

6/6/17

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

DRAFT

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. _____ of the year 20 17

A local law TO DESIGNATE 301-3315 AND 3311 STATE ROUTE 364
(Insert Title)
AS ELIGIBLE FOR MUO MIXED USE OVERLAY ZONING

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"

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

TOWN OF CANANDAIGUA
LOCAL LAW # ____ 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 designate the real property located at 3301-3315 State Route 364 and 3311 State Route 364 in the Town of Canandaigua as part of the MUO Mixed Use Overlay District by amending the official zoning map of the Town of Canandaigua.

SECTION TWO. Identification of Property to be Designated. The parcels to be designated as part of the MUO Mixed Use Overlay District are as follows:

A. 3301-3315 State Route 364 [Tax Map ID # 98.08-1-15.000]

B. 3311 State Route 364 [Tax Map ID # 98.08-1-16.000]

SECTION THREE. Designation as Part of MUO Mixed Use Overlay District. The parcels of land described in Section Two shall be, and the same hereby are, designated as part of the MUO Mixed Use Overlay District. This designation shall serve only to establish eligibility of these parcels for consideration of a designation of MUO Mixed Use Overlay Zoning. They shall remain in the R-1-20 Residential Zoning District until such time as the Town Board re-zones such parcel or parcels pursuant to Town Code § 220-33.

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.

(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 20 17 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on _____ 20 17, 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 _____ 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) (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*)

* 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

(Seal)

Date: _____