

Canandaigua Town Board

Rules of Procedures for Rezoning Process

Step	Task	Completed
1	Petitioner meets with Development Office regarding the process to rezone a parcel of land. The Development Office provides the petitioner a copy of the Petition to Amend the Official Zoning Map application form.	<input checked="" type="checkbox"/>
2	Petitioner submits application to the Town Clerk's Office with the \$500 application fee.	<input type="checkbox"/>
3	Development Office reviews application for completeness, prepares a summary report, and submits request to rezone property to the TC to place on the TB meeting agenda.	<input checked="" type="checkbox"/>
4 9/16/18	At the next meeting, the TB formally receives from the TC the request for rezoning and adopts a resolution (prepared by Development Office) to either forward or not to forward the request to the PB for its recommendation. 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 checked="" 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 with the PB chairperson present reviews the PB recommendation and decides whether to consider (or not) the request to rezone the land. If it is decided to consider the rezoning, the TB by resolution (prepared by Development Office) 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"/>
7	The TA submits the draft local law to Development Office who prepares the necessary SEQR forms for TB acceptance. Development Office submits all documentation to the TC. The TC submits all documentation to the TB for review at their next meeting.	<input type="checkbox"/>
8	The TB adopts a resolution prepared by Development Office directing the submission of the draft Local Law and EAF documents to the OCPB for its 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. Development Office completes the necessary OCPB referral form and submits all documentation to the OCPB as soon as possible.	<input type="checkbox"/>
9	Depending upon where the subject rezoning site is located, the TC may need to provide written notice of a rezoning action to the Clerk of an adjacent municipality (same packet as given to OCPB). Notice is given in addition to the publishing of a public notice in the ON.	<input type="checkbox"/>

Step	Task	Completed
10	Nine (9) copies of any additional information must be received by the TC on/before 12 noon on the Wednesday preceding 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 Development Office).	<input type="checkbox"/>
11	At the public hearing, the TB reviews the requested rezoning, identifies the availability of the EAF and the OCPB referral comments.	<input type="checkbox"/>
12	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"/>
13	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. Development Office to prepare SEQR resolution to be included in the TB packets.	<input type="checkbox"/>
14	The TB, as part of its resolution to rezone as prepared by Development Office 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"/>
15	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, MRB, Development Office) 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 their development proposal.	<input type="checkbox"/>
16	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 Development Office will prepare a separate TB resolution. Prior to submission of said resolution, the Development Office will coordinate with TA.

TB = Town Board

Development Office

TC = Town Clerk

TA = Town Attorney

OCPB = Ontario County Planning Board

PB = Planning Board

Comprehensive Plan = Town of Canandaigua Comprehensive Plan April 2003

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, 9/5/19

Canandaigua Town Board

Rules of Procedures for Rezoning Process

Step	Task	Completed
1	Petitioner meets with Development Office regarding the process to rezone a parcel of land. The Development Office provides the petitioner a copy of the Petition to Amend the Official Zoning Map application form.	<input type="checkbox"/>
2	Petitioner submits application to the Town Clerk's Office with the \$50 application fee.	<input type="checkbox"/>
3	Development Office reviews application for completeness, prepares a summary report, 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 Development Office) to either forward or not to forward the request to the PB for its recommendation. 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. Prior to the application being forwarded to the PB, the applicant shall submit the Formal Rezoning Process fee of \$250.	<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 with the PB chairperson present reviews the PB recommendation and decides whether to consider (or not) the request to rezone the land. If it is decided to consider the rezoning, the TB by resolution (prepared by Development Office) 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"/>
7	The TA submits the draft local law to Development Office who prepares the necessary SEQR forms for TB acceptance. Development Office submits all documentation to the TC. The TC submits all documentation to the TB for review at their next meeting.	<input type="checkbox"/>
8	The TB adopts a resolution prepared by Development Office directing the submission of the draft Local Law and EAF documents to the OCPB for its 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. Development Office completes the necessary OCPB referral form and submits all documentation to the OCPB as soon as possible.	<input type="checkbox"/>
9	Depending upon where the subject rezoning site is located, the TC may need to provide written notice of a rezoning action to the Clerk of an adjacent municipality (same packet as given to OCPB). Notice is given in addition to the publishing of a public notice in the ON.	<input type="checkbox"/>

Submit
8/7

TB -

Step	Task	Completed
10	Nine (9) copies of any additional information must be received by the TC on/before 12 noon on the Wednesday preceding 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 Development Office).	<input type="checkbox"/>
PH 11	At the public hearing, the TB reviews the requested rezoning, identifies the availability of the EAF and the OCPB referral comments.	<input type="checkbox"/>
12	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"/>
13	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. Development Office to prepare SEQR resolution to be included in the TB packets.	<input type="checkbox"/>
14	The TB, as part of its resolution to rezone as prepared by Development Office 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"/>
15	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, MRB, Development Office) 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 their development proposal.	<input type="checkbox"/>
16	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 Development Office will prepare a separate TB resolution. Prior to submission of said resolution, the Development Office will coordinate with TA.

TB = Town Board

Development Office

TC = Town Clerk

TA = Town Attorney

OCPB = Ontario County Planning Board

PB = Planning Board

Comprehensive Plan = Town of Canandaigua Comprehensive Plan April 2003

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

