

§ 295-7. Permitted uses.

A. R-1 Residential Districts. The following uses are permitted in R-1 Districts:

- (1) Single-family dwellings.
- (2) Farms, greenhouses, plant nurseries and customary agricultural operations in connection therewith, but excluding within 100 feet of any lot line any stabling of a farm animal, storage of manure or other odor- or dust-producing substance or use.
- (3) Public parks, playgrounds and similar recreational areas and structures not operated for gain.
- (4) Customary home occupations as defined in § 295-2 and provided that the office or studio is located in the dwelling in which the practitioner resides and does not occupy more than 30% of the total floor area of the residence. Not more than one employee may be used. No other offices shall be located on the premises, nor shall any other profession be practiced or conducted on the premises. Any instruction given or professional services or care rendered shall be to one student, patient, client or customer at a time. Adequate off-street parking must be provided and maintained on the premises. The area of the building, exclusive of the portion used for such office, shall conform to the minimum requirements as provided in this chapter. There shall be no display of goods or advertising other than an accessory sign as provided in Chapter 224, Signs.
- (5) Private garages. Attached or detached garage buildings for not more than three motor vehicles with maximum dimensions of 35 feet on the entrance side by 30 feet. R-1-20 Districts shall have at least a two-car private garage; R-1-15 Districts shall have at least a one-car private garage. RR-1 and RR-2 Districts shall have a minimum one-car private garage. There shall not be more than one attached or detached garage per parcel/lot in any residential district. The minimum dimensions for private residential garages shall be as follows:
[Amended 2-18-2015 by L.L. No. 1-2015]

	Minimum Depth/ Length	Minimum Width
Maximum Capacity	(feet)	(feet)
1 car	20	12
2 cars	20	20
3 cars	20	30

- (6) Churches, schools and institutions of higher education, public hospitals, public libraries and municipal and special district buildings, provided that no such building shall be located within 50 feet of any adjoining lot line, and off-street parking shall be provided as set forth in § 295-44.

- (7) Golf courses, including those operated for profit, shall be permitted upon obtaining a special use permit therefor from the Town Board. Miniature golf courses and driving ranges apart from golf courses are prohibited. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (8) Child-care centers, day-care centers, nursery schools, preschool nurseries and family day-care homes shall be permitted under the following conditions:
 - (a) Child-care centers, day-care centers, nursery schools and preschool nurseries shall be permitted when housed in an established church facility which shall be duly licensed by the New York State Department of Social Services and the building facilities of which shall be annually inspected by the Building Inspector or designee for compliance with all building and fire codes. The Building Inspector or designee shall issue a new certificate of occupancy as evidence that the facility is in compliance with the codes. The cost for such inspection and certificate of occupancy shall be included in a child-care center registration fee established by the Town Board. **[Amended 2-15-2006 by L.L. No. 1-2006; 6-26-2019 by L.L. No. 5-2019]**
 - (b) Child-care centers, day-care centers, preschool nurseries and nursery schools, when not housed in an established church facility, shall apply to the Town Board for a special use permit as per the requirements of Article XII of this chapter. If such permit is granted, the licensing and inspection requirements of Subsection A(8)(a) of this section shall apply. **[Amended 4-12-2022 by L.L. No. 8-2022]**
 - (c) A family day-care home shall be housed in a single-family dwelling and shall be an accessory use to the principal use of the structure. The operation shall be licensed by the New York State Department of Social Services or certified by the Monroe County Department of Social Services. Such license and certification shall be available for inspection during normal daytime hours. A family day-care home shall provide child care for not more than six children based on the age formulas established in Part 458 of the regulations of the State Department of Social Services (Family Day-Care Homes). The building facilities shall be annually inspected by the Building Inspector or designee. The provisions outlined in Subsection A(8)(a) of this section shall apply. **[Amended 2-15-2006 by L.L. No. 1-2006; 6-26-2019 by L.L. No. 5-2019]**
- (9) Storage sheds, provided that each shall have a minimum side setback and rear setback of four feet, and shall not infringe on any easements. Notwithstanding the foregoing, no storage shed shall be erected within the required side yard on the street side of a corner lot, as referred to at § 295-10B(2). **[Added 4-6-2005; amended 2-18-2015 by L.L. No. 1-2015]**
- (10) Open space. **[Added 7-20-2005 by L.L. No. 2-2005]**
- (11) Cemeteries, upon obtaining a special use permit from the Town Board in

accordance with the procedures set forth in Article XII of this chapter. **[Added 3-1-2006 by L.L. No. 2-2006; amended 4-12-2022 by L.L. No. 8-2022]**

- (12) Residential rooftop solar energy system. **[Added 6-21-2017 by L.L. No. 4-2017; amended 9-22-2021 by L.L. No. 12-2021]**
- (13) Comfort care homes, upon obtaining a special use permit from the Town Board in accordance with the procedures set forth in Article XII of this chapter, subject to the additional requirements set forth at § 295-52.6, herein. **[Added 10-18-2017 by L.L. No. 8-2017; amended 4-12-2022 by L.L. No. 8-2022]**
- (14) Small-scale solar energy systems, but where the solar energy system footprint covers more than 1% of the area of the subject lot, a special use permit shall be required. **[Added 9-22-2021 by L.L. No. 12-2021]**

B. R-2 Residential Districts. The following uses are permitted in R-2 Districts:

- (1) All uses permitted in R-1 Districts, subject to all provisions specified for such districts.
- (2) Two-family dwellings, upon obtaining a special use permit from the Town Board in accordance with procedures as set forth in Article XII of this chapter. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (3) Nursing homes, upon obtaining a special use permit from the Town Board in accordance with procedures as set forth in Article XII of this chapter. **[Amended 4-12-2022 by L.L. No. 8-2022]**
- (4) Multiple dwellings, upon issuance of a special use permit, all in accordance with § 295-13. **[Amended 2-27-2019 by L.L. No. 3-2019; 4-12-2022 by L.L. No. 8-2022]**
- (5) Comfort care homes, upon obtaining a special use permit from the Town Board in accordance with the procedures set forth in Article XII of this chapter, subject to the additional requirements set forth at § 295-52.6, herein. **[Added 10-18-2017 by L.L. No. 8-2017; amended 4-12-2022 by L.L. No. 8-2022]**

C. Any use not specifically enumerated in this section as a permitted use is prohibited in the R Residential Districts. **[Added 2-18-2015 by L.L. No. 1-2015]**