




Canandaigua Town Board

Rules of Procedures for MUO Rezoning Process

CPN: _____ Name: _____

Step	Task	Completed
1	Petitioner meets with DO regarding the process to rezone a parcel of land. The DO provides the petitioner a copy of the Petition to Amend the Official Zoning Map to MUO application form.	<input type="checkbox"/>
2	Petitioner submits application to the Town Clerk's Office with the \$50 application fee.	<input type="checkbox"/>
3	DO reviews application for completeness, prepares a recommendation on MUO boundaries, and submits request to rezone property to the TC to place on the TB meeting agenda.	<input type="checkbox"/> 
4	At the next meeting, the TB formally receives from the TC the request for rezoning and adopts a resolution (prepared by DO) to forward the request to the PB for its recommendation to be provided within 60 days. TC forwards the resolution along with any documentation to the PB. Legal basis is that all zoning must be in conformance with the adopted Comprehensive Plan.	<input type="checkbox"/> 
5	PB reviews application and PB chairperson submits a report to the TC to forward to the TB. This recommendation should not be site specific (i.e. not based upon a detailed site plan). Instead, it should be based upon the recommendations contained in the adopted Comprehensive Plan. The pattern of land use adjacent to the site, the respective zoning dimension criteria in the TZC, a review of all permitted and special permitted uses in the requested zoning district and identification of specific site concerns (i.e. traffic, drainage, noise, etc.).	<input type="checkbox"/> 
6	The TB reviews the PB recommendation and decides whether to further consider the request to rezone the land. If it is decided to consider the rezoning, the TB by resolution (prepared by DO) directs the applicant to submit an application for Preliminary Site Plan approval to the PB. The applicant shall then have 180 days to obtain such approval. <i>This deadline may be extended by the TB.</i>	<input type="checkbox"/>
7	Applicant submits necessary applications and documents to the DO and follows standard procedure for Preliminary Site Plan approval.	<input type="checkbox"/>
8	Should the applicant receive Preliminary Site Plan approval, the DO will provide the PB Decision Sheet and approved Preliminary Site Plans to the TC for placement on the next TB agenda. The TB by resolution (prepared by DO) directs the TA to prepare the local law amending the zoning map and to prepare a draft legal notice to be published in the ON.	<input type="checkbox"/>
9	The TA submits the draft local law to DO who prepares the necessary SEQR forms for TB acceptance. DO submits all documentation to the TC. The TC submits all documentation to the TB for review at their next meeting.	<input type="checkbox"/>

Step	Task	Completed
10	The TB adopts a resolution prepared by DO directing the submission of the draft Local Law and EAF documents to the OCPB and other Interested or Involved agencies for their review. At this meeting, the TB also passes a resolution setting the date for a public hearing and directs the TC to submit a legal notice of the public hearing. DO completes the necessary OCPB referral form and submits all documentation to the OCPB as soon as possible.	<input type="checkbox"/>
11	The TC and DO shall provide written notice of a rezoning action to property owners with 500 ft. of the proposed action and the Clerks of any adjacent municipality. Notice is given in addition to the publishing of a public notice in the ON.	<input type="checkbox"/>
12	Nine (9) copies of any additional information must be received by the TC on/before 12 noon 14 calendar days prior to the next TB meeting. This information shall be submitted to the TB as part of their packet of information. (Copies to: TC, TB, TA, PB Chair, and DO).	<input type="checkbox"/>
13	At the public hearing, the TB reviews the requested rezoning, identifies the availability of the EAF and the OCPB referral comments.	<input type="checkbox"/>
14	Any documentation to be addressed at the Public Hearing should be available for the general public to review prior to the public hearing. If there is additional information submitted at the public hearing, then the public should be given additional time to review the entire record.	<input type="checkbox"/>
15	Once the public hearing is closed, the TB must make a determination of significance under the SEQR provisions before taking action upon the requested rezoning. DO to prepare SEQR resolution to be included in the TB packets.	<input type="checkbox"/>
16	The TB, as part of its resolution to rezone as prepared by DO to TC, may impose conditions that it deems to be in the best interests of the health, safety and general welfare of the community.	<input type="checkbox"/>
17	After the TB adopts the local law, the TC certifies the adoption of the local law and forwards the text to the TA for signature. The TA returns the local law to TC for filing with the Secretary of State. Then the TC directs the appropriate staff person (assessors, Town Engineer, DO) to amend the Official Zoning Map accordingly. The TC sends written notice to the applicant and the PB Chairperson of the rezoning. The applicant may now proceed with Final Site Plan approval.	<input type="checkbox"/>
18	The Secretary of State notifies the TC of the filing of the local law.	<input type="checkbox"/>

Note: In the event that the OCPB recommends modification/denial of a rezoning request and the TB decides to override the recommendation, then the DO will prepare a separate TB resolution. Prior to submission of said resolution, the DO will coordinate with TA.

TB = Town Board

DO = Development Office

TC = Town Clerk

TA = Town Attorney

OCPB = Ontario County Planning Board

PB = Planning Board

Comprehensive Plan = Town of Canandaigua Comprehensive Plan 2011

TZC = Town Zoning Code (Chapter 220)

ON = Official Newspaper

SEQR = State Environmental Quality Review

EAF = Environmental Assessment Form

2/21/03; 5/17/07; 10/9/09; 10/4/10, 6/8/20