

MEMO

TOWN OF CANANDAIGUA

To: Town Board
From: Town Planner
CC:
Date: 6/14/2024
Re: Proposed updates to Town Code regarding Farm Labor Housing

COMMENTS: NY State Agriculture and Markets Law § 305-a protects farm operations within NY State agricultural districts. It states that local governments shall not unreasonably restrict or regulate such farming operations.

The Town's Ordinance Committee, along with the staff in the Development Office and members of the Town's farming community have weighed in and provided comments and suggestions for improving town code to clarify and simplify regulations relating to farm labor housing in the Town of Canandaigua.

The proposed changes will edit four different sections of town code as outlined in the proposed draft LL language.

The proposed changes will:

- update the definitions for farm labor and agricultural buildings.
- remove the regulations for special use permits for farm labor housing in the town.
- add farm labor housing as a permitted use in the AR-1, AR-2, RR-3, and SCR-1 zoning districts.

DRAFT
Local Law Filing

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

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

Local Law No. _____ **of the year 20** 24

A local law to execute a text code amendment to Town Code Chapters §1-17, §220-14(B)(8),
(Insert Title)
§220-18(c)(7), and §220-58 that would clarify regulations surrounding the use of farm labor
housing in the Town of Canandaigua

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 "Exhibit A"

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

TOWN OF CANANDAIGUA
LOCAL LAW # _____ OF 2024

EXHIBIT A

SECTION ONE. Intent. Agriculture and farming are an important part of the Town of Canandaigua. It is the intent of this local law to clarify Town Code such that farm labor housing is recognized as an important aspect of farm operations and to fulfill the Town's obligations under NYS Agriculture and Markets law 305-a not to unreasonably restrict farming operations.

SECTION TWO. The definition of AGRICULTURAL BUILDING contained in Town Code § 1-17 shall be replaced in its entirety with the following:

BUILDING, AGRICULTURAL

A detached building or structure used to support an agricultural use and/or farm operations.

SECTION THREE. The definition of FARM LABOR contained in Town Code § 1-17 shall be replaced in its entirety with the following:

FARM LABOR

A person or persons working at least 30 hours per week on farm such that the hours worked and income earned by said person or persons are predominantly from on-farm employment, either year round or seasonally, who is not a partner or owner of the farm or the farm operation.

SECTION FOUR. The following permitted use shall be added to the AR-1 Agricultural Rural Residential District as §220-14(B)(8):

Farm labor housing, provided that the property owner provides acceptable documentation that the housing will be provided to farm labor as defined in this code and further provided that such farm labor housing will be removed within a reasonable amount of time in the event farm labor operations are no longer taking place on the property or properties served by said farm labor housing. Farm labor housing shall be subject to the area and bulk standards set forth in Schedule 1 of this chapter for Agricultural Uses and Structures (Principal Building).

SECTION FIVE. The following permitted use shall be added to the SCR-1 Southern Corridor Residential District as §220-18(C)(7):

Farm labor housing, provided that the property owner provides acceptable documentation that the housing will be provided to farm labor as defined in this code and further provided that such farm labor housing will be removed within a reasonable amount of time in the event farm labor operations are no longer

taking place on the property or properties served by said farm labor housing. Farm labor housing shall be subject to the area and bulk standards set forth in Schedule 1 of this chapter for Agricultural Uses and Structures (Principal Building).

SECTION SIX. Town Code § 220-58, Farm Labor Housing Within Established Ontario County Agriculture Districts located within RR3, AR1 and AR2 Districts shall be removed in its entirety

Severability. If any portion of this local law is determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this local law shall remain in full force and effect.

SECTION SEVEN. Effective Date. This local law shall take effect immediately upon its filing with the New York State Secretary of State.

DRAFT

(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 2024 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on _____ 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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.
(Elective Chief Executive Officer)*

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____.
(Elective Chief Executive Officer)*

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.

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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: _____