

(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.

Town of Canandaigua
Local Law of the year 2012
A local law amending Chapters 174 and 220 of Town Code - Subdivision and Zoning

Section 1: Description

Be it enacted that Town of Canandaigua Code is hereby amended to read as follows:

§ 174-10 Single stage review. Part A

- 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-~~11~~13 and 174-~~12~~14 of this chapter.

§ 220-3. Enforcement and Interpretation.

Unless as specified herein, the Zoning Officer is hereby empowered to interpret and enforce the provisions of this chapter. ~~Refer to Article XI~~ The provisions of this chapter shall be held to be the minimum standards and requirements for the protection of the public health, safety and general welfare.

§ 220-9. Regulations applicable to all districts. Part A, (1) (c)

- (c) ~~Such~~ Private bridges, fords, drainage conduits, embankments and similar structures as are necessary to permit access to a lot or portion thereof or as are incidental to a lawful use of a lot, provided that such structure will not have a material adverse effect on the stream, nor alter the flow of water therein, nor substantially increase the likelihood of flood or overflow in the area.

§ 220-9. Regulations applicable to all districts. Part K, (1) & (2)

- (1) Except as may be otherwise provided in this Subsection ~~KM~~, no fence in a front yard within a residential district or in a rear yard adjoining Canandaigua Lake shall be erected, altered or reconstructed to a height exceeding four feet above ground level. [Amended 11-28-1994 by L.L. No. 7-1994]
- (2) Except as may be otherwise provided in this Subsection ~~KM~~, no fence in a rear yard or side yard within a residential district shall be erected, altered or reconstructed to a height exceeding six feet above ground level. [Amended 11-28-1994 by L.L. No. 7-1994]

§ 220-9. Regulations applicable to all districts. Part M

- M. Except for customary farm operations, no lot shall be used for the commercial storage or disposal of solid or liquid waste without the prior approval of the Town Board. Duly approved on-site wastewater treatment systems shall be excepted from this provision. Town Board approval shall be given only upon a finding that the proposed use shall not have a detrimental effect upon surrounding properties and evidence of any required permits necessary from the New York State Departments of Health and/or Environmental Conservation. The Town Board may require the submission of any documents necessary to make the foregoing finding. Consistent with the provisions of Subsection **GN** above, this provision shall not prohibit the storage of animal waste upon any farm.

§ 220-9. Regulations applicable to all districts. Part U

U. (Reserved) ~~Nothing in this chapter shall prevent the strengthening or restoring to a safe condition and to its original size and height, any wall(s) or roof which has been declared unsafe by the Code Enforcement Officer. [Added 10-17-2006 by L.L. No. 12-2006]~~

§ 220-9. Regulations applicable to all districts. Part W

W. Swimming Pools

(1) General Requirements.

- (a) **Building Permit** applications for swimming pools shall include a site drawing showing:
- [1] all existing and proposed structures including the swimming pool dimensions and depths,
 - [2] distance of swimming pool and other proposed structures from all boundary lines,
 - [3] location of the on-site wastewater treatment system if applicable,
 - [4] well location if applicable,
 - [5] proposed lighting,
 - [6] Easements and any other additional information as may be required by the Town to demonstrate compliance with Town Code and other applicable laws.
- (b) All swimming pools and their components shall comply with the requirements of the New York State Uniform Fire Prevention and Building Code.
- (c) Swimming pools shall be sited in compliance with the National Electrical Code and the electric service provider for the site.
- (d) No swimming pool or discharge water shall drain upon the lands of the adjoining premises.
- (e) Filter pumps and other mechanical devices used in connection with any swimming pool shall be located in order not to interfere with the health, safety and enjoyment of the adjoining premises.

- (f) If the use of any private swimming pool shall be abandoned or permanently discontinued, the owner shall see that excavated depression shall be filled in and that no potential hazard exists.
- (2) Dimensional requirements.
- (a) In any residential zone, no outdoor pool shall exceed 40 feet in length and 20 feet in width or 30 feet in diameter in the case of a round or curved pool, nor shall the total perimeter of any pool exceed 125 feet.
 - (b) Swimming pools shall only be located in the rear and/or side yard of a lot.
 - (c) No swimming pool shall be constructed or erected closer than 15 feet to the rear or side lot line.
 - (d) On a corner lot in any district where a front yard is required, the swimming pool shall be no closer than 10 feet to the side lot line.
 - (e) Any structures or devices connected with the installation, maintenance or operation of a swimming pool, including but not limited to concrete or wood patio areas, pump and filter enclosures, bathhouses and cabanas, shall also comply with the setback requirements of Subsection B of this section.

§ 220-16. RR-3 Rural Residential District - Three-Acre Lots. Part F

~~F. Site plan approval of special permit uses. Where new development is proposed, no site preparation or construction shall commence until site plan approval has been granted by the Planning Board for the development of any special permit use within the AR-3 Zoning District.~~

§ 220-34. Authority. Part C

C. The Town Planning Board shall require that all provisions of this article shall be complied with, but where it is deemed appropriate by the Town Planning Board, any of these provisions contained in §§ 220-34 through 220-62~~3~~, inclusive, may be waived by the Planning Board based upon findings as set forth in the public record on said application.

§ 220-35. General provisions. Part G,

- (3) Specially permitted uses that have ceased operations for more than one year shall not be re-established without a renewal of the approval of a new special use permit approved by the Planning Board. The Zoning Officer shall be responsible to document and establish the date that a specially permitted use ceased operations.

§ § 220-47 220-48 (reserved)

§ 220-50 (reserved)

§ 220-52 (reserved)

§ 220-59. Major home occupations part B, (11) is hereby renumbered to (10)

§ 220-69 Preliminary site plan checklist. Part B, (1)

B. Information shown on the preliminary site plan shall be organized to clearly depict existing and proposed conditions and assist the Planning Board's understanding of potential impacts as well as proposed mitigation.

(1) Preliminary site plans shall be on sheets no smaller than 8 1/2 inches by 11 inches and not larger than 24 inches by 36 inches. Where necessary, preliminary site plans may be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.

§ 220-72. Additional Procedural Requirements, Part A, (1)

A. Revocation and Renewal of site plan approval.

~~(1) Revocation.~~

~~(a) Within 90 days after the Planning Board resolution to approve the final site plan, the applicant must submit final plans to the Planning Board Chairperson for signature.~~

~~(b) Upon request of the Applicant the Planning Board may grant individual extensions of ninety (90) days each if, in its opinion, such extension is warranted.~~

~~(c) If the final plans are not submitted within such period, the Planning Board may revoke the site plan approval only after finding that field conditions on or around the subject property and/or applicable regulations in existence at the time of the Planning Board vote to approve have changed significantly and to such extent that reconsideration of the site plan is warranted.~~

§ 220-83. Permanent commercial speech signs within commercial and industrial districts. Part B, (1), (a)

(a) A development identification sign shall not exceed 20' in height. No single display surface of the development identification sign shall exceed 40 square feet and the total sign area of the sign shall not exceed 40 square feet if the sign consists of a single display surface or 80 square feet if the sign consists of two display surfaces.

§ 220-84. Commercial speech signs in agricultural and residential districts. Part F & G

F. Farm signs. Within the RR-3, AR-2, AR-1 and R-1-30 Zoning Districts that allow agricultural uses, one commercial speech sign which identifies the name of a farm may be erected, provided the sign: shall not exceed 16 square feet in sign area; if a ground sign, the sign height shall not exceed seven feet above the existing natural grade; and shall not be

illuminated. ~~No such sign shall be allowed within the R-1-20, RLD, SCR-1, MR or MH Zoning Districts. [Added 9-1-2009 by L.L. No. 2-2009]~~

- G. Agricultural and nursery products. Within ~~the RR-3, AR-2, AR-1 and R-1-30~~ Zoning Districts ~~that allow agricultural uses~~ only, a maximum of two commercial speech signs may be erected on the premises for the purpose of advertising the sale of agricultural and nursery products. Said signs shall not exceed a total combined sign area of 16 square feet, the sign height shall not exceed seven feet in height above the existing natural grade if ground signs, and shall not be illuminated. Such signs associated with nonpermanent roadside stands shall not be allowed to continue once the sale of such agricultural or nursery products ceases.

§ 220-92. Creation, appointment and organization of Zoning Board of Appeals., Part B

- B. The Town Board shall, at its organizational meeting each year, appoint a Chairperson to the Zoning Board of Appeals. The term of office shall be one year. ~~In no event shall the same person serve as Chairperson for more than three consecutive years.~~

§ 220-95. Creation, appointment and organization of Planning Board. Part B

- B. The Town Board shall, at its organizational meeting each year, appoint a Chairperson to the Planning Board. The term of office shall be one year. ~~In no event shall the same person serve as Chairperson for more than three consecutive years.~~

§ 220-107. Pre-Existing Nonconformities. Part F

F. Restoration.

- (1) A pre-existing nonconformity may be repaired, replaced or in other ways restored to its previous condition if damaged by fire, extreme weather, or other unintentional cause, unless such restoration will create a threat to the public health safety and/or welfare. Such restoration must be completed within a reasonable time limit as established by the Code Enforcement Officer and in compliance with Chapter 88 of Town and the NYS Uniform Fire Prevention and Building Code. ~~and~~
- (2) ~~Nothing in this chapter shall prevent the immediate strengthening or restoring to a safe condition any structure which has been declared unsafe by the Code Enforcement Officer. After making said declaration, the Code Enforcement Officer may waive requirements described in part E of this Article.~~

Section 2:

Invalidation.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3: Effective Date.

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

(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 number of 2011 of the Town of Canandaigua was duly passed by the Canandaigua Town Board on _____ 2011, in accordance with the applicable provisions of law.

(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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the Town

(Seal;

Date: