an event and parking/enter/exit signs with location and dimensions.
 3. Lighting that is anticipated if the event begins or extends into hours of darkness. Approvals by the Planning Board for temporary lighting will terminate at the end of the Ag Event permit or as conditions provide. Site plan approval will supersede any lighting regulations in §131 unless indicated by the Planning Board.
 4. Date(s) or frequency of the event.
 5. Location of the event.
 6. Hours of operation of the event.
 7. Location and extent of sanitary facilities.
 8. Means of refuse collection and disposal.
 9. Location of parking with the number of anticipated spaces and areas for overflow parking. Street parking is not encouraged.
 10. Proof of all licenses and/or expected inspections by NYS AG and Markets, USDA, NYS DOH, etc.
 11. Anticipated number of participants. (An excess of 2000 participants within a 12 hour period requires a mass gathering permit from the TB).
 12. Presence of any bands or sound amplification systems with expected hours of operation. Noise shall comply with §143.
 13. Cases where the Ag Event Permit is for no more than 3 consecutive days, a fee commensurate with §27-8Y(7) shall apply. All other cases a fee commensurate with §27-8Y(6) shall apply. (Need Town Board input).

- G. The applicant shall be aware that any licenses, permits or permission granted do not relieve the applicant, parcel owner, event sponsor, etc., from complying with the NYS Uniform Fire Prevention and Building Code. Farming operations are not exempt from said codes once a person, other than family member or employee, enters a farm building. Fees for permits will apply.
- H. The Planning Board may as a condition of an approved resolution require the applicant to file for Ontario County Agricultural district zoning during the next application cycle.
- I. The applicant shall be aware that inspections shall be required to verify compliance with the approved Ag Event Permit as well as inspections for permits secured pertaining to the NYS Uniform Fire Prevention and Building Code and the NYS Energy Code.
- J. (The TB may want to consider some form of relief from the sprinkler requirements as set forth in §83-4F(2)(a) as this would apply to any area, i.e., store or other, where the general public enters a farm structure.) Any relief will not supersede any applicable codes of the NYS Uniform Fire Prevention and Building Code.
- K. The applicant shall be aware that the Town of Victor has the right to request and receive a report pertaining to the finances involved with the Ag Event and the farm operation.
- L. Prohibited Uses.
1. Large Scale Storage Facilities.
 2. Farm Implement Stores in underlying Residential districts.

Changes to other sections of the code that would have to do with “farm activities”;

- The Planning and Building department frequently receives calls from residents and future residents about having chickens. The present code allows livestock in R-1, R-2, R-3 and LD districts providing that the manure piles and stabling areas are 100 feet from lot lines. This basically means one needs a minimum of a 200 foot by 200 foot lot, nearly 1 acre. Livestock includes chickens and does not differentiate between hens or roosters. I would recommend that chickens, (hens only) up to 6 be allowed on lots less than 5 acres with a 15 foot setback from the lot line to the structure (chicken coop) and any fence areas. Roosters would be allowed on farms and parcels greater than 10 acres providing they met the 100 foot setback.
- Another frequent call is about how many horses can a person have on a property? The code that applies is as above with no limit for the number of horses as long as the manure piles and stabling area are at least 100 feet from lot lines. This means that one could own the lot at the cul-du-sac of a subdivision and have horses. I would propose changing the code to something like 1 horse for the first 2 acres and 2 additional acre per horse with a 5 acre minimum plus meet the 100 foot setback to stabling areas and manure piles. Commercial horse facilities are not allowed as defined by 10 horses on 7 acres or less on parcels other than those meeting the definition of a farm operation.
- The subject of bees has come up lately. Research indicates that setbacks are necessary but not the 100 foot setback. It appears to be more important to have an area where the bees can fly

upwards before leaving the property rather than flying horizontal where they have a higher chance of interacting with humans. Perhaps a code that requires 15 feet from lot lines with a setback of 100 foot to structures including swimming pools on adjoining lots.

- I am aware of a residence that appears to house a pig in their basement, presumably they are treating it like a pet. If this is acceptable, the code should be modified. Presently the code refers to household pets like dogs and cats. Mini-goats as pets have also been mentioned lately. A definition of recreational animals is provided in the Agritourism code.

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