LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

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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 of Farmington
~~Village~~

Local Law No. 10 of the year 2021

Amendments to Part II, General Legislation, Chapter 165 of the Farmington Town Code, entitled Zoning, Article V, Section 165-55. "Keeping of animals;" Article V, Section 165-61, "Fences;" and Article V, Section 165-76, "Mobile homes and mobile home parks."
(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)
Town of Farmington
as follows:

Section 1. The following amendments are hereby made to Part II, General Legislation, Article V, Chapter 165, Section-55 of the Farmington Town Code, entitled "Keeping of animals."

§ 165-55. Keeping of animals.

This Section of the Farmington Town is hereby repealed and replaced with the following §§ 165.A. and B. to read in their entirety as follows:

§ 165-55. A. Keeping of domestic animals.

No birds, fowl, or poultry shall be housed or kept within a secure outdoor area on any premises zoned residential having less than five (5) acres, except for domestic animals. Such animal(s) shall be kept in such a manner as not to create a nuisance or to be an annoyance to surrounding properties. All outdoor areas shall be kept clean of animal waste and such waste shall be stored inside approved containers. All secure outdoor areas shall be enclosed and located within either the side or rear yard portions of the lot and not closer than five (5) feet from side and/or rear property lines.

§ 165-55. B. Keeping of farm animals.

Farm Animals shall be allowed on land located within the A-80 Agricultural District and the RR-80 Rural Residential District. No Farm Animals shall be housed or kept within a secure outdoor area on any premises of less than five (5) acres. Kennels or shelters for animals shall not be closer than 200 feet to all Side or Rear Lot Lines. No kennels or shelters for Farm Animals shall be allowed within the Front Yard portion of a Lot. The storage of any Farm Animal waste or other odor- or dust-producing materials shall not be closer than 200 feet to any Lot Line as per §165-18 and/or § 165-19 of this Chapter. These setback regulations may be exempted by the protection provided to an active farm site located within and established County Agricultural Use District, as further regulated under the New York State Agriculture and Markets Laws.

Section 2. The following amendments, §§ 165-61. A., B., C., E., F., G. and H. are hereby made to Part II, General Legislation, Article V, Chapter 165, Section-61 of the Farmington Town Code, entitled "Fences."

§ 165-61. A. This Section of the Farmington Town Code is hereby repealed and is replaced in its' entirety with the following:

§ 165-61. A. No fence that exceeds six (6) feet in height shall be erected or maintained on any Lot whose permitted principal use is residential. All fences shall be located within the Side or Rear Yard portion of a Lot. Fences that are four (4) feet or lower in height above existing grade may be permitted within the Front Yard portion of a Lot that is located within a residential district.

§ 165-61. B. This Section of the Farmington Town Code is hereby repealed and is replaced in its' entirety with the following:

§ 165-61. B. No fence shall exceed eight (8) feet in height above existing grade when located in the Side or Rear Yard portion of any Lot. A fence that is four (4) feet or lower in height above existing grade may be placed within the Front Yard portion of any Lot that is located within a business, commercial, or industrial zoned district. The following are allowed exceptions to these restrictions:

(1) A security fence that is accessory to a permitted personal wireless telecommunications facility, or a Wind Farm, or a large-scale Solar (PV) System shall be allowed provided that said fence does not exceed fifteen (15) feet above existing grade; and
(2) A security fence that is accessory to a permitted principal business, commercial or industrial use of the property.

§ 165-61. C. Authorized security fence may have barb wire strands located at least eight (8) feet above existing grade and said barb wire strands may be extended to a height of ten (10) feet from the adjacent existing grade. Such security fence shall not be electrically charged.

§ 165-61. E. Fencing used to enclose a tennis, pickleball or basketball courts on a residential property may be permitted, in the Side or Rear Setbacks of a Lot up to a height not exceed ten (10) feet above existing grade, provided that such fencing is not less than twenty-five (25) feet from an adjacent property line.

§ 165-61. F. All fences shall be erected within the property lines and no fence shall be erected so as to encroach upon a public right-of-way, publicly owned lands, easements, or adjacent land.

§§ 165-61 G. and H. The following two (2) new subsections of Chapter 165, Section 61 are hereby added to the Town of Farmington Code to read in their entirety as follows:

§ 165-61. G. All fences shall be maintained in a safe and sound condition.

§ 165-61. H. No fence may be allowed to be erected or maintained which would be located within a mapped Area of Special Flood Hazard, as shown on any one of the Federal Insurance Rate Maps (FIRMs), prepared and adopted as part of the National Flood Insurance Program for the Town of Farmington, Community Number 361299, dated September 30, 1983, without first obtaining a Floodplain Development Permit in accordance with the provisions of Chapter 87 of the Farmington Town Code.

Section 3. Part II, General Legislation, Article VI, Chapter 165, Section 76 of the Farmington Town Code entitled "Mobile homes and mobile home parks" is hereby deleted in its' entirety and replaced in its' entirety to read as follows:

§ 165-76. Title. Manufactured Dwellings and Manufactured Dwelling Communities.

§ 165-76. A. Manufactured Dwelling Community Operating Permit and Final Site Plan Criteria.

1. Manufactured Dwelling Communities may be allowed in the RMF Residential Multiple-Family and the PD Planned Development Districts upon the approval of an application for an Operating Permit granted by the Town Board and Final Site Plan Approval granted by the Planning Board. A Manufactured Dwelling Community Operating Permit issued by the Town Board shall be for a specified period of time and shall expire in the event construction of said Manufactured Dwelling Community is not completed within the time period specified. This provision shall also apply to an application to the Town Board for an amendment to an existing special use permit involving the expansion or alteration of any existing Manufactured Dwelling Community. The Planning Board Final Site Plan Approval shall remain valid as long as there continues to be a valid Manufacturing Dwelling Community Operating Permit.

2. No site preparation or construction shall commence until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.

3. Annual Operating Permits for the continued operation of Manufactured Dwelling Communities may be renewed for a period of one year in duration, upon application to the Development Office. The Zoning and/or Code Enforcement Officer shall not grant renewals where violations of provisions of this chapter pertaining to Manufactured Dwelling Communities. In such case, the applicant shall appear before the Town Board for a decision on the renewal of said application.

4. The minimum site area of proposed Manufactured Dwelling Communities shall be not less than 30 acres.

5. Manufactured Dwelling Units may be placed upon a lot that has a Lot Area of not less than 7,200 square feet, in any established Manufactured Dwelling Community. Each Manufactured Dwelling Unit parcel shall front only upon an interior community roadway and have a minimum width of 60 feet. An iron stake shall be located and maintained by the Manufactured Dwelling Unit Community owner and shall be placed at each corner of each Manufactured Dwelling Unit parcel.

6. Minimum front setbacks, for Manufactured Dwelling Units, from the travel lane of an interior community roadway shall be twenty (20) feet; minimum side setbacks shall five (5) feet on one side, with a minimum total of twenty (20) feet on both sides of the lot; and minimum rear setbacks shall be ten (10) feet. In no instance shall adjacent parcels have Manufactured Dwelling Units located closer than ten (10) feet to the common property line.

7. The minimum setback of every Manufactured Dwelling, building or other accessory structure on an approved parcel located within a Manufactured Dwelling Community, from the nearest public street line shall be seventy (70) feet; and from every other parcel line of the Manufactured Dwelling Community, from an adjacent parcel or property line, shall be forty (40) feet.

8. Not more than one (1) Manufactured Dwelling Unit shall be located on any one Manufactured Dwelling parcel. Every Manufactured Dwelling Unit within a Manufactured Dwelling Community shall be located on a Manufactured Dwelling parcel.

9. At least one (1) community service building shall be constructed within each Manufactured Dwelling Community. Said service building, shall be adequate to provide for storage of all equipment, tools and materials necessary for the maintenance of the community, and all such equipment, tools and materials shall be stored within said building when they are not in use.

10. All Manufactured Dwelling Unit parcels shall be provided with a concrete sidewalk at least three feet wide extending from the parcel's designated parking area to the main door of the Manufactured Dwelling Unit, a patio, or base of the steps to the deck that provides access to the Manufactured Dwelling Unit. Such walkway shall not be used as a parking space. No portion of the Manufactured Dwelling Unit shall be located upon any such patio.

11. Each Manufactured Dwelling Unit parcel shall have not less than two (2) off-street parking spaces.

12. No boats, campers, travel trailers, recreational vehicles, off-road vehicles or unregistered and unlicensed motor vehicles shall be parked or stored at any place within a Manufactured Dwelling Community except in areas designated for such storage as part of the Planning Board's final site plan approval.

13. Every roadway within a Manufactured Dwelling Community shall have a minimum pavement width of 22 feet and a minimum right-of-way width of 50 feet. If cul-de-sacs exist, they shall have a minimum radius of 70 feet.

14. A complete water distribution system approved by the New York State Health Department and the Town Water Superintendent, including a water service pipe for each Manufactured Dwelling Unit parcel and appropriately spaced fire hydrants, shall be installed, and maintained along the Community's interior roads.

15. A public sanitary sewage disposal system approved by the New York State Health Department and other appropriate agencies shall be installed, including a sewer connection for each Manufactured Dwelling Unit parcel.

16. Every roadway and water distribution and sewer disposal system to be constructed within a Manufactured Dwelling Community shall conform to the requirements and specifications set forth in Chapter 144, Subdivision of Land, as amended, of the Code of the Town of Farmington and shall conform with the latest adopted edition of the Town of Farmington Site Design and Development Criteria.

17. An adequate storm water drainage system shall be installed and maintained in accordance with the adopted Town of Farmington's Stormwater Management Program Plan (SWMP); and Chapter 138 of the Farmington Town Code.

18. All public utilities, electric, gas, cable television and telephone lines for the Manufactured Dwelling Community shall be installed underground.

19. Appropriate streetlighting shall be installed on interior roadways, with the minimum number of lights being one at each intersection of interior roadways with each other or with abutting public roads and spaced apart at least every two hundred (200) feet where such intersections are more than two hundred (200) feet apart.

20. Pedestrian walkways shall be part of any site plan and provided along at least one side of all interior community roadways, having a sidewalk width of approximately four (4) feet. All walkways are to be delineated.

21. A Pedestrian Access Easement extending across the entire frontage of a Manufactured Dwelling Community site, which is adjacent to any public road, shall be provided to the town-for the purpose of constructing and maintaining a public sidewalk.

    A. The property owner, at the time of application for a Manufactured Dwelling Community Operating Permit from the Town Board, will be responsible for the installation of all sidewalks located along the frontage portion of the proposed site; and

    B. As part of any renewal of an Annual Operating Permit from the Code Enforcement Officer, a pedestrian access easement shall be filed with the County Clerk's Office and copy thereof provided to the Town Clerk's Office within a three (3) month calendar of the date of renewal of the Annual Operating Permit.

22. A landscape plan for the Manufactured Dwelling Community shall be prepared and approved by the Planning Board as part of any Final Site Plan. Said plan is to be planted and maintained by the Manufactured Dwelling Community owner. Said landscape plan will include screening of any approved community service buildings and/or storage areas.

23. No Manufactured Dwelling Unit shall be located on a Manufactured Dwelling Unit parcel until the roadways, sanitary sewage disposal system, water supply system, storm drainage system, landscaping and sidewalks serving said Manufactured Dwelling Unit parcel have been installed in accordance with the approved site plan for the Manufactured Dwelling Community.

24. Each roadway name, located within a Manufactured Dwelling Community, shall be approved by Ontario County 911 Office; and noted upon street signs at each community roadway intersection. Each Manufactured Dwelling Unit parcel shall be assigned a permanent number, made of reflective material, which shall be displayed on the front of the Manufactured Dwelling Unit and in a location clearly visible from the roadway. The address identification numbers shall be at least four (4) inches in height. The numbering of the parcels shall be sequential, and the community roadway signs at each roadway intersection shall prominently display the location and direction of parcel numbers. The community roadways shall also be signed and marked in accordance with the requirements of the Uniform Manual of Traffic Control Devices of the State of New York.

25. All fuel heating tanks within a Manufactured Dwelling Community, shall be installed in accordance with the latest National Fire Protection Association (NFPA) standards.

26. Every Manufactured Dwelling Community shall have a recreational area for use by the occupants of the Manufactured Dwelling Community. Such area shall be as centrally located to complement the site's topography and the design of the overall Manufactured Dwelling Community site. Such area shall not be less than ten thousand (10,000) square feet; or less than one thousand (1,000) square feet, in area whichever is greater, per the number of approved Manufactured Dwelling Units located within the Manufactured Dwelling Community site.

27. The Manufactured Dwelling Community owner shall provide for the regular collection and disposal of garbage, trash, and rubbish from each approved Manufactured Dwelling Unit parcel.

28. Not more than one (1) accessory building shall be permitted to be placed upon any Manufactured Dwelling Unit parcel. Such accessory building shall comply with the requirements within § 165-58. of the Town of Farmington Code.

29. Each Manufactured Dwelling Unit shall be enclosed at the bottom with either a metal, wood or vinyl skirt or enclosure within thirty (30) days after the placement of the Manufactured Dwelling Unit on the parcel.

30. No enclosure or addition having a ground area greater than 50% of the ground area of the Manufactured Dwelling Unit shall be constructed on or added or attached to the exterior of any Manufactured Dwelling Unit. Any enclosure or addition shall have a concrete floor or other suitable floor on a concrete base. Such enclosure shall be constructed of wood or metal frame and siding and shall be portable as a unit or in sections. The foregoing provisions of this subsection shall not apply to carports. A building permit must be obtained from the Code Enforcement Officer prior to construction of any such enclosure or addition, and the application therefor must show a detailed plan of the proposed construction, showing compliance with the terms of this Chapter. Such structure must be completed, and a Certificate of Compliance (C of C) issued by the Town within twelve (12) months of the date of issuance of such building permit, or the structure shall be removed from the Manufactured Dwelling Unit parcel.

31. No Manufactured Dwelling Unit shall be offered for sale, displayed for sale or sold within a Manufactured Dwelling Community unless such Manufactured Dwelling Unit is located upon an approved Manufactured Dwelling Unit parcel; and at the time of sale offering, connected to an approved electric public utility and to a public sewer and public water supply.

32. All Manufactured Dwelling Units shall be anchored in a manner acceptable to the Town Code Enforcement Officer prior to occupancy of the dwelling unit.

§ 165-76. B. Register of occupants and units.

The owner of every Manufactured Dwelling Community shall keep a record of the occupants and the Manufactured Dwellings Units located within the **C**ommunity. A copy of such register shall be made available to the Zoning and/or Code enforcement Officer upon their request. Such records shall contain the following:

1. The name of each occupant and the parcel address of each Manufactured Dwelling Unit located within the Manufactured Dwelling Community.

2. The make, model, year, and serial number of each Manufactured Dwelling Unit located within the Manufactured Dwelling Community.

§ 165-76. C. Sale of parcels.

Any sale of a Manufactured Dwelling Unit parcel, or the combining of approved parcels within a Manufactured Dwelling Community, other than those parcels as shown on the approved final site plan of such Community, shall thereupon immediately invalidate the operating permit for such Community approved by the Town Board. Any use of any of the parcels within the Manufactured Dwelling Community other than as a Manufactured Dwelling Community shall thereupon immediately invalidate the permit of such community approved by the Town Board.

§ 165-76. D. Applicability of Manufactured Dwelling Community.

This Section of the Farmington Town Code shall also apply to all property's previously referred to as "Trailer Homes", "Trailer Home Parks", "Trailers" or "Mobile Home Parks."

Section 4. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(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 2021 of the Town of Farmington was duly passed by the Farmington Town Board on April 13, 2021, 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[1].)

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.

[1] 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 _____ 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 1, above.

_____
Clerk of the Town

(Seal)

Date: _____