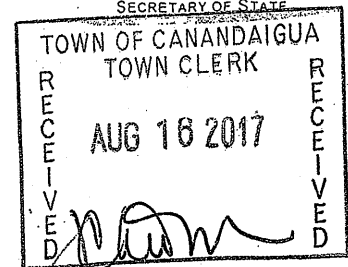


STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE



August 11, 2017

Jean Chrisman
Town Clerk
5440 Routes 5 & 20 West
Canandaigua NY 14474

RE: Town of Canandaigua, Local Law 13, 14, 15, 16 2017, filed on July 27, 2017

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

LL 13 of 2017 - Tax Cap Override
LL 14 of 2017 - mwo Extension East Side
of Rt 364
→ LL 15 of 2017 - Rezone - DiMarco
Project CR 10 + CR 46
LL 16 of 2017 - Clarification of Definition
of Accessory Bldg +
Structure



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. 15 of the year 20¹⁷

A local law To Rezone Parcels TM# 84.00-1-19.000, 84.00-1-20.110, 84.00-1-20.120 and
(Insert Title)
84.00-1-43.100 from Community Commercial (CC) to Mixed Use Overlay (MUO)

By Amending the Official Zoning Map to Reflect These Changes

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 and Attachment B

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

TOWN OF CANANDAIGUA
LOCAL LAW # 15 OF 2017

ATTACHMENT "A"

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 re-designate the real property located at the southwest corner of the intersection of County Roads 10 & 46 in the Town of Canandaigua from the CC Community Commercial zoning district to the Mixed Use Overlay zoning district by amending the official zoning map of the Town of Canandaigua.

SECTION TWO. Identification of Property to be Re-Zoned. The property to be re-zoned is located at the southwest corner of the intersection of County Roads 10 & 46 in the Town of Canandaigua, as more specifically shown on the attached plans entitled "Overall Preliminary and Phase 1 Final Plans" prepared by BME Associates, dated February 1, 2017, revised on February 14, 2017, which were received by the Town of Canandaigua Development Office on February 17, 2017. Said plan is attached hereto and made a part herein as Attachment "B". The tax map identification numbers of the parcels to be re-zoned are: 84.00-1-19.000, 84.00-1-20.110, 84.00-1-20.120, and 84.00-1-43.100.

SECTION THREE. Zone District Classification Change from CC Community Commercial to MUO Mixed Use Overlay. The parcels of land described in Section Two shall be, and the same hereby are, transferred from the CC Community Commercial zoning district to the MUO Mixed Use Overlay zoning district as said zoning districts are defined and regulated by Town Code Chapter 220, as amended from time to time, and as specifically amended by this Local Law.

SECTION FOUR. Setback and Area Requirements. Based on the project descriptions, including the Overall Proposed Preliminary and Phase 1 Final Plans referenced in Section Two, above, submitted to the Town of Canandaigua by the applicant as of the date this local law is passed, the Town Board of the Town of Canandaigua hereby establishes the following setback, dimensional, and other area requirements for the land rezoned herein:

A. Setbacks

1. Front: 75' from County Road; 30' from Town Road
2. Side: 20'
3. Rear: 20'
4. Internal Setbacks from roadways, parking, and driveways: 15'

B. Maximum Building height: 35'

C. Minimum Distance Between Buildings: 30'

- D. Maximum Building Coverage: 35%
- E. Maximum Density: 6.0 dwelling units per acre
- F. Required Open Space: minimum 40%
- G. Maximum Lot Coverage: 15%
- H. Minimum Parking Stall Size: 9' x 18'
- I. Minimum Handicap Accessible Parking Stall Size: 9' x 18' with 9' x 18' access
- J. Minimum Parking Spaces Required: 2 spaces per dwelling unit.

The requirements established herein are specific to the project descriptions and plans submitted by the applicant. If, in the opinion of the Town Board, the project changes significantly, or if the applicant fails to receive approvals from the Town of Canandaigua Planning Board, these requirements shall be void and all of the bulk and area requirements established herein shall revert back to those set for the CC Community Commercial zoning district in Town Code Chapter 220.

SECTION FIVE. 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.

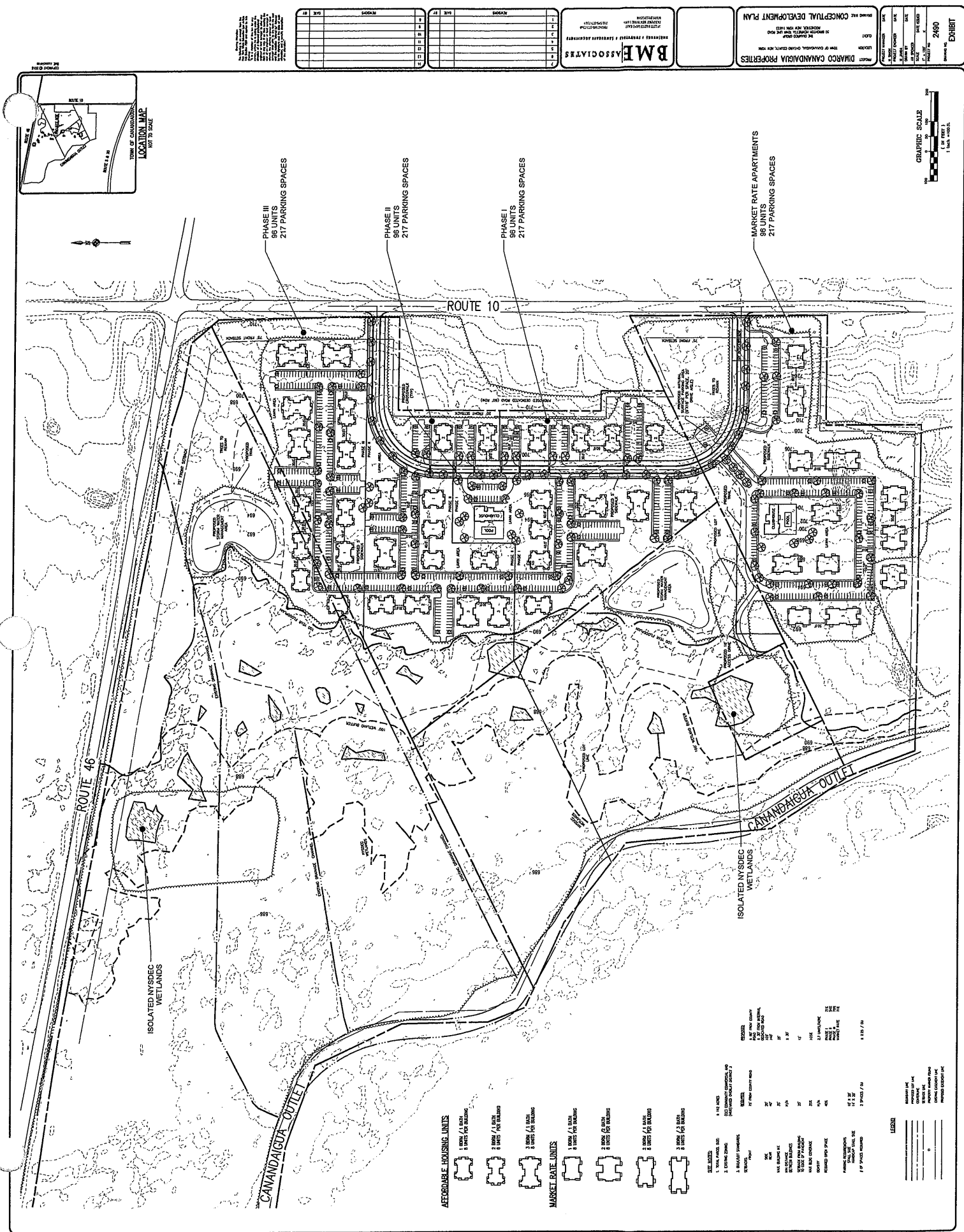
SECTION SIX. Authority and Supersession Effect. This Local Law is enacted pursuant to authority conferred by the New York State Municipal Home Rule Law and Town of Canandaigua Town Code § 220-33. To the extent that this Local Law, or the manner of its adoption, is inconsistent with New York State Town Law, the Town Code of the Town of Canandaigua, or any other statute or local law, this Local Law shall prevail.

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

ATTACHMENT "B"



**(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. 15 of 2017 of the ~~(County)~~(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on July 17 2017, 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 _____ 2017, 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.)

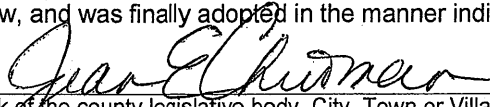
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

7/21/2017

(Seal)

AFFP

34713 muo

Affidavit of Publication

STATE OF NEW YORK }
COUNTY OF ONTARIO } SS

LEGAL NOTICE PUBLIC HEARING NOTICE

Sarah Austin, being duly sworn, says:

That she is Principal Clerk of the Daily Messenger, a weekly newspaper of general circulation; printed and published in Canandaigua, Ontario County, New York; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

June 06, 2017

PLEASE TAKE NOTICE, that the Town of Canandaigua Town Board will be conducting a public hearing on a draft local law to amend the Official Zoning Map to rezone Tax Map Parcels 84.00-1-19.000, 84.00-1-20.110, 84.00-1-20.120 and 84.00-1-43.100 from CC (Community Commercial) to MUO (Mixed Use Overlay) for the purpose of constructing a 386 unit apartment complex (288 affordable apartments and 98 market rate apartments). The public hearing will be held on Monday, June 19, 2017, at 6:00 p.m. in the lower level public meeting room of the Town Hall, located at 5440 Routes 5 & 20 West, Canandaigua, New York. All persons of interest will be heard at this time and date. Written comments may be submitted prior to the meeting to Town Clerk Jean Chrisman at jchrisman@townofcanandaigua.org.

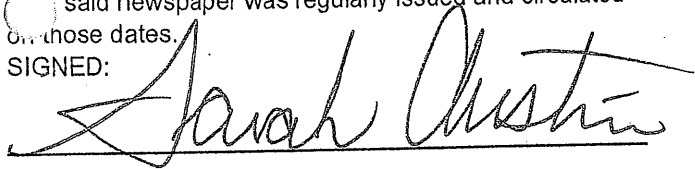
A copy of the application and draft local law may be viewed during normal business hours in the Town of Canandaigua Town Clerk's Office or on the Town's website (townofcanandaigua.org).

By order of the Town Board,
May 15, 2017.

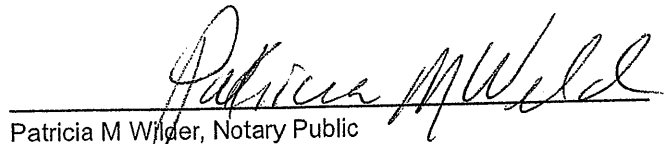
Jn 06
34713

said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 6th day of June 2017.


Patricia M Wilder, Notary Public
Ontario County, New York

My commission expires: January 31, 2018

09100161 00034713

TOWN OF CANANDAIGUA *LE*
5440 ROUTE 5 & 20 WEST
CANANDAIGUA, NY 14424