

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

January 13, 2025

Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, New York 14424

**RE: Town of Canandaigua, Local Law 13, 14, 15, and 16 2024, filed
on 12/31/2024**

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



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. 16 of the year 2024

A local law Amending Town Code Chapter §220-9 and §220-20. Reducing the minimum size
(Insert Title)
requirement for a dwelling unit to 720 square feet.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Canandaigua as follows:

SEE ATTACHED SCHEDULE A

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

Schedule A

§ 220-9. Regulations applicable to all districts. [Amended 2-13-2012 by L.L. No. 1-2012; 4-8-2013 by L.L. No. 2-2013; 2-10-2014 by L.L. No. 1-2014; 10-17-2016 by L.L. No. 9-2016]

S. Placement of manufactured housing within the Town of Canandaigua.

- (1) A single-wide manufactured home sited under the provisions of this section shall offer no less than 720 square feet of living area, excluding decks, porches and other structures which are either attached or placed immediately adjacent to the single-wide manufactured home.
- (2) Manufactured homes are permitted in all residential zoning districts, except the Residential Lake District, provided that the manufactured home shall offer no less than 720 square feet of living space, excluding decks, porches and other structures which are either attached or placed immediately adjacent to the manufactured home, and further provided that the home shall be no less than 20 feet wide.
- (3) All manufactured homes located outside of a manufactured home park shall be sited on a full perimeter foundation with concrete or concrete block foundation walls extended below the frost line and must be affixed to the foundation in accordance with the manufacturer's specifications.
- (4) All manufactured homes to be sited within the Town of Canandaigua shall comply with all applicable federal, state and/or local laws at the time of application.
- (5) A permit must be obtained from the Code Enforcement Officer of the Town of Canandaigua prior to the siting of any manufactured home within the Town of Canandaigua.

T. All single-family dwelling units, except senior living facilities, constructed and/or located within the Town of Canandaigua shall offer no less than 720 square feet of living area excluding decks, porches, and other structures which are either attached or placed immediately adjacent to the dwelling unit. This shall not apply to multiple-family dwellings.

§ 220-20. MR Multiple-Residence District. [Amended 3-16-2015 by L.L. No. 3-2015]

D. Dimensional requirements and design standards. The dimensional requirements for this district are specified in Schedule I of this chapter. In addition to the dimensional requirements set forth in Schedule I, the following site design standards shall be applicable to all townhouse dwelling unit and multiple-family dwelling unit developments:

- (1) Townhouse development site design standards.
 - (a) The minimum area lot size for a townhouse development shall not be less than three acres.
 - (b) Density. Overall site density shall not exceed eight dwelling units per gross acre, and not more than eight dwelling units shall be allowed on any one acre of land.
 - (c) Individual dwelling unit lot criteria.
 - [1] The minimum lot area for each townhouse dwelling unit shall be 3,500 square feet.
 - [2] The minimum front setback shall be 25 feet.
 - [3] The minimum lot width at the front building line shall be 25 feet for a two-story townhouse unit.
 - [4] The minimum lot width at the front building line shall be 35 feet for a single-story townhouse unit.
 - [5] The minimum rear setback shall be 25 feet.
 - [6] The maximum lot coverage shall be 65%.
 - [7] The minimum lot depth shall be 140 feet.
 - [8] There shall be no accessory structures allowed.
 - [9] Common off-street parking areas may be allowed. **[Amended 11-16-2020 by L.L. No. 3-2020]**
 - [10] (Reserved)¹
 - [11] Where garages are accessed from the rear portion of the structure, the front building line shall continue to be the portion facing the street. In these instances, the minimum front setback shall be 10 feet.
 - [12] (Reserved)²
 - [13] There shall be an adequately sized bulk storage area provided for each townhouse unit. The minimum size for such bulk storage area shall be determined by the Planning Board as part of site plan approval. In the event a bulk storage area is not found to be adequately sized, the landowner or homeowners association shall be responsible for providing additional area to meet need.

- (d) Minimum habitable floor area per dwelling unit shall be 720 square feet. :
 - (e) No exterior wall shall exceed 50 feet in length unless there is a lateral offset of at least four feet in its alignment not less frequently than along each 50 feet of length of such exterior wall.
 - (f) Each townhouse building shall contain not more than eight dwelling units.
 - (g) Parking requirements. Requirements for off-street parking as provided in Article VIII of this chapter shall be met, except that the location of off-street parking lots may be modified to conform with the approved site plan, provided that such lots shall not be located within the front yard or the required side yard setback. Paved pedestrian walkways, with appropriate lighting, shall be provided from off-street parking areas to all dwelling units each parking area is intended to serve. In addition to the standards required in Article VIII, the following standards shall be met:
 - [1] (Reserved)³
 - [2] Appropriate screening shall be provided as to prevent glare from headlights.
 - (h) Each townhouse development shall have adequate pedestrian-separated facilities (sidewalks) connecting all townhouse dwelling units in the development.
 - (i) Each townhouse dwelling unit lot shall have a minimum of two trees to be planted prior to the issuance of a certificate of occupancy, or due to seasonal conditions, said trees are to be planted within six months of the issuance of a temporary certificate of occupancy.
 - (j) Each on-site stormwater facility shall be adequately landscaped.
 - (k) Each townhouse development shall either have mailboxes attached to the front of each structure, or a common mailbox area with adequate pull-off for both postal delivery vehicles and private vehicles. There shall otherwise be no mailboxes allowed along the side of a street.
 - (l) Each townhouse development shall contain streetlighting spaced at each intersection, at any cul-de-sac or dead-end street and any common parking area. Streetlighting shall be dark sky compliant as further regulated in § 220-77 of the Town Code.
 - (m) Each townhouse development street name shall be in compliance with the Ontario County 911 Street Naming Regulations.
 - (n) Where a townhouse development does not have public streets serving the townhouse dwelling units, then provisions shall be made with the local school district for the use of an acceptable off-street area to be used for the loading and unloading of school children. Each such area shall have a well-designed all-weather structure for use by students awaiting pickup or dropoff. Each such area shall be adequately illuminated in accordance with Town lighting standards.
- (2) Apartments and condominium site design standards.
- (a) The minimum lot size for apartment building developments shall not be less than

three acres.

- (b) Density. Density shall not exceed eight dwelling units per gross acre.
- (c) Floor areas. Minimum floor areas, exclusive of common areas such as halls, foyers and basement utility areas, shall be as follows:
 - [1] Apartment unit, efficiency: 450 square feet
 - [2] Apartment unit, one-bedroom: 550 square feet.
 - [3] Apartment unit, two-bedroom: 700 square feet.
 - [4] Apartment unit, three-bedroom: 720 square feet.
 - [5] Apartment unit, four-bedroom: 720 square feet.
- (d) Open space. There shall be at least 400 square feet of common open space exclusive of the required setback areas, buffer strips and parking areas which shall be designated for recreation, active and/or passive, for each apartment building.
- (e) Unit distribution.
 - [1] No more than 30% of the total units within an apartment building development shall be efficiency units.
 - [2] No more than 40% of the total units within an apartment building development shall be three or more bedroom units.
- (f) Apartment building development design standards. Each apartment building development site shall be regulated as follows:
 - [1] Minimum distance between buildings shall be 50 feet.
 - [2] Direct line of sight visibility, from front to rear, from one building to another shall not be less than 100 feet.
 - [3] Every building shall have a minimum setback of 25 feet from all interior roads, driveways and parking areas.
 - [4] A strip of land around each apartment building, at least six feet in width, shall be kept completely open except for foundation plantings of less than six feet in height.
 - [5] Courtyards bounded on three sides by the wings of a single building, or by the walls of separate buildings, shall have a minimum court width of two feet for each one foot in height of the tallest adjacent building.
 - [6] No exterior wall shall exceed 100 feet in length unless there is a lateral offset of at least eight feet in its alignment not less frequently than along each 100 feet of length of such exterior wall.
 - [7] All stairways to the second floor or higher shall be located inside the building.
- (g) Access to public roads.

- [1] All apartment building developments shall have direct access to a public road.
- [2] Where there are 12 or more dwelling units in an apartment building development, access from the common parking area(s) to the public road must be provided by either a private driveway or a road dedicated to the Town by the developer.
- [3] Where there are 50 or more dwelling units in an apartment building development, the Town Planning Board may require an additional access, to that required above, to a public road as a condition of site plan approval.
- [4] In no event shall the Town Planning Board allow more than 150 units to be served by one access to a public road.

(h) Services.

- [1] Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities.
- [2] There shall be a minimum common storage area in each building for bicycles and similar types of equipment of 40 square feet in area, a minimum of five feet in height and not less than four feet in width per each dwelling unit.
- [3] Within each building there shall be sufficient laundry, drying and other utility areas.
- [4] Garbage storage areas shall be provided for each building. Such facilities shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter. Fencing and walls shall be not more than 50% open on the vertical surface.
- [5] There shall be an adequately sized bulk storage area provided for each apartment building. The minimum size for such bulk storage area shall be determined by the Planning Board as part of site plan approval. In the event a bulk storage area is not found to be adequately sized, the landowner shall be responsible for providing additional area to meet need.

(i) Utilities.

- [1] All public utilities, electric, gas, cable television and telephone lines shall be installed underground.
- [2] An adequate supply of public water shall be provided to all dwelling units.
- [3] All dwelling units shall be connected to public sewers.

E. Special permitted uses. The following uses may be permitted consistent with the provisions of Article VI, provided that a special use permit is issued by the Town Planning Board:

- (1) Essential services, public utilities substations and uses, excluding power plants or repair yards and warehouses or uses similar in nature.

Town of Canandaigua, NY

§ 220-20
(2) Public uses.

§ 220-20

(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. 16 of 2024 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on December 23 2024, 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 *(Elective Chief Executive Officer*)* 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.)

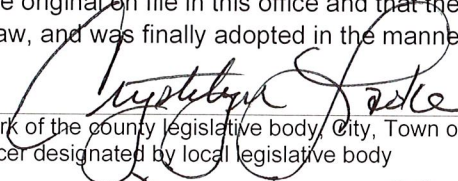
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: December 27, 2024

(Seal)