

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

March 18, 2024

Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, New York 14424

RE: Town of Canandaigua, Local Law 1 2024, filed on 3/12/2024

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

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. 1 of the year 2024

A local law Amending Chapter 220 (Zoning) Creating Section 220-33.2 Titled Agricultural Protection
(Insert Title)
Overlay District.

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.)

Town of Canandaigua

LL 1 of 2024

ATTACHMENT A

The following section of Town of Canandaigua Town Code would be new and created:

§220-33.2 Agricultural Protection Overlay District

§ 220- 33.2.1 Intent.

It is the intent of this article to encourage a viable farming economy and community and to promote agriculture in the Town of Canandaigua by creating an Agriculture Protection Overlay District for parcels seven acres or more in the area identified as the Town of Canandaigua Agricultural Protection Overlay District as described in §220-33.2.2. Farms provide jobs and support the local economy, fresh foods and rural character and scenic landscape while requiring fewer community services. Furthermore, farms maintain wildlife habitat and other natural resources. This article seeks to sustain these important contributions provided by local farms to residents of the Town of Canandaigua by creating a protection area that includes a large area of prime farmland soil classification.

§ 220- 33.2.2 Agricultural Protection Overlay District.

The Agricultural Protection Overlay District shall be defined to include only those parcels of seven acres or greater in the Town of Canandaigua's Strategic Farmland Protection Area as mapped in the Town of Canandaigua Agricultural Enhancement Plan (adopted by the Town Board December 2016) labeled Map 7: Strategic Farmland Protection Area prepared November 10, 2016 and include only those parcels seven acres or greater in the Town of Canandaigua identified as south of County Road 30 and north of Rossier Road and west of NYS Route 21 and east of the Town of Canandaigua municipal boundary.

§ 220- 33.2.3 Purpose; effect on inconsistent provisions.

This article is enacted pursuant to the authority and power granted by Municipal Home Rule of the State of New York, Chapter 62 of Consolidated Laws, Article 16, in conformance with the Town's Comprehensive Plan and Agricultural Enhancement Strategy, to promote the public health, safety, comfort, convenience, economy, natural, agricultural, and cultural resources, aesthetics and the general welfare relating to agriculture uses in the Agricultural Protection Overlay District. Additionally, the purpose of this section of code is to encourage agriculture to continue and prosper and coordinate the Town of Canandaigua Comprehensive (Master) Plan, Agriculture and Open Space Preservation Study, Open Space and Recreation Needs Assessment Report, Agricultural Enhancement Strategy and other applicable Town, county, state, federal and regional plans and programs by specifically requiring the Town Board of the Town of Canandaigua to either approve or disapprove any new infrastructure improvements in the Agricultural Protection Overlay District prior to approval of new major subdivisions by the Planning Board.

§ 220-33.2.4 Right to engage in agricultural practices.

- A. Any owner or possessor of real property covered by this chapter, as well as those employed, retained or otherwise authorized to act on behalf of such individual, may lawfully engage in agricultural practices, within the Town of Canandaigua at any and all such times and in all locations as are reasonably necessary to conduct agriculture.
- B. There shall exist a presumption that no agricultural use that conforms to all relevant federal, state or local statutes, rules and regulations or ordinances and which does not pose a direct threat to public health and safety shall constitute a public nuisance, nor shall any such use be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

§ 220-33.2.5 New infrastructure improvements.

- A. Any decision to expand public water or sewer lines shall consider limiting, minimizing, or mitigation of the expansion of water or sewer services to avoid those areas in the Agriculture Protection Overlay District.
- B. Any expansion of publicly owned water or sewer lines in the Agriculture Protection Overlay District must be approved by the Town Board of the Town of Canandaigua prior to the Planning Board granting major subdivision approval.

(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. 1 of 2024 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on February 12, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (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) *(Name of Legislative Body)* (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.)

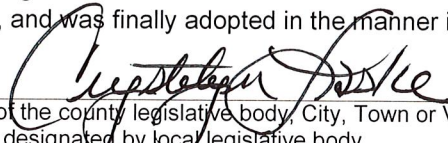
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

Date: March 6, 2024

(Seal)