New York State
Department of State

NEW YORK STATE | **Department of State**
| **Corporations, State Records & UCC**
|

DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

2 of the year 2026

Local Law Title: Local Law establishing a six (6) month moratorium on Accessory Structures as defined and regulated in Chapter 165 of the Town Code of the Town of Farmington.

Be it enacted by the Town Board of the
(Name of Legislative Body)

___ County ___ City X Town ___ Village

of Farmington as follows on the attached pages:

For Office Use Only

Department of State Local Law Index Number: of the year 2026

(The local law number assigned by the Department of State for Indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Section 1: STATEMENT OF LEGISLATIVE INTENT:

It is the purpose of this moratorium to enable the Town of Farmington to have sufficient time to review the Town's existing zoning law, Chapter 165, Section 10, Definitions and Section 58, pertaining to the regulation of Accessory Structures; and to recommend modifications to the above cited section of the Farmington Town Code regarding such land use operations. This review is in accordance with the goals, objectives and policies contained in the adopted 2021 Edition of the Town of Farmington Comprehensive Plan.

Changes to said regulations would permit an enhanced and easily understood code to achieve the objectives of the Comprehensive Plan and encourage consistent and fair application of law pertaining to such operations. Amendments would be considered regarding further enhancing protection of the environment and possible modifications are felt necessary to permit careful review and approvals of such development that would allow for continued economic development while assuring that such development is compatible with the community and competing land uses.

The Town Board is concerned that approval of expansions to any such operations or approvals of new operations, under the existing law, could negatively impact the value and appearance of the neighborhoods in which they would be situate and of the Town as a whole.

It is, therefore, the intent of the Town Board to temporarily suspend the approval of all expansions to existing such operations and approval of new such operations that do not comply with existing definitions and existing regulations in effect within these two sections of Chapter 165, by allowing for Building Permits to be issued only for those Accessory Structures that do not involve granting of any area variances pending at the time of adoption and enactment of this local law.

Based upon the foregoing, the Town Board wants to ensure that any such expansions to existing such operations or approval of new such operations are reviewed under the new regulations and not under the existing law.

Section 2. DEFINITIONS

A.	ACCESSORY:	As defined in Chapter 165, Article II, Section 10, of the Code of the Town of Farmington.
B.	GARAGE PRIVATE:	As defined in Chapter 165, Article II, Section 10, of the Code of the Town of Farmington.
C.	PRINCIPAL BUILDING:	As defined in Chapter 165, Article II, Section 10, of the Code of the Town of Farmington.
D.	PRINCIPAL USE:	As defined in Chapter 165, Article II, Section 10, of the Code of the Town of Farmington.
E.	VARIANCE:	As defined in Chapter 165, Article II, Section 10, of the Code of the Town of Farmington.
F.	TOWN:	Town of Farmington, Ontario County, New York
G.	TOWN BOARD:	Town of Farmington Town Board
H.	PLANNING BOARD:	Town of Farmington Planning Board
I.	ZONING BOARD OF APPEALS:	Town of Farmington Zoning Board of Appeals
J.	CODE ENFORCEMENT OFFICER:	Town of Farmington Code Enforcement Officer
K.	FIRE MARSHAL:	Town of Farmington Fire Marshal

L.	ZONING ENFORCEMENT OFFICER:	Town of Farmington Zoning Enforcement Officer

Section 3. MORATORIUM

A. The Town Board hereby enacts a moratorium, which shall prohibit the review, approval or creation of any exceptions to existing regulations contained in Chapter 165, Article II, Section 10, Definitions; and Article V, Supplementary Regulations, within the Code of the Town of Farmington, anywhere within the Town.

B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of (i) the date six (6) months from said effective date, unless renewed; or (ii)the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Pursuant to the moratorium, the Planning Board shall not review any applications for expansions to Accessory Structures or the approval of new applications for Accessory Structures and shall not grant any preliminary or final site plan approval to any such expansions to or new approvals for Accessory Structures within the Town.

E. Pursuant to this moratorium, the Code Enforcement Officer, Fire Marshal, or Zoning Enforcement Officer, shall not issue Building Permits for any construction involving any expansion to existing Accessory Structures or involving any new Accessory Structure anywhere within the Town unless such Building Permit Applications are exempted by the provisions contained in Section 4 below.

F. Pursuant to this moratorium, no applications for variances, preliminary or final site plan approvals, or other approvals involving any expansions to Accessory Structures shall be processed or granted; except that reviews of

existing area variances or final site plans that are required to come before the Town for re-approval, may be reviewed and approved by the Town, provided such applications do not request any modifications to the existing Accessory Structures regulations contained in Chapter 165, Article V, Section 58.

Section 4: EXCEPTIONS.

No part of the moratorium to be enacted by this local law shall apply to the following:

A. Any complete application pertaining to any expansion of or new application for Accessory Structures, provided that, prior to this local law taking effect, such complete application has been properly filed with the Town and the filing fee due to the Town on such application has been fully paid to the Town.

B. Any Building Permit for an Accessory Structure with a combustible floor (wood) of 300 square feet or less in area, located in the Rear Yard portion of a Lot, not closer than five (5) feet from all property lines and not taller than fifteen (15) feet in height above existing grade.

C. Any Building Permit for an Accessory Structure defined as a Private Garage, with a non-combustible floor, not exceeding eight hundred (800) square feet in Building Area, located within the Rear Yard portion of a Lot, not closer than five (5) feet setback from all property lines, not taller than fifteen (15) feet in height above existing grade.

D. Only One (1) Building Permit for an Accessory Structure Private Garage that proposes building that is not attached to a Principal Structure will be permitted per Lot or Parcel and shall be in accordance with the applicable criteria of exemption established above herein.

E. Building Permits for Accessory Structures defined as Agricultural Operations, on Lots or Parcels having total Lot Area greater than five (5) acres in size and upon land being used for such Agricultural Operations totaling fifty-one percent (51%) or greater of the total Lot Area, provided an Agricultural Use Only Affidavit is signed and submitted by the Landowner with the Building Permit Application.

F. Building Permits for Accessory Structures that are located within an established Manufactured Home Park Lot, containing less than one hundred (100) square feet in area, with no other Accessory Structure located upon the subject Lot or Parcel, located five (5) feet from any Lot or Parcel boundary line and not taller than eight (8) feet in height above existing grade.

Any application to which these exceptions apply shall be reviewed and processed pursuant to all other relevant laws, regulations and standards in effect at such time.

Section 5: PENALTIES.

Any person, firm, entity or corporation which shall violate the provisions of the Local Law, shall be subject to:

A. A penalty in the minimum amount of $100.00 and a maximum of $250.00 for each day that such violation shall exist; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with the Local Law and, if necessary, to remove any construction or improvements which may have been built in violation of this Local Law.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Local Law.

Section 6: VARIANCES.

Any property owner affected by this moratorium may apply to the Zoning Board of Appeals and make use of the existing variance procedures under the Zoning Law of the Town of Farmington to seek relief from the restrictions of this local law.

Section 7: VALIDITY.

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 judgement 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 judgement shall have been ordered.

Section 8: SUPERSEDING EFFECT.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 9: EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the New York Department of State and shall remain in force and effect for a period of six (6) months from the date of such filing.

(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. 2 of 2026 of the **Town of Farmington**, was duly passed

by the Farmington Town Board on April 14, 2026, 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~~

[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.

~~referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.~~

~~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.

Town Clerk

(Seal) Date: