

# 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 2022

A local law Amend Chapter 174 Subdivision of Land (Sections 174-7, 174-19, 174-10, and 174-21),

(Insert Title)

Chapter 220 Zoning (Sections 220-9 and 220-65), and

Chapter 1 General Provisions (Section 1-17)

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 8 of 2022  
Attachment A**

**§ 174 Subdivision of Land.**

**§ 174-7 General procedural requirements.**

- O. Waivers. Pursuant to authority in New York State Town Law, the Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval identified in the Site Design and Development Criteria. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

**§ 174-19 Lot size and arrangement.**

- B. Lot sizes and dimensions shall not be less than those specified in Chapter 220, Zoning, of the Code of the Town of Canandaigua unless the provisions thereof are to be modified by the Planning Board pursuant to Town Law § 278 and conforms with §220-33.1 (Scenic Viewshed Overlay District), as amended.
- D. No division of land shall result in any parcel becoming landlocked. Any parcel created by division of land shall have access to a right of way. Any division of land shall be classified at the time of subdivision as a Conservation Subdivision, Form Based Code Subdivision, Major Subdivision, or Minor Subdivision.
- F. All blocks in a subdivision shall have a minimum length of at least 750 feet with a maximum length of 1,200 feet. Such blocks containing individual lots shall be at least two lot depths in width, except where reverse frontage may be employed along major highways. Modifications of the above requirements are possible in commercial and industrial developments. Developments proposed pursuant to §220-32 are exempted from the above requirements.
- H. Double-frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets or where otherwise required by unusual topographic conditions. Where double-frontage lots are permitted, the Planning Board shall, as a condition of final plat approval, determine the front yard and rear yard portions of all such lots. Modifications of the above requirements are possible by the Planning Board pursuant to §220-32.
- I. Subdivision of land resulting in the creation of four or more parcels along a private right of way shall constitute a Major Subdivision and shall only be authorized with improvements to create a public right of way pursuant to the Site Design and Development Criteria.

- J. The Planning Board shall be authorized to grant single lot subdivision approval of any parcel along a private right of way and classify such action as a Minor Subdivision, even if the private right of way has four or more parcels, provided the parent parcel meets the zoning requirements of the zoning district, and the Planning Board finds in so creating the single lot subdivision no adverse impact shall occur pertaining to the public health or safety of the adjoining parcels along the private right of way.

**§ 174-10 Single-stage review.**

- A. Applications for subdivision plats to be reviewed in one stage where no preliminary subdivision review is required shall be submitted in final form and shall include all information required for preliminary and final plats as specified in §§ 174-13 and 174-14 of this chapter. [Amended 2-13-2012 by L.L. No. 1-2012]
- B. The submitted plat drawing shall be marked as final and shall include a note that no preliminary subdivision review was required.
- C. The process for single-stage subdivision review shall be as required in New York State Town Law Article 16, § 276, Part 6(d), as may be amended.
- D. Applications for subdivision classified as Major Subdivision are not eligible for single stage review.

**§ 174-21 Street system layout.**

- A. General.
- (1) Streets shall be constructed to provide adequate means of access to each lot of a subdivision, § 220-9 and access control §220-75 of the Town Code.
- (2) Design and construction of a street(s) as defined in §1-17 and related improvements shall be in accordance with the standards and specifications described in the Town of Canandaigua Site Design and Development Criteria, which are incorporated herein by reference.

**§ 220-9 Regulations applicable to all districts.**

- C. Every developed lot of record shall have access to a right of way. All structures shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking. Further standards may be found within the Town of Canandaigua Site Design and Development Criteria.

**§ 220-65 General procedural requirements.**

- L. Waivers. The Planning Board is hereby empowered to waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of site plans submitted for its approval identified in the Site Design and Development Criteria. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the

event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site plan.

- (1) If an applicant wishes to request a waiver, said request shall be submitted in writing as part of the application. The application shall state fully the grounds of said request.
- (2) The Planning Board shall make findings supporting their decision regarding a waiver.
- (3) Waivers shall be made by resolution of the Planning Board. A statement showing the date that such waiver was granted shall be affixed to the final plat.
- (4) When granting waivers, the Planning Board may also impose additional conditions as needed to achieve the objectives of the waived requirement(s).

### § 1-17 **Definitions.**

Except as otherwise provided herein, words and terms used in the Town Code shall have their usual and customary meanings. As used in this Code, the following terms shall have the meanings indicated:

#### **RIGHT-OF-WAY**

- A. **PRIVATE RIGHT-OF-WAY** Land owned or accessible and subject to a recorded easement which includes a maintenance agreement(s) by a nonpublic agency, private entity, individual, or organization and occupied or intended to be occupied by transmission mains, gas pipelines, rails, private driveways, or other special uses.
- B. **PUBLIC RIGHT-OF-WAY** Land owned by public agencies for use as a street or other public purposes.

#### **LOT FRONTAGE**

The front of a lot shall be construed to be the portion nearest the street or right of way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered front yards.

#### **CONSERVATION SUBDIVISION**

A division of land which permits flexibility of design to promote environmentally sensitive and efficient uses of land pursuant to §174-16.

#### **FORM BASED CODE SUBDIVISION**

A division of land in the Uptown Canandaigua Form Based Code area, identified as the State Route 332 subarea or the Mixed-Use Development Area, designed to foster predictable built results and a high-quality public realm by using physical form pursuant to §220-32, and the Uptown Canandaigua Form Based Code.

## **MAJOR SUBDIVISION**

Any division of land not classified as a Conservation Subdivision, Form Based Code Subdivision, or Minor Subdivision.

## **MINOR SUBDIVISION**

A division of land, which is zoned and whose uses are exclusively residential or agricultural, and which does not create greater than three parcels adjoining a right-of-way.

## **PRIVATE DRIVEWAY**

A privately owned and maintained access serving three or fewer parcels, providing direct access to a public right-of-way.

## **SITE DESIGN AND DEVELOPMENT CRITERIA**

A manual of requirements and minimum standards that shall be applied to all proposed construction and/or development in the Town of Canandaigua, and/or areas that will involve the connections to existing municipal systems. Said manual as prepared by the Town's Engineering Consultants, and as adopted by the Town Board, and as may be amended from time to time, may be obtained from the Town Clerk or on the Town of Canandaigua website.

(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 2022 of the ~~(County)(City)(Town)(Village)~~ of Canandaigua was duly passed by the Town Board on September 12 2022, 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.

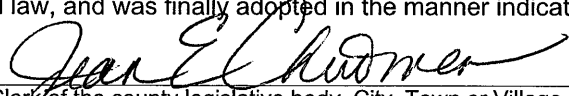
**6. (County local law concerning adoption of Charter.)**

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.

(Seal)

  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 9/15/2022