New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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. 8 **of the year 20**17

A local law To Change the Zoning District Classification of 2635 County Road 22 in the Town of
(Insert Title)
Canandaigua from AR-1 Agricultural Rural Residential to MUO Mixed Use Overlay and to

Amend the Official Zoning Map of the Town of Canandaigua to Reflect Such Change

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 # 8 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 2635 County Road 22 in the Town of Canandaigua from the AR-1 Agricultural Rural Residential 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 2635 County Road 22 in the Town of Canandaigua, as more specifically shown on the attached plans entitled "Heather & David Loisel" by Years Boundary Land Surveying Services, dated 02/04/2014, received by the Town of Canandaigua on 05/01/2014. Said plan is attached hereto and made a part herein as Attachment "B". The tax map identification number of the parcel to be re-zoned is 71.00-1-21.151.

SECTION THREE. Zone District Classification Change from AR-1 Agricultural Rural Residential to MUO Mixed Use Overlay. The parcel of land described in Section Two shall be, and the same hereby is, transferred from the AR-1 Agricultural Rural Residential 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. 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 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 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.

ATTACHMENT "B"

TOWN OF CANANDAIGUA
DEVELOPMENT OFFICE

RECEIVED

MAY - 1 2014

FOR REVIEW

33,802

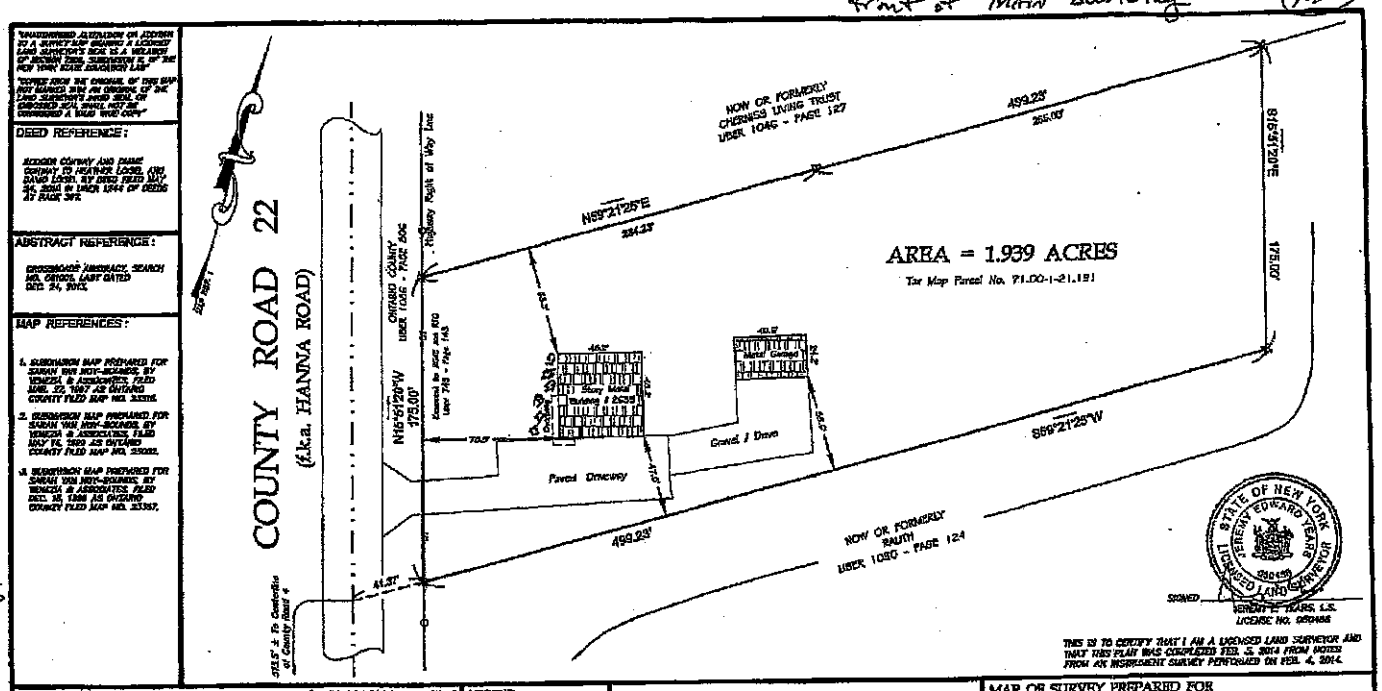
1.94 acres =
84,506 s.f.

4
30% required green space = 25,352 s.f.

1250sf = 21 (27) canopy trees required

250sf = 101 (135) deciduous shrub/evergreens required

6 or 7 upright yew evergreens drawn in front of main building (MBA)



YEARS boundary
LAND SURVEYING SERVICES
JEREMY E. YEARS, L.S.
6110 Grimble Road, Canandaigua, N.Y. 14424
Phone: 585-393-1962
Fax: 585-393-9852

LEGEND:
- IRON PIN OR PIPE FOUND
- IRON PIN SET
- UTILITY POLE
- FIRE HYDRANT
- UTILITY LINES
- PROPERTY LINE
- EASEMENT

CERTIFICATIONS:
1. 2035 County Road 22 Properties, LLC
2. Michael Head and Donna Head
3. M&T Bank, its successors and/or assigns, as their interests may appear
4. Woods Oviatt Gilman, LLP
5. Derrick Spaierkra, Esq.
6. Stewart Title Insurance Company

MAP OF SURVEY PREPARED FOR
HEATHER & DAVID LOISEL
SHOWING LAND AT
2035 COUNTY ROAD 22
IN THE
TOWN OF CANANDAIGUA
COUNTY OF ONTARIO STATE OF NEW YORK

SCALE: 1" = 50' | T.M. NO.: 71.00-1-21.191 | FILE NO.: 132540

2035 - house & buildings
1.94 - 84,506 sf
- 1000 sf - driveway
12,500 - 15%
84,506 - 25%
Leaving approx 8.5% green

(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. 8 of 2017 of the (~~County~~)(~~City~~)(Town)(~~Village~~) of Canandaigua was duly passed by the Town Board on May 15 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 _____ 20[ ][ ], in accordance w ith 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.

Jan E Chrisman
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 5/26/2017