

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

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8/27/2021

Local Law No. _____ of the year 20²¹

A local law Amend Official Zoning Map Identifying Form Based Code District

(Insert Title)

(State Route 332 Subarea and Mixed-Use Development Subarea)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Canandaigua _____ as follows:

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

Be it enacted by the Town Board of the Town of Canandaigua as follows:

SECTION ONE. Intent. The intent of this Local Law is to designate the real property located within the Town of Canandaigua, as specifically described below, as part of the Form Based Code Zoning District by amending the official zoning map of the Town of Canandaigua.

SECTION TWO. Purpose. The purpose of the Form Based Code Zoning District, derived and designated as part of the Uptown Canandaigua Form Based Code, is to encourage and allow the most appropriate use of the land available now as well as approaching future development unhampered by restrictive categorizing, thus extending the desirability of flexible zoning, subject to certain design standards set forth in the Uptown Canandaigua Form Based Code document.

SECTION THREE. Identification of Property to be Designated. The parcels to be designated as part of the Form Based Code District, **replacing the underlying zoning districts and removing the Mixed-Use Overlay-1 designation**, are as follows and will be designated into two (2) sub- areas consisting of *State Route 332 Subarea* and *Mixed-Use Development Subarea* and as highlighted in Attachment A- Map- FORM BASED CODE DISTRICT/TOWN OF CANANDAIGUA, NY, Tax Maps

State Route 332 Subarea		
	Property Address	TM #
A	5150 North St	70.16-4-48.100
B	2586 St Rt 332	70.16-4-6.100
C	2580 St Rt 332	70.16-4-5.100
D	2576 St Rt 332	70.16-4-4.100
E	2572 St Rt 332	70.16-4-3.100
F	2566 St Rt 332	70.16-4-2.100
G	2562 St Rt 332	70.16-4-1.100
H	2552 St Rt 332	70.11-1-9.100
I	2544 St Rt 332	70.11-1-8.110
J	2536 St Rt 332	70.11-1-7.110
K	2510 St Rt 332	70.11-1-5.110
L	2498 St Rt 332	70.11-1-1.111
M	St Rt 332	70.11-1-22.000
N	2460 St Rt 332	70.00-1-10.211
O	2440 St Rt 332	70.00-1-66.121
P	2418 St Rt 332	70.00-1-11.100
Q	2400-2404 St Rt 332	70.00-1-9.100

R	2390 St Rt 332	70.00-1-8.211
S	2380 St Rt 332	70.00-1-8.111
T	2370 St Rt 332	70.00-1-7.100
U	2366 St Rt 332	70.00-1-6.100
V	2362 St Rt 332	70.00-1-63.111
W	2360 St Rt 332	70.00-1-5.100
X	St Rt 332	70.00-1-4.121
Y	2350 St Rt 332	70.06-1-63.100
Z	St Rt 332	70.06-1-64.00
AA	2314 St Rt 332	70.06-1-62.311
BB	2312 St Rt 332	70.06-1-62.211
CC	5375 Thomas Rd	70.06-1-62.111
DD	Sommers Dr	70.06-1-77.100
EE	5383 Thomas Rd	70.06-1-62.411
FF	0000 Thomas Road	70.06-1-76.100
GG	5351 Emerson Rd	56.00-2-25.120
HH	St Rt 332	56.00-2-25.310
II	2311 St Rt 332	56.00-2-25.211
JJ	5313 Emerson Rd	56.00-2-25.500
KK	2337 St Rt 332	56.00-2-25.410
LL	St Rt 332	56.00-2-25.610
MM	5290 Kepner Rd	56.00-2-24.110
NN	5270 Kepner Rd	56.00-2-24.210
OO	5291 Kepner Rd	56.00-2-24.300
PP	2379 St Rt 332	56.00-2-22.220
QQ	2375 St Rt 332	56.00-2-55.100
RR	2409 St Rt 332	56.00-2-55.200
SS	2411 St Rt 332	70.00-1-16.100
TT	2425 St Rt 332	70.00-1-72.100
UU	2435 St Rt 332	70.00-1-71.100
VV	2445 St Rt 332	70.00-1-15.111
WW	2465-2485 St Rt 332	70.11-1-24.000
XX	2487-2489 St Rt 332	70.11-1-23.000
YY	2493 St Rt 332	70.11-1-2.110
ZZ	2495 St Rt 332	70.11-1-3.110
a	2505 St Rt 332	70.11-1-4.100
b	2525 St Rt 332	70.11-1-6.100
c	2531 St Rt 332	70.11-1-11.100
d	2555 St Rt 332	70.11-1-36.000
e	2565 St Rt 332	70.11-1-13.110
f	2567 St Rt 332	70.11-1-14.100

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g	2585 St Rt 332	70.11-1-17.100
h	2591 St Rt 332	70.16-4-8.110
i	2595 St Rt 332	70.16-4-46.100
j	2580 Co Rd 28	70.16-4-45.100
k	5137 North Rd	70.16-4-44.100
l	0000 Firehall Road	70.11-1-28.000
m	2370 Firehall Road	56.00-2-23.111
n	0000 Firehall Road	70.11-1-27.000
o	0000 Firehall Road	70.11-1-26.000
p	0000 State Route 332	70.11-1-38.000

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Mixed-Use Development Subarea

	Property Address	TM #
A*	2241 State Route 332	56.00-1-51.100
B*	2265 State Route 332	56.00-2-31.110
C*	2281 State Route 332	56.00-2-30.100
D*	5280 Emerson Road	56.00-2-17.000
E*	5257 Emerson Road	56.00-2-99.000
F*	0000 Emerson Road	56.00-2-25.111
G*	5287 Emerson Road	56.00-2-26.000
H*	0000 Emerson Road	56.00-2-52.200
I*	5289-5291 Emerson Road	56.00-2-28.000
J*	5293-5295 Emerson Road	56.00-2-29.000
K*	0000 Emerson Road	56.00-2-52.110
L*	2365 Firehall Road	56.00-2-24.510
M*	0000 Parkside Drive	70.00-1-18.117
N*	0000 Parkside Drive	70.00-1-18.115
O*	0000 Parkside Drive	70.00-1-65.100
P*	5298 Parkside Drive	70.00-1-73.000
Q*	2470 Firehall Road	70.00-1-15.140
R*	5262 Parkside Drive	70.11-1-20.100
S*	2464 County Road 28	70.11-1-31.000
T*	5251 Parkside Drive	70.11-1-29.000
U*	0000 Parkside Drive	70.11-1-30.000
V*	5259 Parkside Drive	70.11-1-19.100
W*	5263 Parkside Drive	70.11-1-18.000
X*	5273 Parkside Drive	70.11-1-16.100
Y*	5297 Parkside Drive	70.11-1-12.000
Z*	0000 Parkside Drive	70.11-1-16.211
AA*	0000 Parkside Drive	70.11-1-33.000

BB*	2484 Co Rd 28	70.11-1-32.000
CC*	2515 Co Rd 28	71.09-2-42.000
DD*	5026-5099 Northside Ln	71.09-2-43.000
EE*	2514 Co Rd 28	70.11-1-34.000
FF*	2520 Co Rd 28	70.11-1-35.000
GG*	2525-2545 Co Rd 28	71.09-2-44.000
HH*	2574 Co Rd 28	70.16-4-9.100
II*	2562 Co Rd 28	70.16-4-10.000
JJ*	2564 Co Rd 28	70.16-4-11.100
KK*	2550 Co Rd 28	70.16-4-12.000
LL*	2544 Co Rd 28	70.16-4-13.000
MM*	2538 Co Rd 28	70.16-4-14.110
NN*	Co Rd 28	70.16-4-51.111
OO*	2557 Co Rd 28	70.16-4-15.000
PP*	5130 North Rd	70.16-4-16.100
QQ*	5116 North Rd	70.16-4-17.000
RR*	5110-5114 North Rd	70.16-4-18.131
SS*	5104-5106 North Rd	70.16-4-18.112

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SECTION FOUR. Amendment of Official Zoning Map of the Town of Canandaigua. The Town Clerk of the Town of Canandaigua is hereby directed to amend the Official Zoning Map of the Town of Canandaigua to reflect the change in zoning district classification accomplished by this Local Law.

SECTION FIVE. Authority and Supersession Effect. This Local Law is enacted pursuant to authority conferred by the New York State Municipal Home Rule Law. To the extent that this Local Law, or the manner of its adoption, is inconsistent with New York State Town Law, the Town Code of the Town of Canandaigua, or any other statute or local law, this Local Law shall prevail.

SECTION SIX. Savings Clause. The provisions of this Local Law shall not affect or impair any action done, offense committed, or right accruing, accrued, or acquired, or liability or penalty, forfeiture or punishment incurred prior to the time this Local Law takes effect but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if such Local Law had not been enacted.

SECTION SEVEN. Partial Invalidity. If any provision of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the provision, person, or circumstance directly involved in the controversy in which said judgment shall have been rendered.

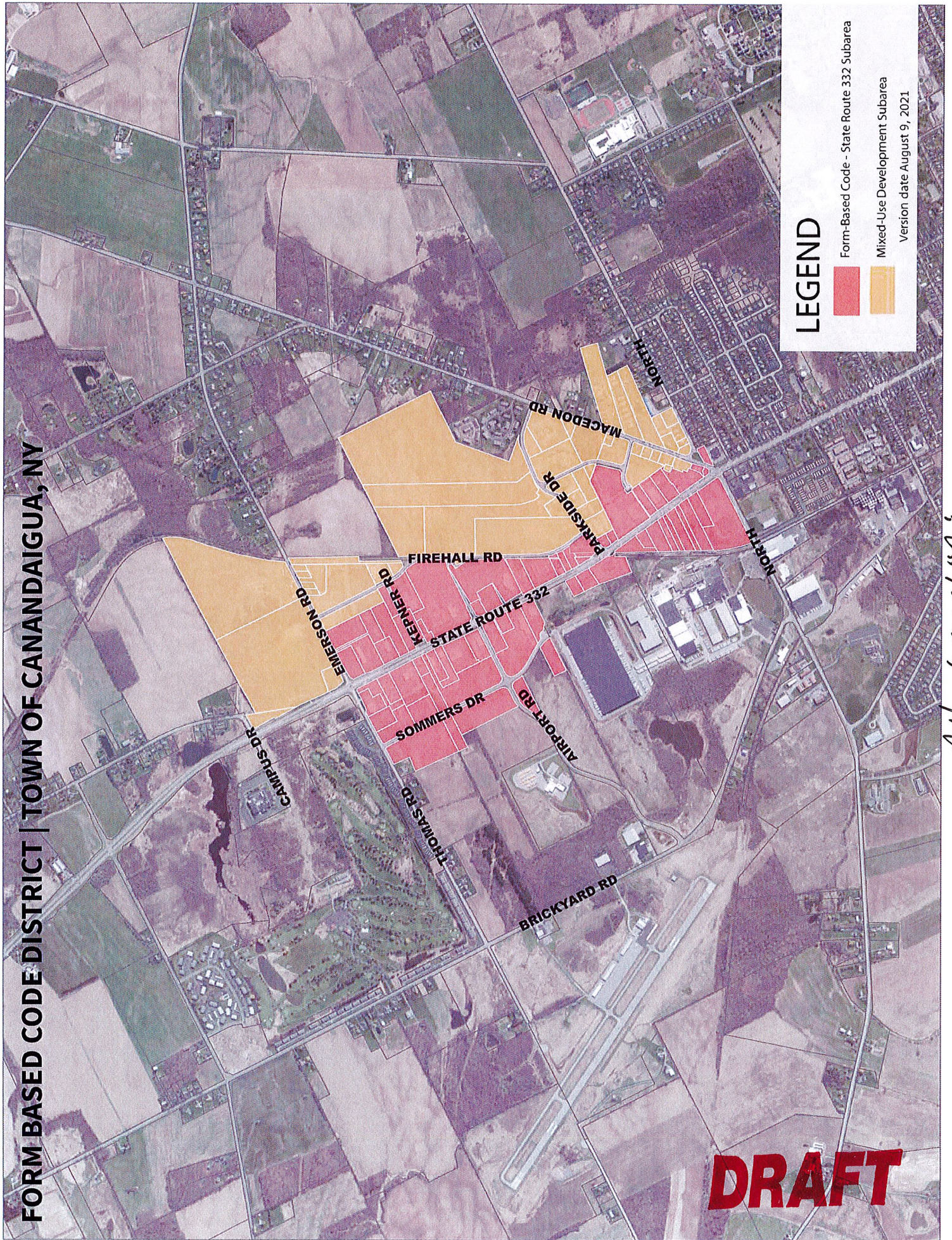
SECTION EIGHT. Effective Date. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

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ATTACHMENT A

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FORM BASED CODE DISTRICT | TOWN OF CANANDAIGUA, NY



(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 (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board _____ on 20 21, 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*.)

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.

* 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: _____

(Seal)