

Local Law Number 12 of 2021

§220-29 SCENIC VIEWSHED OVERLAY DISTRICT

- A. Purpose. It is the purpose of the Scenic Viewshed Overlay District (SVO District) to provide supplemental regulations to the underlying zoning district(s) that are located within the mapped SVO District to support the protection of the Town of Canandaigua's natural resources. The SVO District is an area mapped south of NYS Route 5&20 and identified as "Land Visible from Canandaigua Lake" June 2018 from mapping completed as part of the Town of Canandaigua's Comprehensive Plan and found in the adopted Town of Canandaigua Open Space, Conservation, and Scenic Views Master Plan (2018).
- B. Intent. It is the intent of the SVO District to grant authorization to the Planning Board of the Town of Canandaigua to enable development or subdivision in a manner which shall protect the natural resources as identified in the Town of Canandaigua's Comprehensive Plan; Open Space, Conservation, and Scenic Views Master Plan; and Natural Resource Inventory by promoting new single family development on minimum one acre lots in the SVO District and thereby limit the potential harmful impact(s) to the identified natural resources and Canandaigua Lake.
- C. Applicability. The SVO District is overlaid onto the underlying zoning districts. All provisions of the underlay districts shall be applied except where provisions of the SVO District differ, in such cases the more restrictive provision shall apply.
- D. Site Development Standards. To the extent possible, any subdivision of land in the SVO District shall not create a new lot unless all parcels are at least one acre in size, or the Planning Board finds a lessening of the degree of non-conformity for the combination of pre-existing non-conforming lots. To the extent possible, the Planning Board of the Town of Canandaigua shall be authorized to grant subdivision and development of land in the SVO District provided the following standards have been met:
1. Density and minimum lot size. The minimum lot size in the SVO District is one acre. In the SVO District the use of Conservation subdivisions §174-16 shall not result in a lot size smaller than one acre, and the land area identified as part of the SVO District shall be identified as a priority conservation asset, Class 2.
 2. Permitted uses. The following mix of land use is permitted on a legal lot located within the SVO District:
 - a. One single-family dwelling;
 - b. One single-family dwelling with accessory apartment, where public sewer and

water service exist;

- c. Public parks;
- d. Public safety facilities;

3. Development shall be located in a manner that maintains the existing landscape features to the greatest extent feasible by locating buildings to complement natural topography. Consideration should be given to blend the proposed development with the existing natural resources. The Planning Board shall consider and may require those elements identified in the Town of Canandaigua Ridgeline Development Guidelines or Shoreline Development Guidelines as part of the site development authorization.

E. Higher standards to prevail; improvements required

1. The provisions of this chapter shall supersede local laws, ordinances, codes or regulations to the extent such laws, ordinances, codes or regulations are inconsistent with the provisions of this section, provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance or regulation which is more restrictive or establishes a higher standard than those provided in this chapter and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.
2. In a case where a provision of this section is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or higher standard shall prevail.