

Town of Canandaigua, NY - Proposed Language for
§1-17, §220-21, 41, 48 and 220-a, Schedule I
8/24/10

§ 220-21. RLD Residential Lake District.

A. Purpose. The purpose of the RLD Residential Lake District is to control development of lake vista and lakefront properties located within the Town of Canandaigua, to protect water quality, to preserve waterfront uses that exist on sites with or without public sewer; all by requiring review and permit approval prior to commencement of development.

B. Permitted principal uses. *[Amended 2-8-2007 by L.L. No. 1-2007]*

(1) One single-family dwelling unit per lot.

(2) The following Public Uses:

(a) parks and recreational facilities owned and operated by a municipal, county, state or federal government ;

(b) Parks; Public Safety Facilities

~~(c) Recreational facilities.~~

C. Permitted accessory uses per lot of record. *[Amended 11-28-1994 by L.L. No. 7-1994; 5-24-1999 by L.L. No. 2-1999]*

(1) One detached private garage along with an attached private garage may be permitted.

[Amended 12-22-2004 by L.L. No. 7-2004]

(2) One accessory building/structure, not to exceed 100 square feet in total area and 10 feet in height above average finished grade, may be permitted in the side yard of an RLD lot where the principal building is located on the lake side portion of a private or public street or road. *[Amended 9-1-2009 by L.L. No. 2-2009]*

(a) Where a principal building on the lot is located on the portion of the lot opposite the lake side portion of the lot, an accessory building/structure may be located in the rear yard of the lot behind the principal building or may be located on the lake side portion of the lot. Where the lot contains both public water and sewer, the accessory building/structure is located on the lake side portion of the lot, then the accessory building/structure may contain a rest room. 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.

(b) Where the RLD lot with a principal building is located on the lake side portion of the lot, then an 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) There shall be no additions to an accessory structure such as, but not limited to, decks, porches, cantilevering, etc. *[Amended 12-22-2004 by L.L. No. 7-2004]*

(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, Docking and Mooring.

(4) Hot tubs. *[Added 9-29-1997 by L.L. No. 7-1997]*

(a) Definitions. As used in this section, the term "hot tub" shall have the meaning set forth in Chapter 1, Article II. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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~~(b)~~ Installation. No hot tub shall be installed unless a building permit shall have been issued in accordance with the NYS Uniform Fire Prevention and Building Code and the provisions of the Town Code. ~~In addition to the requirements for building permits and site plan review as provided in this code, every such application therefor shall include specifications for water supply, overflow, filtration and drainage systems and fencing with approved landscaping.~~

~~(c)~~(b) General requirements. With the exception of § 220-21 part 5, (a) and (b) Every hot tub shall conform to the provisions set forth for swimming pools in this chapter and § 178 of the Town Code. ~~this Town Code.~~

~~(d)~~(c) ~~No lighting or spot lighting shall be permitted which will project light rays beyond the lot lines on which said pool is located.~~

~~(e)~~(d) No permit shall be issued for such hot tub unless ~~the applicant can show it is shown that~~ that the proposed drainage for such hot tub ~~is adequate and will shall not infringe upon~~ drain directly to neighboring properties or Canandaigua Lake.

~~(f)~~(e) ~~Such hot tub shall be located in a side or rear yard only.~~

~~(g)~~ Entrance to said hot tub must be secured either through a hard cover, capable of supporting 250 pounds, secured with a child-resistant locking mechanism or in a manner as so proscribed elsewhere in this chapter for swimming pools.

~~(h)~~ Every gate or other opening in the fence enclosing such hot tub shall be capable of being closed and locked.

~~(i)~~ Such hot tub shall be not less than the setbacks required in Chapter 220, Schedule I, from the side and rear lot lines. Editor's Note: Subsection (6), Public building and grounds, added 5-16-2006 by L.L. No. 1-2006, which immediately followed this subsection, was repealed 11-20-2007 by L.L. No. 14-2007.

(5) ~~One~~ One in-ground swimming pool is allowed for each lot and shall comply with § 178 of the Town Code. In addition, each in-ground swimming pool in the RLD that shall:

(a) Shall be located only within the side yard ~~portion~~ of a lot or the rear yard of the lot if not adjoining Canandaigua Lake. ~~Said in-ground swimming pool shall~~

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

(c) Shall be included as part of lot coverage as measured by ~~The total square foot area of the in-ground swimming pool shall be calculated using the water surface and all adjoining impervious surfaces.~~ all the area required to be located within the security fenced area of the pool. The square foot area of an in-ground swimming pool and associated patio/deck shall be calculated in the total lot coverage. Any in-ground swimming pool area that is to be lighted shall comply with the lighting standards set forth in § 220-77 of this chapter of the Town Code. All setbacks for in-ground swimming pools s

~~(a)~~(d) Shall meet the setback requirements for an accessory structure within the RLD. [Added 2-8-2007 by L.L. No. 1-2007]

D. Dimensional requirements. The dimensional requirements for this district are specified in Schedule I, which is made a part of this chapter. Editor's Note: Schedule I is included at the end of this chapter.

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E. Special permitted uses. The following uses may be permitted consistent with the provisions contained in Article VI, Regulations Governing Special Permit Uses, provided that a special use permit is issued by the Town Planning Board, and approval(s) are obtained from any other involved regulatory agency: *[Amended 5-10-1993 by L.L. No. 3-1993; 11-28-1994 by L.L. No. 7-1994; 5-16-2006 by L.L. No. 1-2006; 2-8-2007 by L.L. No. 1-2007]*

(1) Essential services, public utility or communications installations.

~~(2) Semipublic buildings and grounds, in accordance with the provisions contained in § 220-41 of this chapter.~~

~~(3)~~(2) _____ Tourist home (owner-occupied; see definition in Chapter 1, Article II).

F. Special provisions subject to all development within the RLD Residential Lake District. *[Amended 5-10-1993 by L.L. No. 3-1993 11-28-1994 by L.L. No. 7-1994; 11-24-2000 by L.L. No. 8-2000]*

(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, entitled "Soil Erosion and Sedimentation Control."

(3) Site development permit applications shall include the delineation of the federally designated one-hundred-year floodplain and appropriate reference to floodplain mapping and need for any development permits or variances specified in Chapter 115 of the Town of Canandaigua Code, entitled "Flood Damage Prevention."

~~(4) An off-street parking area for two vehicles shall be required for each dwelling unit. Editor's Note: Former Subsection F(5), regarding property identification numbers, as added 12-22-2004 by L.L. No. 7-2004, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). All boat docking, mooring and other realted improvements in or on the waters of Canandaigua Lake are governed by Chapter 96 of Town Code.~~

G. Site plan approval of special permit uses. Site plan approval is required for all development, as defined in § 1-17, which exceeds 1,000 square feet and/or which requires a special use permit within the RLD Residential Lake District. ~~Shoreline Development Guidelines, available from the Town of Canandaigua Building Department, shall be considered in the design of all projects within the RLD.~~ Applications that require site plan approval in the RLD shall demonstrate how the site design attempts to minimize the potential adverse visual impacts of the proposed development project consistent with the adopted Shoreline Development Guidelines. *[Added 11-28-1994 by L.L. No. 7-1994; amended 11-24-2000 by L.L. No. 8-2000; 12-22-2004 by L.L. 4-2004]*

The following paragraph in § 220-41. "Semipublic buildings and grounds" is hereby amended as follows:
The Town Planning Board may approve a special use permit for semipublic buildings and grounds, excluding the provision of family or group family day care as first defined in New York State Social Services Law, § 390(1)(d) and (e), which are exempt from the provisions of this chapter, of an institutional, health, educational, recreational, religious or cultural nature in ~~any zoning district, and RR-3~~

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~~Rural Residential District~~the following zoning districts: AR-1, AR-2, R-1-30, SCR-1, NC, CC, RB-1, LI, and I, provided the following standards and provisions are maintained:

§ 220-48. "Marinas, boat launches, special anchorage areas and associated boating facilities and structures." is hereby deleted in its entirety

220-a, Schedule I is hereby amended to reflect all amendments to the permitted principal uses and special permitted uses as described in this local law.

§ 1-17. Definitions, is hereby amended to read as follows:

HOT TUB. "See definition of Swimming Pool"

"SWIMMING POOL. Any structure intended for swimming or recreational bathing capable of containing water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas."

PUBLIC BUILDINGS AND GROUNDS

Any one or more of the following, including all primary and ancillary uses, structures and other improvements integral to or necessary for their continued operation: ~~buildings, including grounds necessary for their public use and accessory buildings, to which the public has access:~~

- A. Public libraries and museums.
- B. Town buildings and storage and repair facilities.
- C. Public schools.
- D. Town parks and recreational facilities.
- E. ~~Fire, ambulance and public safety buildings~~Public Safety Facilities.
- F. Hospitals.
- G. Publicly owned general aviation airports and airfields.
- H. Recreational facilities which are first designated by the Town Board as being open to the general public.
- I. Church or places of worship.

SEMIPUBLIC BUILDINGS AND GROUNDS

Any one or more of the following, including all primary and ancillary uses, structures and other improvements integral to or necessary for their continued operation: ~~buildings, including grounds necessary for their use and accessory buildings:~~

- A. Parish house and convents.
- B. Nursery schools, private schools having a curriculum approved by the Board of Regents of the State of New York.
- C. Golf courses, country clubs, yacht clubs and other similar recreation clubs which are open to the general public or where membership in such a social or recreational entity is open to the general public.
- D. Long-term-care facilities, convalescent home, homes for the adults, homes for the aged or residential care facilities for adults as the same are defined under the Public Health Law or

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the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.

- E. Membership corporations which are open to the general public and established for cultural, social or recreational purposes.
- F. Day-care centers, except for family or group family day care as first defined in New York State Social Services Law, § 390(1)(d) and (e), and nursery schools approved by the New York State Department of Social Services.
- G. Commercial aviation airports and airfields.

PUBLIC SAFETY FACILITY. Buildings, parking areas, and other improvements used primarily by agencies including, but not limited to: Fire and Rescue, Ambulance, and Police, for the purpose of protecting of the general public from significant danger, injury, or property damage resulting from crimes, natural or man-made disasters and other similar hazards.