

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. _____ of the year 20¹⁶

A local law Amending Chapter 220 Zoning Section 220-64 Authority, Approval Required and

(Insert Title)
Chapter 165 Soil Erosion and Sedimentation Control Section 165-7 Activities

Requiring A Permit

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.)

Section One. Legislative Intent. The legislative intent of this local law is to require Planning Board review for development of single-family homes inside and outside the RLD Zoning District, and to clarify the thresholds for site development permits.

Section Two. Town of Canandaigua Town Code § 220-64 is hereby replaced in its entirety with the following:

§ 220-64 Authority; approval required.

- A. The Planning Board of the Town of Canandaigua is hereby authorized to grant site plan approval pursuant to Town Law §§ 274-a and 278, as amended from time to time.
- B. The following actions are exempt from the requirement for site plan review pursuant to this article, unless site plan is otherwise required as a condition of a separate Town approval:
 - (1) Except in the Residential Lake District, expansion of a single-family dwelling, with or without an accessory apartment and/or accessory building/structure(s) for same. This includes placement of manufactured dwelling units in an approved manufactured home park.
 - (2) Single-family dwelling units that have received final approval as part of a final subdivision plat approval by the Planning Board in accordance with the provisions of Chapter 174 of the Town Code, unless such individual site plan approval was required by the Planning Board at the time of final subdivision plat approval.
 - (3) Agricultural uses and agricultural structures.
 - (4) Other development that does not exceed the thresholds established in § 220-64C.
- C. Except as exempted in § 220-64B, site plan review is required for:
 - (1) Uses allowed by a use variance.
 - (2) Development which exceeds 1,000 square feet in each of the following districts: MR, NC, CC, RB-1, LI, I, MH, PUD, CDO, and AUO.
 - (3) New development for all specially permitted uses in all districts.
 - (4) Development in the Residential Lake District which exceeds 1,000 square feet or such thresholds as would require a permit to be issued pursuant to Chapter 165, Soil Erosion and Sedimentation Control.
 - (5) Development of a new single-family dwelling, with or without an accessory apartment, on an undeveloped or vacant parcel.

Section Three. Town of Canandaigua Town Code § 165-7 is hereby replaced in its entirety with the following:

§ 165-7 Activities requiring a permit.

None of the following activities shall be commenced until a permit has been issued under the provisions of this chapter.

A. Any site preparation, regardless of location within the Town, which in the aggregate exceeds either of the following thresholds:

- (1) Stripping or grading which affects more than 10,000 square feet of ground surface.
- (2) Excavation or filling of more than 100 cubic yards of material.

B. Any site preparation which in the aggregate exceeds 500 square feet of stripping or grading, or the excavation or filling of more than five cubic yards of material within any of the following environmentally sensitive regions of the Town:

- (1) Areas within NYSDEC freshwater wetlands;
- (2) Within the Canandaigua Lake Watershed, areas of greater than 10% slope. Outside of the Canandaigua Lake Watershed, areas of greater than 15% slope.
- (3) Areas within the one-hundred-year floodplain and/or floodways of any watercourse or lake as regulated under Chapter 115 of the Town of Canandaigua Code; or
- (4) Areas within 500 feet of Canandaigua Lake or a recognized Canandaigua Lake tributary as indicated in the most recent USGS 7.5 minute series topographical maps for the Canandaigua and Canandaigua Lake quadrangles.

Section Four. Severability. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

Section Five. This local law shall take effect immediately upon filing with the Secretary of State.

DRAFT

(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 20¹⁶ of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board _____ on _____ 20¹⁶, 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) (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 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)