

# 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. 1 of the year 2015

A local law Amendments to Chapter 220 (Zoning) Section 220-21 (Residential Lake District -- RLD)  
(Insert Title)

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.

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

§1. Legislative Intent. The intent of this Local Law is to update, clarify, amend, and revise § 220-21 RLD Residential Lake District of the Zoning Chapter of the Town of Canandaigua Town Code.

§2. Town of Canandaigua Town Code § 220-21 is hereby amended to read in its entirety as follows:

§ 220-21. RLD Residential Lake District.

- A. Purpose. The purpose of the RLD Residential Lake District is to allow limited residential uses that protect the quality of Canandaigua Lake and the surrounding natural topography, including the shoreline, ridgelines, and scenic vistas of this unique and environmentally sensitive area.
- B. Permitted principal uses.
  - (1) One single-family dwelling per lot.
  - (2) Public parks.
  - (3) Public safety facilities.
- C. Permitted accessory uses.
  - (1) One detached private garage no taller than 16 feet and one attached private garage may be permitted. [Amended 5-20-2013 by L.L. No. 7-2013]
  - (2) One accessory building/structure, not to exceed 100 square feet in total area and 10 feet in height above average finished grade may also be permitted. Except as provided in Subsection C(2)(c) and (d), and Subsection D below, setback requirements for accessory buildings/structures are specified in Schedule 1, Zoning Schedule, RLD.
    - (a) If the principal building on a lakefront is located on the lake side portion of the lot, then the accessory building/structure may be permitted in the side yard of the principal building.
    - (b) If a lakefront lot is divided by a street and the principal building is located on the lake side portion of the lot, then the accessory building/structure may be permitted on the portion of the lot opposite the lake side. In this instance, the front setback shall not be less than 60 feet, the rear setback shall not be less than 10 feet, and the minimum side yard setback shall be 10 feet.
    - (c) If a lakefront lot is divided by a street and the principal building is not located on the lake side portion, then the accessory building/structure may be located in the rear yard of the principal building.
    - (d) If a lakefront lot is divided by a street and the principal building is not located on the lake side portion, then the accessory building/structure may be located on the lakeside portion and may contain a rest room, but only with public water and sewer service. In this instance, the front setback shall not be less than 10 feet, the rear setback shall not be less than 25 feet and the minimum side yard setback shall be 10 feet.
    - (e) There shall be no additions to an accessory building/structure such as, but not limited to, decks, porches and cantilevers.

(3) Seasonal storage, commencing no earlier than October 31 of any year and continuing no later than May 31 of the following year, of docks, hoists and buoys permitted to be used on the premises by the provisions of Chapter 96, Canandaigua Lake Uniform Docking and Mooring.

(4) Hot tubs.

(a) Definitions. As used in this section, the term "hot tub" shall have the meaning set forth in Chapter 1, Article II.

(b) Installation. No hot tub shall be installed unless a building permit shall have been issued in accordance with the New York State Uniform Fire Prevention and Building Code and the provisions of the Town Code, general requirements. With the exception of Subsection C(5)(a) and (b), every hot tub shall conform to the provisions set forth for swimming pools in this chapter.

(c) No permit shall be issued for such hot tub unless it is shown that the proposed drainage for such hot tub shall not drain directly to neighboring properties or Canandaigua Lake.

(5) One in-ground swimming pool is allowed for each lot. In addition, each in-ground swimming pool in the RLD:

(a) Shall be located only within the side yard of a lot or the rear yard of the lot if not adjoining Canandaigua Lake.

(b) Shall not be located in the front yard of a lot or in the rear yard of a lot where said rear yard adjoins Canandaigua Lake.

(c) Shall be included as part of lot coverage as measured by the water surface and all adjoining impervious surfaces.

(d) Shall meet the setback requirements for an accessory building/structure within the RLD.

D. Dimensional requirements. The dimensional requirements for this district are specified in Schedule I, which is made a part of this chapter. However, pre-existing nonconforming lots that are less than 20,000 square feet shall be subject to the following setback requirements:

(1) Lots less than 10,000 square feet

a. Principal Structures

i. Front setback shall be 50 feet.

ii. Rear setback shall be 30 feet.

iii. Side setbacks shall be 8 feet.

b. Accessory Structures

i. Rear setback shall be 15 feet.

ii. Side setbacks shall be 8 feet

c. Maximum Building Coverage on lot shall not exceed 25%.

d. Maximum Lot Coverage shall not exceed 40%.

(2) Lots more than 10,000 square feet but less than 20,000 square feet

a. Principal Structures

i. Front setback shall be 55 feet.

ii. Rear setback shall be 30 feet.

iii. Side setbacks shall be 10 feet.

b. Accessory Structures

- i. Rear setback shall be 15 feet.
      - ii. Side setbacks shall be 10 feet.
    - c. Maximum Building Coverage on lot shall not exceed 20%.
    - d. Maximum Lot Coverage shall not exceed 30%.
  - E. Special permit uses.
    - (1) Essential services, public utility facilities or communications installations.
    - (2) Tourist home.
  - F. Special provisions subject to all development within the RLD Residential Lake District.
    - (1) No accessory buildings or tennis courts shall be constructed within rear yards adjoining Canandaigua Lake.
    - (2) Erosion/sedimentation control measures shall be used before, during and after construction until ground cover is reestablished as specified in Chapter 165 of the Town of Canandaigua Code, Soil Erosion and Sedimentation Control.
    - (3) All boat docking, mooring and other related improvements in or on the waters of Canandaigua Lake are governed by Chapter 96 of Town Code.
    - (4) Rear setbacks shall be measured from the Mean High Water Mark.

§3. Schedule 1, Zoning Schedule, Residential Lake District (RLD), attached to Chapter 220 of the Town of Canandaigua Town Code is replaced in its entirety (see Exhibit A).

#### §4. Severability Clause

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.

#### §5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

# ZONING SCHEDULE

## RLD – Residential Lake District

Zone District	Permitted Uses <small>*Special Permitted Uses Only</small>	Minimum Lot Size Area (SF/Acre)	Minimum Lot Width (FT)	Minimum Setback Requirements				Maximum Principal Use Building Height (FT)	Building Coverage Percentage on Lot	Lot Coverage Percentage
				Principal Building	Accessory Building	Front	Rear (Lake)			
Residential Lake (RLD)	Single-Family Dwelling	20,000 SF	125'	--	--	--	--	--	--	--
	** Lot size: Less than 10,000 SF	--	125'	50'	30'	8'	15'	8'	25'	25%
	** Lot size: Between 10,000-20,000 SF	--	125'	55'	30'	10'	15'	10'	25'	20%
	** Lot size: More than 20,000 SF	--	125'	60'	60'	12'	15'	12'	25'	15%
	Public Facilities, Parks & Recreations	1 AC	200'	60'	40'	35'	15'	10'	25'	20%
	*Essential Services, public utility or communications installations	1 AC	200'	60'	60'	40'	35'	15'	25'	20%
	*Semi-public buildings & grounds	1 AC	200'	60'	60'	40'	35'	15'	25'	20%
*Tourist Home	20,000 SF	125'	60'	60'	60'	12'	15'	25'	15%	

(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. 1 of 2015 of the ~~(County)(City)~~(Town)(Village) of Canandaigua was duly passed by the Town Board on March 16 2015, in accordance with the applicable *(Name of Legislative Body)* 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 *(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.)**

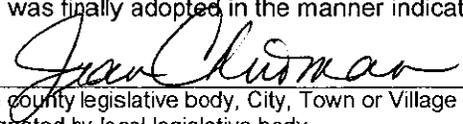
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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: 3/27/15

(Seal)