*FILING LOCAL LAW*

New York State Department of State
41 State Street, Albany, NY 12231

**(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.

FILED
STATE RECORDS

NOV 28 2011

DEPARTMENT OF STATE

County
City
**Town** of **South Bristol**
Village

Local Law No. **3** of the year **2011**

A local law **"Enacting a New Canandaigua Lake Uniform Docking and Mooring Law."**

(Insert Title)

Be it enacted by the **Town Board** (Name of Legislative Body)

County
City
**Town** of **South Bristol** as follows:
Village

Section 1: The Canandaigua Lake Uniform Docking and Mooring Law, Chapter 73 of the Code of the Town of South Bristol, is hereby repealed and a new Canandaigua Lake Uniform Docking and Mooring Law is hereby inserted in its place as a new Chapter 73 to read as follows:

See Schedule A attached hereto

Section 2: 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: This local law shall take effect upon approval by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation and filing with the NYS Department 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 No. 3 of 2011 of the **Town of South Bristol** was duly passed by the South Bristol Town Board on September 12, 2011, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer[1].)**

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)(repassed after disapproval) by the _____ and was deemed duly adopted 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)(repassed after disapproval) by the _____on _____, 20__. 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)(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.

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[1] 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 _____ 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 1, above.

Judith A. Hartley
Clerk of the Town

*(Seal)* Date: November 17, 2011

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney to the Town
Town of South Bristol

Date: 11/22/11

# TOWN OF SOUTH BRISTOL
# CANANDAIGUA LAKE UNIFORM DOCKING AND MOORING LAW (UDML)
# CHAPTER 73

**Section 73-1 Title**

This local law shall be known and may be cited as the "Canandaigua Lake Uniform Docking and Mooring Law."

**Section 73-2 Purpose**

The purpose and intent of this local law is to:

1. Regulate navigational access to Canandaigua Lake, a navigable water of the State of New York and a resource that is held in public trust and owned by the State of New York, based on a uniform set of standards adopted by the City of Canandaigua and the Towns of Canandaigua, South Bristol, Italy, Middlesex and South Bristol that include, at a minimum:
    a) the length, dimensions and density of docks, moorings, and associated facilities
    b) the number of boats, or boat slips and moorings allowed per lineal foot of shoreline based on the Tier assigned to the adjoining zoning district.
2. Protect the public's interest in navigation, public access, fishing, swimming, environmental and aesthetic protection;
3. Ensure the adjoining parcel owners reasonable navigational access to Canandaigua Lake;
4. Provide navigational access in a manner that minimizes overcrowding, congestion and hazards to navigation on Canandaigua Lake;
5. Regulate and restrict the manner of construction and location of docking and mooring facilities, associated facilities, and related structures constructed in or over the underwater lands of Canandaigua Lake in a manner that is consistent with the laws and regulations of the State of New York and the United States within or bounding this municipality to a distance of 1,500 feet of the mean high water mark;
6. Protect the public health, safety and welfare;
7. Advance the orderly development of the Town of South Bristol that is consistent with the provisions of any and all local laws, regulations, or ordinances related to the land adjoining the mean high water mark.

**Section 73-3 Authority and Applicability**

A In accordance with Section 46-a, Subdivision 4, of the New York State Navigation Law, the Town of South Bristol has the authority to enact and enforce uniform local laws to regulate

the manner of construction and location of docking and mooring facilities, associated facilities, and related structures including related accessorial uses in any waters of Canandaigua Lake bounding or within such municipality to a distance of 1,500 feet from the shoreline.

B Based on this authority any and all construction, expansion, suspension, installation, anchorage, replacement, alteration, modification, or enlargement of any docking and mooring facilities, related structures and associated facilities in the waters of Canandaigua Lake bounded by or within the Town of South Bristol to a distance of 1,500 feet from the shoreline shall comply with the provision of this local law No. 1-2011 the Canandaigua Lake Uniform Docking and Mooring Law. Any structure including but not limited to gazebos, decks, porches and shelters, not related to docking and mooring, or providing reasonable navigational access is prohibited waterside of the mean high water mark.

C All regulations contained in this local law apply to the adjoining parcel based on the number of lineal feet of shoreline and in compliance with the adjoining zoning district.

**Section 73-4 Compliance with State and Federal Laws and Regulations**

A Activities and actions regulated under this local law may also be subject to other state and federal laws or regulations.

B When more restrictive state or federal regulations or laws are applicable, they shall take precedence.

C It is the responsibility of the adjoining parcel owner to obtain any and all state and federal permits that may be required. These include, but are not limited to, the following state and federal laws:

(1) Other sections of NYS Navigation Law administered by the NYS Office of General Services.

(2) Article 3 Navigation Law of the State Section 32-c. Regarding hazards to navigation. as administered by the NYS Office of Parks, Recreation and Historic Preservation,

(3) Article 3 Navigation Law of the State NYS Navigation Law Section 35-a. Floating objects other than aids to navigation as administered by the NYS Office of Parks, Recreation and Historic Preservation, or

(4) ECL Article 15; NYS Department of Environmental Conservation 6 NYCRR 608.

(5) Permits for Discharges of Dredged or Fill Material into Waters of the United States administered by the U.S. Army Corps of Engineers

**Section 73-5 Definitions**

For the purposes of this law the following definitions apply:

**Adjoining Parcel** A parcel of land encompassing the mean high water MARK of Canandaigua Lake.

**Adjoining Parcel Owner** The owner of record of the adjoining parcel.

**Adjoining Zoning District(s)** The zoning district(s) established by the municipality that is applicable to the adjoining parcel.

**Appendage** The portion of the dock that is attached to the main walkway.

**Associated Facilities** Boat houses, boat accessory structures, boat stations, boat hoists, and boat hoist structures.

**Berth** See boat slip.

**Boat** Any vessel, floating craft, or personal watercraft which utilizes a docking or mooring facility including but not limited to canoes, rowboats, kayaks, sailboards, aircraft and other small boats or personal watercraft as defined in NYS Navigation Law Sec.2 Sub 30.

**Boat Accessory Structure** An enclosed storage structure, the purpose of which is the storage of related boating accessories and shall have no utility service except electricity. A boat accessory structure shall not be defined to mean a boat hoist structure, boat station or boat house.

**Boat Hoist** Any mechanical device the purpose of which is to remove the boat from the water for waterside storage and shall not have a roof.

**Boat Hoist Structure** A seasonal open-sided structure placed in the water with an attached mechanical device to raise or lift a boat out of the water for waterside storage. A boat hoist structure shall not be defined to mean a boat station, boat house or boat accessory structure.

**Boat House** A permanent enclosed structure that provides direct water or rail access for boats, and is wholly or partially supported or constructed below the mean high water mark. A boat

house has a permanent roof and one or more enclosed sides and shall have no utility service except electricity. A boat house shall not be defined to mean a boat hoist structure, boat station or boat accessory structure.

**Boat Slip** A waterside storage area adjoining or within any structure, boat hoist structure, boat station, boat house, dock or pier, the purpose for which is the storage of a boat.

**Boat Station** A permanent open-sided structure with a roof, constructed in the water, with a mechanical device, the purpose of which is to raise or lift a boat out of the water for waterside storage. A boat station is intended as a permanent boat hoist structure. A boat station shall not be defined to mean a boat hoist structure, boathouse or boat accessory structure.

**Dock** Any permanent or seasonal structure, fixed platform built on floats, columns, open timber, piles, or similar open-work supports, or, cantilevered structures including piers and wharves that are designed to provide permanent or seasonal access from the shoreline to Canandaigua Lake.

**Docking and Mooring Facility** One or more structures, docks, mooring buoys or a combination thereof, associated with an adjoining parcel used for the docking or mooring of boats.

**Enforcement Officer** The official designated by the legislative body of this locality to enforce the provisions of this local law.

**Existing Value** Replacement cost of the building/structure at the time of loss or damage.

**Facility Area:** The water and submerged land area located lakeside of the mean high water mark between the adjoining parcel's Facility Area Lines, subject to the requirements of this local law to a distance of:

| **Facility Type** | **Distance Perpendicular to the Mean High Water MARK** |
|---|---|
| Tier 1 Docking & mooring facilities | 60 feet except as provided for in §73-8 and §73-9. |
| Tier 2 & 3 Docking facilities only | 200 feet except as provided for in §73-13 G. |

| | |
|---|---|
| Tier 2 Mooring facilities only | 375 feet |
| Tier 2 Both docking & mooring facilities | 200 feet for the dock plus up to an additional 175 feet for moorings. |

**Facility Area Lines** The lines which are used solely for determining the boundaries for the placement of docking and mooring facilities, and all other facilities subject to this law. The method for establishing Facility Area Lines is found in Sec. 73-7.

**Height** The vertical distance measured from the mean high water mark to the highest portion of the building or structure.

**Lineal Feet of Shoreline** The distance of the tie line. The lineal feet of shoreline for developments that involve alteration of the shoreline will be measured at the natural mean high water mark before such alteration. The mean high water tie line of the adjoining parcel which is described in Section 73-7 determines the lineal feet of shoreline.

**Main Walkway** The section of the dock that extends from the mean high water mark toward the center of the lake.

**Marina** A facility that provides docking and/or mooring facilities and associated land based support facilities such as parking, marine fueling, restrooms, marine dump station, and incidental sales and services.

**Mean High Water MARK** The location where the mean high water level intersects the adjoining parcel.

**Mean Low and High Water Level** The approximate average low water level or high water level for a given body of water at a given elevation, determined by reference from survey datum provided by the United States Geological Service (USGS). According to the New York State Office of General Services, the Mean Low Water Level for Canandaigua Lake is 686.60 feet above mean sea level (. According to the New York State Department of Environmental Conservation, Division of Environmental Permits, the Mean High Water Level is 689.40 feet above mean sea level. These heights are measured above mean seal level.

**Mooring Buoy** A floating object anchored to the bed of the lake to which a boat could be attached for waterside storage. A mooring buoy is considered a boat slip for the allotment of docking and mooring facilities.

**Outlet** A point of water discharge at the Mean High Water Mark of Canandaigua Lake from a stream, gully, culvert, channel or other conveyance system.

**Permanent** The type of construction for any dock, boat house, boat station, structure or boat accessory structure that is anchored to the bed of the lake and is not designed to be removed each season.

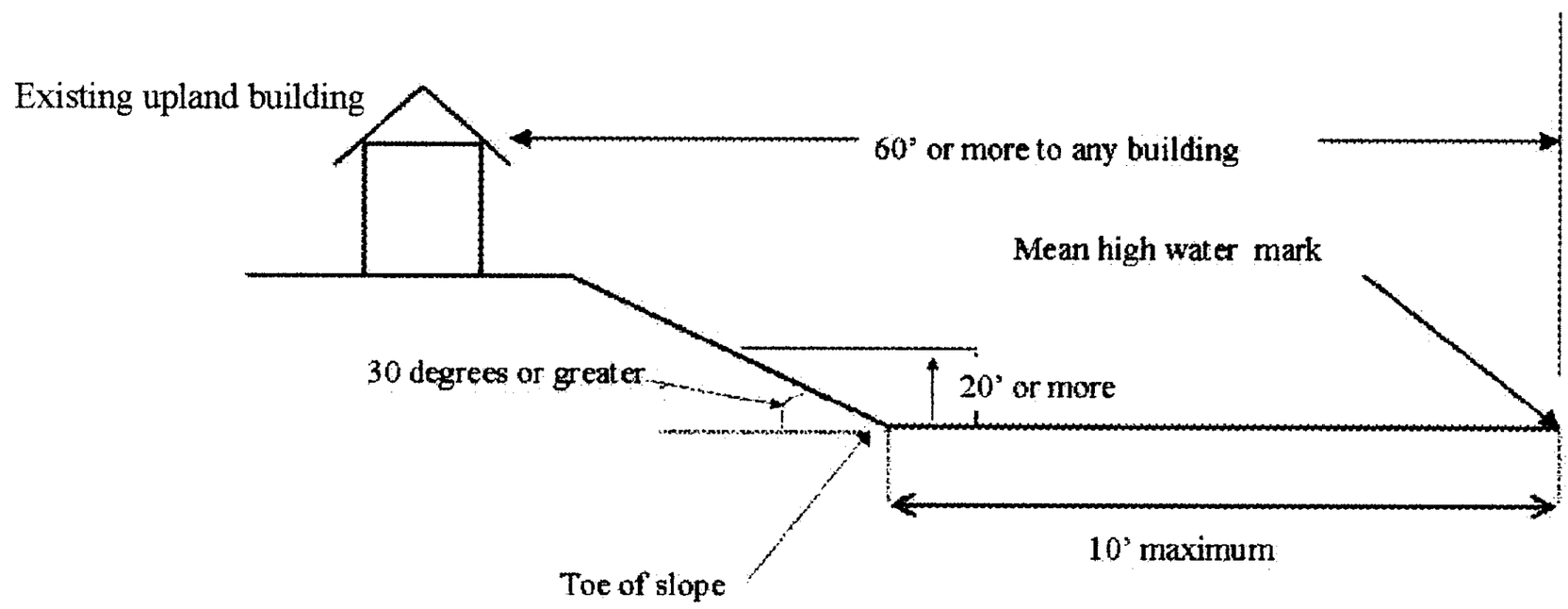
**Pier or Wharf** Any structure extending out into or over the water built upon fill, which shall include, but shall not be limited to earth, clay, silt, sand, gravel, stone, rock, shale, concrete (whole or fragmentary), ashes, cinders, slag, metal, whether or not enclosed, or containing (1) crib, crib work of wood, timber, logs, concrete or metal, or (2) bulkheads and cofferdams or timber sheeting, bracing and piling or steel sheet piling, or steel H piling, separate or in combination.

**Seasonal** The type of construction for any dock, boat hoist or structure that is designed to be removed on an annual basis.

**Shoreline** Mean high water mark.

**Steep Slope** A steep slope is defined as thirty (30) degrees (or 57% slope) or greater as measured from the horizontal, for a vertical height of twenty (20) feet or more, with the toe of the slope commencing within ten (10) feet of the mean high water mark. If the toe of the slope is greater than 10 feet from the mean high water mark it is not considered a steep slope under this law.

**Figure 1 Steep Slope Diagram – Not drawn to scale.**




**Steep Slope Parcel** An adjoining parcel where less than 20 contiguous lineal feet of the parcel boundary adjoining the mean high water mark are not characterized by steep slopes. Parcels that have more than 10 feet measured from the mean high water mark to the toe of the steep slope for 20 contiguous lineal feet or greater will not be considered a steep slope parcel.

**Structure** Anything constructed, erected, anchored, suspended, placed in, on or above, or, any object constructed, erected, anchored, suspended or placed on the water side of the mean high water mark.

**Tie Line** The horizontal lineal distance measured in a straight line between the lot lines at the mean high water mark.

**Transient Use** The temporary use of a docking or mooring facility by patrons of a restaurant, hotel or motel on an adjoining parcel.

**Uniform Docks and Mooring Permit** A permit issued according to the requirements of this local law.

**Waterside** The lake side of the mean high water mark.

**Section 73-6 Allocation of All Docking and Mooring Facilities**

A The maximum number of docking and mooring facilities allocated to an adjoining parcel shall be based on the Tier assigned by the South Bristol Town Board to the adjoining zoning district.

1 In the absence of a Tier assignment by the Town Board the default Tier classification shall be Tier One.

2 If the adjoining parcel is located within two or more adjoining zoning districts then the most restrictive Tier assignment shall apply.

3 Where Tier One has not been assigned to an adjoining zoning district, either Tier 2 or 3 or both may be assigned.

4 Only the Town Board of South Bristol shall have the authority to assign a Tier. The Zoning Board of Appeals shall not issue a use variance to change the Tier assigned by the local elected governing body.

B For the purposes of this local law, the Tier classifications shall be assigned to Zoning Districts as follows:

1 **Tier One** The Tier One allocation of dock and mooring facilities shall be assigned to an adjoining zoning district when the primary purpose of the adjoining zoning district is residential uses of land. The scale and intensity of docking and mooring facilities allowed in Tier One are declared to be compatible with residential uses and the associated neighborhood character. All land uses within a Tier One zoning district shall receive Tier One Allocation.

2 **Tier Two** –The Tier Two allocation of dock and mooring facilities shall be assigned to an adjoining zoning district when the primary purpose of the adjoining zoning district is non-residential uses of land.

3 **Tier Three** – The Tier Three allocation of dock and mooring facilities shall be assigned to an adjoining zoning district when the primary purpose of the adjoining zoning district is non-residential and permits the transient use of the adjoining parcel.

**C Lineal Feet of Shoreline**

In addition to the adjoining zoning district, the number of lineal feet of shoreline of the adjoining parcel determines the maximum number of docking and mooring facilities. regardless of how property interests in the adjoining parcel may be divided among the owner(s), lessee(s),

occupant(s), easement holder(s), or any other person(s) or entity(s) with a legal or beneficial interest in any existing or proposed docking or mooring facility.

D. **Limitations on the Maximum Number of Facilities**

Section 73-8 establishes the maximum number of docking and mooring facilities that could be allowed and does not confer the right to any specific number of facilities independent of adjoining zoning district or other requirements related to development of the adjoining parcel. Application of other laws and requirements may result in a reduction in that number.

**Section 73-7 Determining Facility Area Lines for an Adjoining Parcel**

A Facility Area Lines are determined using the following method (See Figure 2.):

1 Determine the four points where the mean high water mark intersects the property lines of the subject parcel (Parcel B. in Figure 2.) and the two contiguous adjoining parcels.

2 Connect the points of intersection with straight lines. These lines are called mean high water tie lines.

3 Where two mean high water tie lines meet, measure the angle on the waterside.

4 Bisect (or divide by two) that waterside angle measurement. The newly-formed line projected out over the waterside is the Facility Area Line. (See Figure 2 Determining Facility Area Lines)

B Where the Facility Area Lines are less than 200 ft. long at the point of intersection, the method described Section 73-7 A.1-4. must be modified in order that all Facility Area Lines are at least 200' feet long at the point of intersection.

C The Enforcement Officer shall require any necessary documentation for delineation of the facility area lines and any existing and/or proposed structures associated with the application and its review.

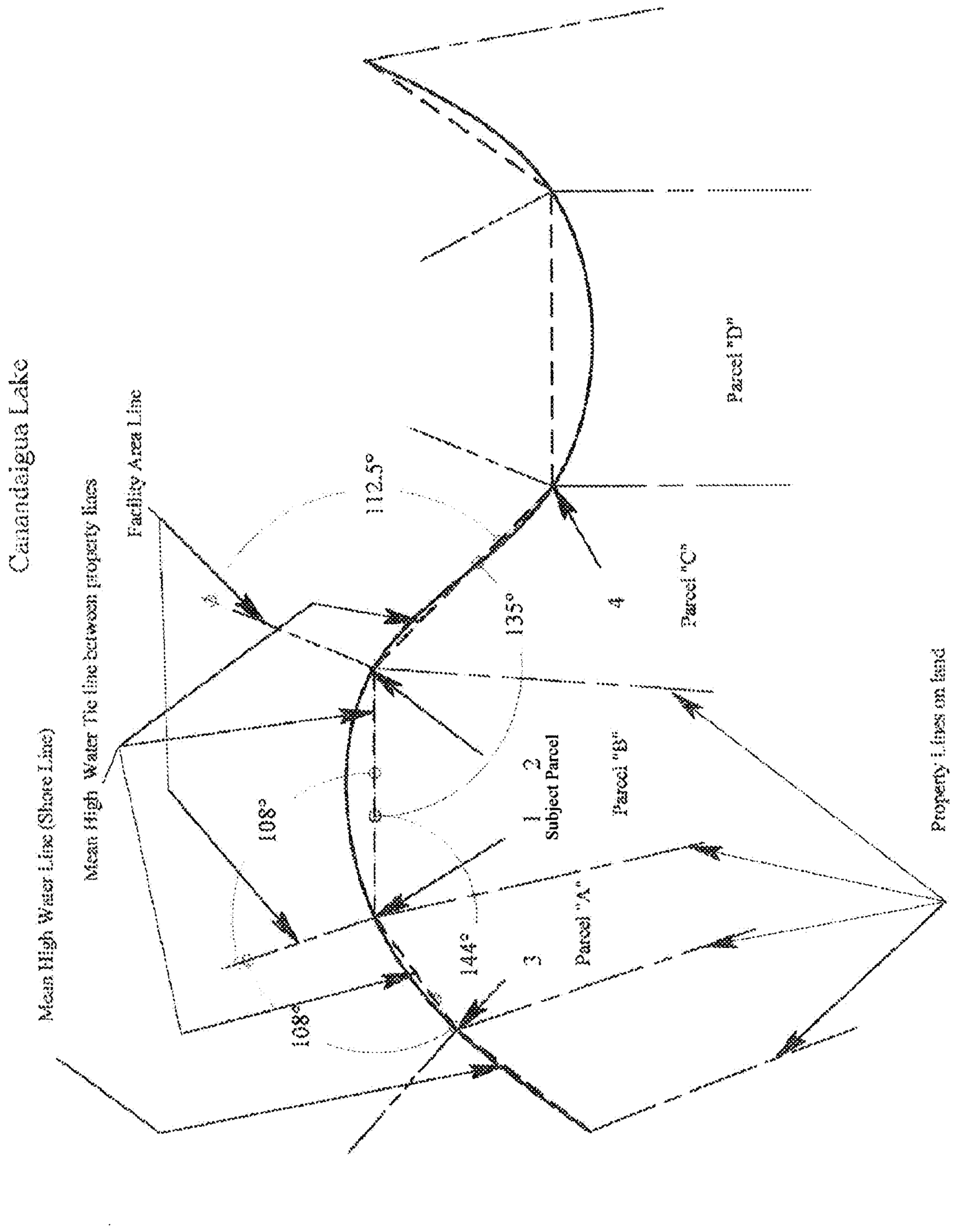



**Figure 2 Determining Facility Area Lines**

**Section 73-8 Tier 1 Docking and Mooring Facilities Allocation**

**A. Tier 1 Allocation of Docking and Mooring Facilities** The number of docking and mooring facilities that may be constructed beyond the mean high water mark of all adjoining parcels is listed in Table 1 - Tier 1 Allocation.

1. Mooring buoys are prohibited in Category A.
2. For Categories B. – F. an adjoining parcel owner may distribute the permitted number of boat slips between boat slips and mooring buoys.
3. The number of mooring buoys shall not exceed the total number of boat slips permitted for the adjoining parcel and their placement must conform to the dimensional criteria contained in Section 73-9 of this local law.
4. The boat storage capacity of existing boat houses or boat stations shall be included in the total number of permitted boat slips.

**TABLE 1 TIER 1 ALLOCATION**

| Lineal Feet of Shoreline Category | Number of Boat Slips | Number of Docks |
|---|---|---|
| **A. 1' to 25'** | 1 | 1 |
| **B. 25.01' to 50'** | 2 | 1 |
| **C. 50.01' to 100'** | 3 | 1 |
| **D. 100.01' to 150'** | 4 | 2 |
| **E. 150.01' to 200'** | 5 | 2 |
| **F. 200.01' +** | 5 +1 slip for every 50 feet of shoreline in excess of 200' | 2 +1 additional dock for every 100 feet of shoreline in excess of 200' |

**B. Tier 1 Allocation of Associated Facilities.** Boat houses, boat accessory structures, boat stations, boat hoists, and boat hoist structures are Associated Docking and Mooring Facilities and are allocated and subject to the design standards as set forth in Table 2.

1. **Boat house**: One boat house is allowed for parcels having 200' lineal feet of shoreline or more and shall contain no more than two boat slips.

   a. No boat house may be used as a dwelling, sleeping, lodging or boarding place.

   b. Construction of a second floor level inside the boat house or of a second floor deck is not permitted

   c. A one slip boat house shall not exceed 19 feet in width or 40 feet in length. A two slip boat house shall not exceed 34 feet in width or 40 feet in length.

d. A maximum 12 inch roof overhang is allowed.

e. The internal square footage of the walkway(s) inside the boat house shall be included in the square feet dockage allowance.

2. **Boat Hoist Structure:** One boat hoist structure is permitted for each boat slip.

3. **Boat Station:** A boat station is designed for use as a permanent boat hoist structure. Only one boat station is allowed per adjoining parcel. For adjoining parcels where more than one boat slip is allowed, the boat station is limited to two boat slips. No boat station may be used as a dwelling, sleeping, lodging or boarding place.

   a. A boat station may be substituted for one boat hoist structure where more than one boat slip is allowed.

   b. A boat house may be substituted for a boat station for parcels having 200 lineal feet of shoreline or more.

4. **Boat Accessory Structure**: One boat accessory structure is permitted per steep slope parcel.

   a. Boat accessory structures are not permitted on adjoining parcels that contain a boat house or have an existing upland structure within sixty (60) feet of the mean high water mark.

   b. No boat accessory structure may be used as a dwelling, sleeping, lodging or boarding place.

   c. The following additional design standards are applicable to boat accessory structures:

   i.) The boat accessory structure shall not exceed 120 square feet, and 15 feet in height as measured from the mean high water level. The 120 square feet is measured by the area enclosed by the exterior wall of the structure. The square footage of the area enclosed by the boat accessory structure is to be calculated as part of the additional 200 square feet dockage allowance referenced in Sec. 73-9 D. Steep Slopes.

   ii.) A 12 inch roof overhang is allowed. Any area covered by a roof overhang in excess of 12 inches is allowed only if it has been included in the 120 square feet accessory structure allowance.

   iii) If any or all of the area of the boat accessory structure is located on the land side of the mean high water mark, such area of the boat accessory structure is to be included in the square foot dock allowance.

iv) The boat accessory structure shall be constructed as close to the mean high water line as possible. No part of the structure may extend beyond twenty (20) feet of the waterside of the mean high water mark.

**Table 2 Design Standards for Associated Facilities**

| | Number of Stories/Levels/Floors | Roof Permitted | Roof Slope | Sides Permitted | Height |
|---|---|---|---|---|---|
| **Boat House** | 1 | Yes | Not less than 3 and 12 or more than 4 and 12 | Yes | ≤ 15' above the mean high water level. |
| **Boat Hoist Structure** | 1 | Yes | Not applicable | No | ≤ 15' above the mean high water level. |
| **Boat Station** | 1 | Yes | Not less than 3 and 12 or more than 4 and 12 | No | ≤ 15' above the mean high water level. |
| **Boat Accessory Structure For Steep Slope Parcels** | 1 | Yes | Not less than 3 and 12 or more than 4 and 12 | Yes | ≤ 15' above the mean high water level as measured along a line perpendicular from the mean high water level. |

**Note: No associated facility may have a second floor/level/story /deck.**

**Section 73-9 Tier 1 Design Standards for Docking and Mooring Facilities**

**A. Setback Requirements**

Any boat slip, boat house, boat hoist structure, boat station, boat accessory structure, dock, or other allowed structure, shall be set back a minimum of ten (10) feet from the facility area line and edge of any Outlet to Canandaigua Lake for Table 1.Tier 1 Allocation Categories B.-F. The setback is a minimum of five (5) feet from the facility area lines and edge of any Outlet to Canandaigua Lake for Table 1. Tier 1 Allocation Category A.

1. At no time shall a docked boat extend outside the limits of any facility area line of the adjoining parcel.

**B. Placement of Mooring Buoys**

Mooring buoys shall be placed within the facility area in such a manner that each moored vessel will avoid contact with any other moored boat or structure.

1 At no time may a moored boat or part thereof extend outside the limits of any Facility Area Line of the adjoining parcel.

2 No Uniform Docks and Mooring Permit may be issued for mooring buoys that extend beyond 100 feet as measured from the mean high water mark without receipt of a permit from the NYS Office of Parks, Recreation and Historic Preservation as authorized under Article 3 Navigable Waters of the State of New York §35-a. or successor laws or amendments.

**C. Dimensional Requirements**

Dock construction shall not exceed the following maximum dimensional criteria:

1 Each permitted dock shall not exceed a total of seven hundred twenty (720) square feet, including walkways. For the purposes of this section, width is measured parallel to the mean high water mark; length is measured perpendicular to the mean high water mark. (See Figure 3)

a) The main walkway of the dock is the section of the dock that extends from the mean high water mark toward the center of the lake. The main walkway shall not exceed a maximum width of eight (8) feet.

b) The length of the portion of the main walkway that extends from the mean high water mark towards the center of the lake shall constitute no less than fifty (50) percent of the total length of the dock and associated structures and equipment.

c) No part of the dock or associated structures and equipment shall extend beyond a line which is sixty (60) feet from the mean high water mark; this line or curve, depending on the configuration of the shoreline, is to be parallel to the mean high water mark.

d) If the water depth is less than three (3) feet as measured from the mean low water level at the "sixty (60) horizontal feet line" referenced in c), the maximum length of the dock may be extended to the under water elevation level of 683.60 feet (established by 686.60 feet mean low water level minus three (3 feet). Under no circumstances may the seven hundred and twenty (720) square feet dimensional requirement be exceeded.

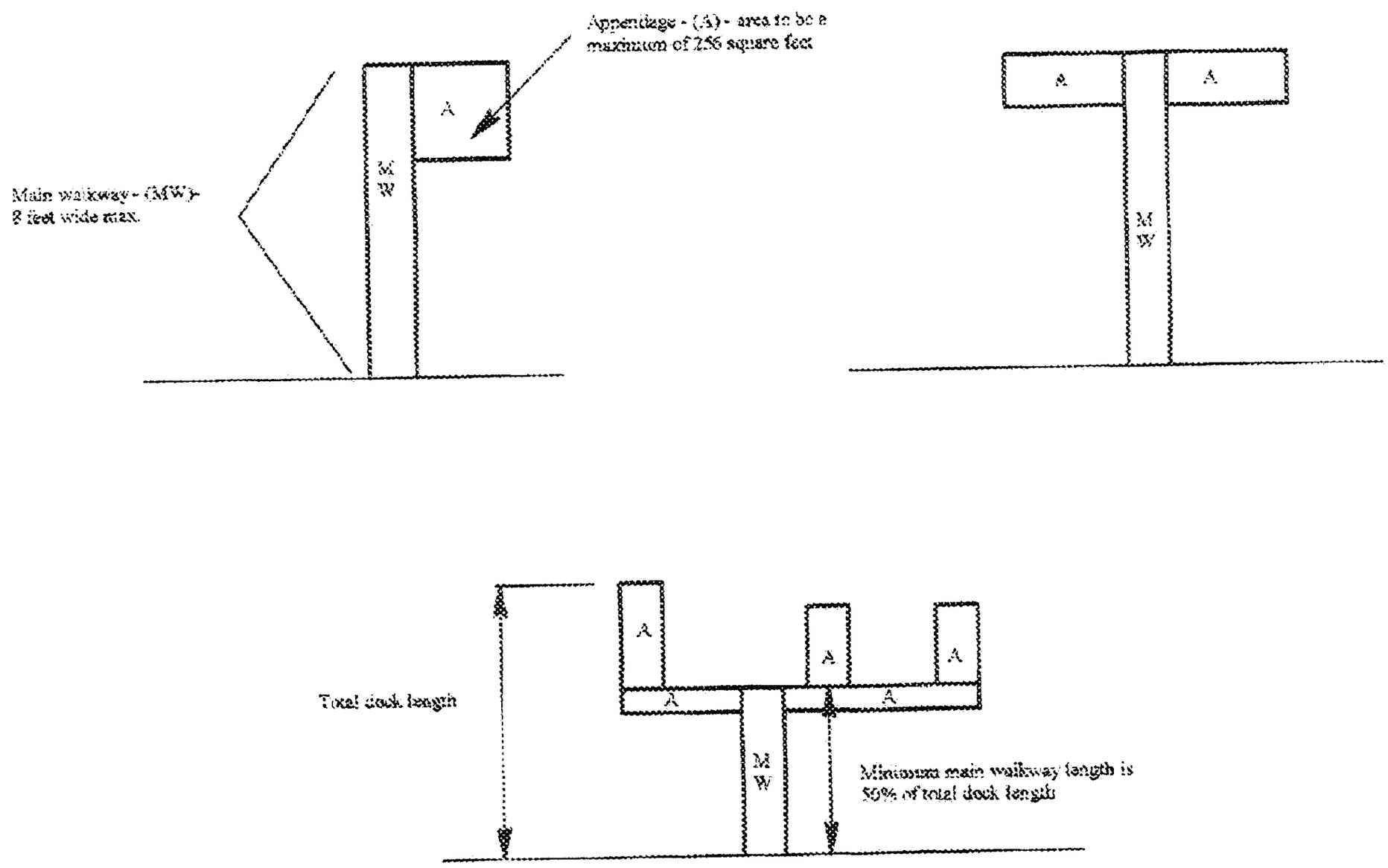
e) The use of fingers, "T" or "L" shaped appendages are permitted in any configuration from the main walkway of the dock to form boat slip spaces.

f) Any appendage shall not exceed a total area of 256 square ft

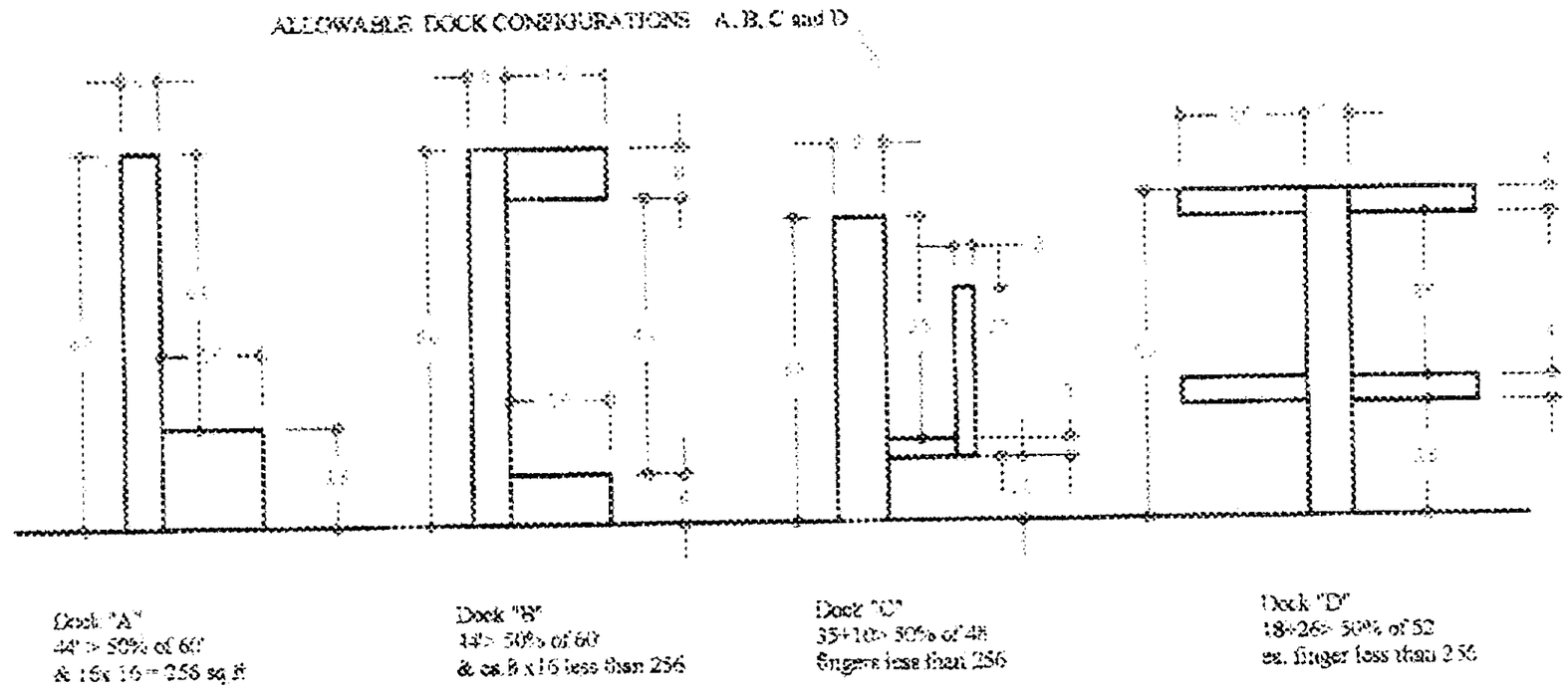
g) In categories where two or more docks are permitted, the docks shall be separated by at least ten (10) feet.

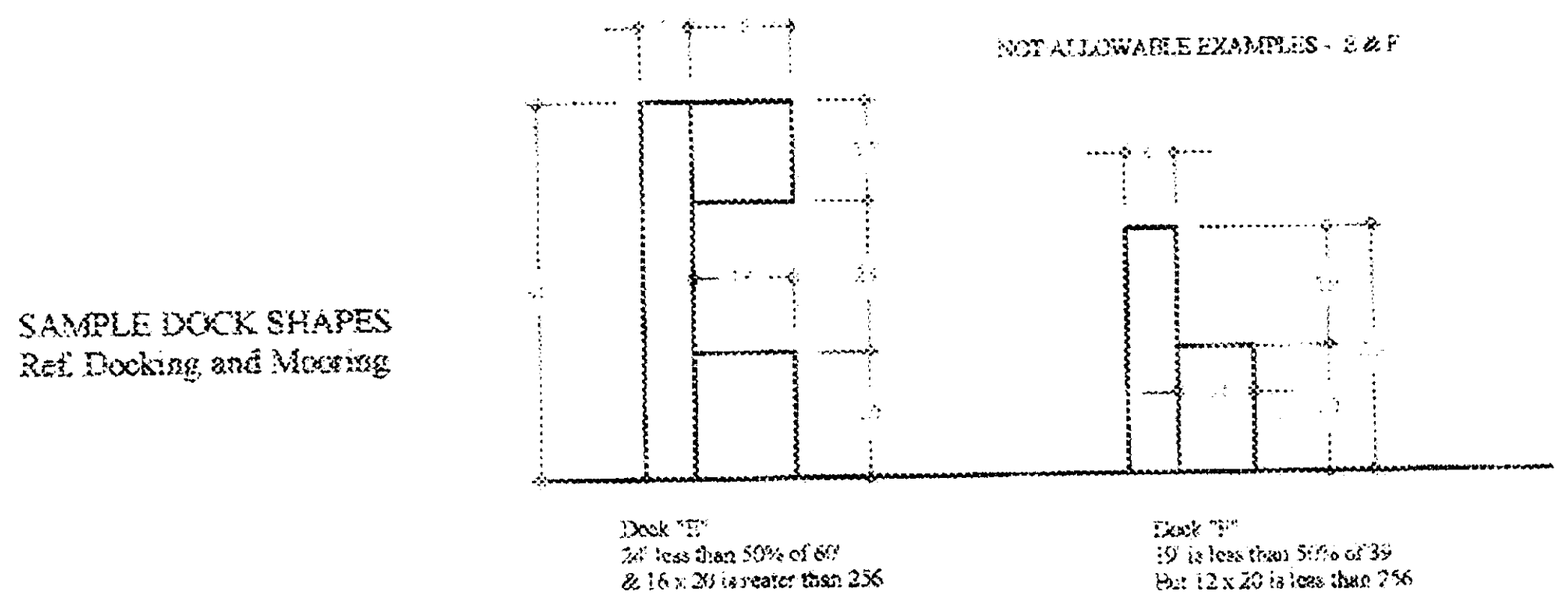
2 A navigational safety light shall be installed at the end of a dock that is 100 feet or greater in length from the mean high water mark.

**Figure 3 Dock and Main Walkway Configuration Examples.**




Figures continued on next page.




**D. Steep Slopes** Steep slope parcels are allowed:

1. One boat accessory structure as long as there is no existing boat house or an existing building on the adjoining parcel within 60' horizontal feet of the mean high water mark;.
2. An additional 200 square foot of dock space.

   a) The square footage of any boat accessory structure, including any that may be on the land side of the mean high water mark, is to be included in the calculation of the additional 200 square foot of dock space. For example:

   **ALLOWED**: 120'sq. boat accessory structure + 80'sq of dock = 200'sq additional dock space.

   **NOT ALLOWED**: 120'sq boat accessory structure + 200'square of dock space = 320'sq additional dock space.

b) For a parcel where more than one dock is allowed, the additional 200 square foot of dock space may be distributed amongst the allowed docks.

**Section 73-10 Tier I Dock Consolidation**

A. **Single Parcel Dock Consolidation** In categories where two or more docks are permitted on an adjoining parcel, the consolidation of two docks into one dock is permitted. The total square footage of the consolidated dock shall not exceed 1,080 square feet. The consolidated dock shall conform to all other provisions of this law.

1. When applying for dock consolidation under this provision, the adjoining parcel owner extinguishes all rights and claims to the second dock.
2. The certification requirements established in Section 73-11 of this local law shall apply to this section
3. The adjoining parcel owner shall record with the Ontario County Clerk that the claim to an additional dock is waived.
4. An additional 200 square feet of dock is allowed for a steep slope parcel.

B. **Contiguous Adjoining Parcel Dock Consolidation**

1. Up to three contiguous adjoining parcel owners, for the purpose of sharing a docking or mooring facility, may submit an application to the Enforcement Officer for a waiver of side setback requirements for the purpose of consolidating docking and mooring facilities.
2. No more than three contiguous adjoining parcel owners may share a docking or mooring facility under this section.
3. The total square footage of a dock where two contiguous adjoining parcel owners are consolidating two docks is 1,080 square feet.
4. The total square footage of dock where three contiguous adjoining parcel owners are consolidating three docks is 1,280 square feet.
5. Each steep slope parcel is allocated an additional 200 square feet of dockage.
6. At no time will a waiver be granted that exceeds the maximum number of docking and mooring facilities permitted for the sum of individual contiguous adjoining parcels involved in a consolidation.
7. Said waiver application must follow the certification requirements established in Section 73-11 C of this local law and verification sent to the Enforcement Officer.
8. The waiver agreement must be recorded in the Ontario County Clerk's Office for the contiguous adjoining parcels involved and verification of the filing provided to the Enforcement Officer prior to issuance of the uniform docks and mooring permit.

**Section 73-11 Tier 1 Permit Requirements for Permanent Docking and Mooring and Associated Facilities**

A A uniform docks and mooring permit must be obtained prior to construction of any permanent docking and mooring and associated facilities. A Certificate of Compliance shall be issued after satisfactory inspection of the docking and mooring facility by the Enforcement Officer and prior to the use of the any of the docking and mooring facilities.

B An application for a uniform docks and mooring permit shall only be made to the Enforcement Officer by the adjoining parcel owner or its authorized agent.

C The Town of South Bristol shall specify the form and content of the application for a uniform docks and mooring permit.

1. In addition to other content required content, the application shall include the following statements:

   "I hereby certify that all owners have been notified of this application."

   "The requirements and limitations of the Docking and Mooring Local Law are applicable to all owners of record of the adjoining parcel. The applicant is advised that failure to notify any owner of record of said parcel who is not a signator to the application may affect any permit granted as a result of application and process."

D The Enforcement Officer shall require any necessary documentation for delineation of the facility area lines and any existing and/or proposed structures associated with the application and its review.

E. A uniform docks and mooring permit for a boat house or associated facilities is required.

1. A Certificate of Compliance shall be issued after inspection of the facility(s) by the Enforcement Officer and prior to use of the facility(s).

F. Where a dock or an associated facility or structure regulated under this local law is, or is proposed to be, located on both sides of the mean high water mark, it shall be regulated exclusively under the provisions of this local law.

G. Any use or structure on the land side of the mean high water mark not regulated under this law, including those that are or proposed to be attached to a dock or associated facility or structure, are subject to the provisions of adjoining zoning district or other local laws, regulations or ordinances.

H. All other state and federal approvals or permits must be obtained before a uniform docking and mooring permit is issued.

1. If a state or federal permit requires issuance of a uniform docking and mooring permit, the Enforcement Officer may issue a conditional uniform docking and mooring permit based on receipt of applicable state or federal permit.

**Section 73-12 Tier 1 Requirements for Seasonal Docking and Mooring and Other Structures**

A. Seasonal docking and mooring facilities are subject to all applicable requirements of this local law.

B. The Enforcement Officer may require an adjoining owner to either obtain a Certificate of Conformity or provide a Certificate of Non-Conformity for a facility installed prior to 1992.

C. An adjoining owner may request a Certificate of Conformity from the Enforcement Officer as documentation of compliance with this local law.

**Section 73-13 Tier 2 Docking and Mooring Facilities**

A. The minimum lineal feet of shoreline for a Tier 2 Docking and Mooring facility is 250 feet. The maximum number of docking and mooring facilities that may be constructed in the facility area of the adjoining parcel is listed in Table 3. - Tier 2 Allocation

B. Municipally-owned docking and mooring facilities are allocated boat slips and docks according to Table 3 – Tier 2 Allocation and shall comply with Section 73-18.

C. Docking and mooring facilities shall require site plan approval by the planning board according to provisions of §73-18 of this law.

D. Boat hoists are permitted. Boat hoist structures, boat houses and boat stations are prohibited.

E. Docking facilities and structures shall comply with the design standards established in the federal Americans With Disabilities Act. Where dimensional requirements are greater in this local law than in the ADA, the greater requirement shall apply.

F. No Uniform Docks and Mooring Permit may be issued for mooring buoys that extend beyond 100 feet as measured from the mean high water mark without receipt of a permit from the NYS Office of Parks, Recreation and Historic Preservation as authorized under Article 3 Navigable Waters of the State of New York §35-a. or successor laws or amendments.

G. No part of the dock or associated structures and equipment shall extend beyond a line which is two-hundred (200) feet from the mean high water mark; this line or curve, depending on the configuration of the shoreline, is to be parallel to the mean high water mark.

H. . If the water depth is less than three (3) feet as measured from the mean low water level at the "horizontal feet line" referenced in §73-13 G., the maximum length of the

dock may be extended to the under water elevation level of 683.60 feet (established by 686.60 feet mean low water level minus three (3 feet).

| TABLE 3 TIER 2 ALLOCATION | |
|---|---|
| **Lineal Feet of Shoreline** | **Maximum Number of Boat Slips and Moorings** |
| **A. 250'to ≤ 300'** | ▪ A total of fifty (50) boat slips and 15 moorings are allowed. |
| **B. > 300'** | ▪ A total of ten (10) additional boat slips or moorings are allowed for every additional one-hundred (100) feet of shoreline in excess of 300'.<br>▪ Of each additional ten (10), no more than three (3) may be moorings. |

**Section 73-14 Tier 2 Docking and Mooring Facilities Design Standards**

A. **Setback Requirements** A Tier 2 Docking and Mooring Facility, shall be set back a minimum of 45 feet from the Facility Area Line. A Tier 2 Docking and Mooring Facility shall be set back a minimum of 10 feet from the edge of any Outlet to Canandaigua Lake.

B. **Placement of Mooring Buoys** Mooring buoys shall be placed within the Docking and Mooring Facility Area in such a manner that each moored vessel will avoid contact with any other moored vessel or structure. At no time may a moored vessel or part thereof extend outside the limits of any Facility Area Line of a parcel. (See also § 73-13 F.)

C. **Dimensional Requirements**

1. The main walkway shall be at least six (6) feet wide.
2. No appendage shall be more than 6 feet wide.

D. **Navigational Lighting** A navigational safety light shall be installed at the end of a dock that is 100 feet or greater in length from the mean high water mark.

**Section 73-15 Tier 3 Docking Facilities for Transient Use**

A. An adjoining parcel in a zoning district assigned Tier 3 allocation with a restaurant, hotel or motel that does not have a Tier 2 Docking and Mooring Facility may provide docking and mooring facilities for the transient use of their patrons according to the allocation in Table 4 Tier 3 - Transient Use Allocation.

B. The minimum lineal feet of shoreline required for a docking facility is one-hundred and fifty (150) feet.

C. An adjoining parcel that contains both a waterfront restaurant and waterfront hotel/motel shall not be eligible for separate allocations for the restaurant and for the hotel/ motel.

D. An adjoining parcel may not be allocated both a Tier 2 Docking and Mooring Facility and a Tier 3 Transient Use allocation.

E. Mooring buoys are not allowed.

F. The surface area and length of the docking facilities shall be the minimum necessary to accommodate the permitted number of boat slips.

G. Docking facilities shall require site plan approval by the planning board according to provisions of §73-18 of this law.

H. At no time shall the boat slips be rented or leased.

I. Docking facilities and structures shall comply with the federal Americans with Disabilities Act (ADA). Where dimensional requirements are greater in this local law than in the ADA, the greater requirement shall apply.

| **TABLE 4 TIER 3 TRANSIENT USE ALLOCATION** | |
|---|---|
| **Lineal Feet of Shoreline -Category** | **Number of Boat Slips** (Mooring buoys are prohibited.) |
| **A. 150' to 250 feet** | 18 |
| **B. > 250.01 feet** | 10 for every additional 100' lineal feet of shoreline in excess of 250 lineal feet. |

**Section 73-16 Design Standards for Docks Facilities for Transient Uses**

A. **Setback Requirements** The setback shall be 45 feet from the Facility Area Line. A Tier 3 Docking and Mooring Facility shall be set back a minimum of 10 feet from the edge of any Outlet to Canandaigua Lake.

B. **Dimensional Requirement**

1. The main walkway shall be at least six (6) feet wide.
2. No appendage shall be more than six (6) feet wide.

C. **Navigational Lighting** A navigational safety light shall be installed at the end of a dock that is 100 feet or greater in length from the mean high water mark.

**Section 73-17 All Tier 2 and 3 Permit Requirements and Procedures for Seasonal and Permanent Docking and Mooring and Associated Facilities (including Docking Facilities for Transient Use)**

A. A Uniform Docks and Mooring Permit is required for all Tier 2 and 3 seasonal and permanent docking, mooring and associated facilities. The permit shall be issued by the Enforcement Officer only upon receipt of site plan approval from the planning board.

B. A uniform docks and mooring permit issued for a seasonal Tier 2 or 3 docking and mooring facility does not need to be reissued each time the facility is reinstalled provided that such facility is installed each year and is in compliance with the original approval, and any conditions made thereto.

C. Only the adjoining parcel owner, or their authorized agent, may submit a uniform docks and mooring permit application to the Enforcement Officer.

D. The Town of South Bristol shall specify the form and content of the application for the uniform docks and mooring permit and site plan. At a minimum, the site plan shall:

1. Be prepared by a New York State registered architect, landscape architect, engineer, or surveyor in accordance with New York State Education Law,

2. Be drawn to scale showing any existing and proposed docking and mooring and associated facilities and indicate which are seasonal or permanent,

3. Include name, address, parcel boundaries, tax map number of the adjoining parcel; the lineal feet of shoreline; the Facility Area Lines; the mean high water tie line; elevation of the lake bottom; and required and proposed setbacks, and,

4. All necessary design details and information related to the project.

E. In addition to other content required, the application shall include the following statements:

1. "I hereby certify that all owners in any existing or proposed docking or mooring facility related to this property have been notified of this application.

2. The requirements and limitations of the Docking and Mooring Local Law are applicable to all parties who have a property interest in the adjoining parcel. The applicant is advised that failure to notify any party with a property interest in said parcel may affect any rights granted as a result of application and process."

F. The Enforcement Officer shall require any necessary documentation for delineation of the facility area lines and any existing and/or proposed structures associated with the application and its review.

G. Docking facilities and structures shall comply with the standards established in the Americans with Disabilities Act of 1990 - ADA - 42 U.S. Code Chapter 126 as amended.

(ADA) Where dimensional requirements are greater in this local law than in the ADA, the greater requirement shall apply.

**Section 73-18 Tier 2 & 3 Docking and Mooring Site Plan Review Requirements and Procedures**

A **Authorization** The planning board is authorized to review and approve, approve with modifications, or disapprove a site plan prepared according to the provisions of this local law for a Uniform Docking and Mooring Permit. In the case of a municipally owned adjoining parcel, the governing body may designate which board will perform site plan review.

B **Review considerations** At a minimum, the following shall be considered by the planning board during site plan review of a uniform docks and mooring permit application:

1 The construction of such facilities shall be undertaken in such a way as not to:

a) Impair water quality or cause harm to fish, wildlife or botanical resources;

b) Cause problems of erosion or sedimentation;

c) Create hazards for navigation; or

d) Otherwise threaten public health or safety;

2 Such facilities shall be constructed only of materials which are stable and which will have no adverse effects on water quality;

3 The amount of grading, filling, earth moving, and disturbance of land during the construction of such facilities shall be minimized; and

4 Such facilities shall comply with any and all state or federal regulation of pumping facilities for waste disposal or marine fueling facilities when proposed.

C **Additional information.** The planning board may require the applicant to provide additional information that it deems necessary for review of the application.

D **Variance** When the Enforcement Officer has determined that a proposed site plan does not comply with one or more provisions of this local law, the applicant may apply to the zoning board of appeals for variance(s) pursuant to §73-22.

E **Public hearing** The planning board shall conduct a public hearing within sixty-two (62) days from the date when an application has been determined to be complete for the purpose of commencing the review process by the Enforcement Officer.

1 The planning board shall mail notice of said hearing to the applicant at least ten business days before said hearing and shall give public notice of said hearing in a newspaper of

general circulation in the Town of South Bristol at least five business days prior to the date of the hearing.

F **SEQR** The planning board shall comply with all provisions of the State Environmental Quality Review Act under Article 8 and its implementing regulations.

G **Conditions** The planning board may impose reasonable conditions and restrictions that are directly related to, and incidental to the proposed site plan and this local law.

H **Term of Permit Related to an Adjoining Parcel Site Plan Approval** If the term of a related site plan approval for an adjoining parcel issued pursuant to the zoning code expires, any uniform docking and mooring permit shall also expire.

I **Approval** Site plan approval for the Uniform Docking and Mooring permit may be granted only after:

1 Site plan approval for any related development on the adjoining parcel required pursuant to local zoning or subdivision regulation has been obtained; and

2 Any required state or federal permits required for the docking and mooring facilities or associated development on the adjoining parcel has been obtained.

a) If a state or federal department or agency requires issuance of a uniform docking and mooring permit prior to taking action on a required permit, the planning board may issue a conditional site plan approval based on receipt of the applicable state or federal permit

3 The planning board chair shall sign the site plan within thirty days of the planning board granting said approval or conditional approval.

J **Record of decision.** The decision of the planning board shall be filed with the Town clerk within five business days after a decision is rendered.

K **Issuance of Permit** The permit shall be issued within twelve months of the signature of the planning board chair but not prior to issuance of any building or related permits required pursuant to site plan approval for a development or action on an adjoining parcel that is associated with the uniform docks and mooring permit.

1 The planning board may extend the twelve month period upon request of the applicant for an additional period not to exceed twelve months.

L **Term of Construction.** Construction must start within six months of issuance of the permit and must be completed within eighteen months of said issuance.

M **Certificate of Compliance** A Certificate of Compliance shall be issued only after inspection of the docking and mooring facilities by the Enforcement Officer and prior to use of the

facility. Where a permit has been issued that is related to a building permits associated with development on the adjoining parcel, the Certificate of Compliance may not be issued until any Certificates of Occupancy have been issued for the development on the adjoining parcel.

**Section 73-19 Compliance with Section 239 of NYS General Municipal Law**

A. All site plan approvals required by this local law and all variance applications shall be subject to the provisions of Section 239 of the General Municipal Law and the bylaws of the Ontario County Planning Board.

**Section 73-20 City of Canandaigua Boat House Parcels**

The eighty-seven (87) boat house parcels located at the City Pier in the City of Canandaigua shall be grandfathered from the regulations of this local law, but shall continue to be regulated by Chapter 42 of the Municipal Code of the City of Canandaigua.

**Section 73-21 Nonconforming Docking and Mooring Facilities, Structures, and Uses**

A Upon the effective date of this local law, an existing non-conforming building structure or use shall not be enlarged or expanded. A nonconforming building and/or structure damaged fifty percent (50%) or greater of its existing value at the time of loss or damage shall only be allowed to be reconstructed if said building and/or structure is in conformance with this chapter and such reconstruction be completed within eighteen (18) months of such happening.

1 Normal maintenance and repairs and incidental alteration of a docking and mooring facility, building or structure containing a nonconformity is permitted, provided that it does not extend or expand the area occupied by the nonconformity. Piers or wharves requiring limited expansion for repair or reconstruction shall comply with all NYSDEC regulations.

B A nonconforming docking and mooring facility, other structure or use may be made in conformance. Once a nonconformity is brought into compliance it may never be reestablished and future structures, uses and docking and mooring facilities shall be in conformity with the provisions of this local law.

C If a permanent docking and mooring facility is replacing a nonconforming seasonal dock and mooring facility, it must be in compliance with all applicable provisions of this local law.

D Whenever a nonconforming use, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year or more, such nonconformity shall not thereafter be re-established, and all future docking and mooring facilities, uses or structures shall be in conformity with the provisions of this local law.

E Except as otherwise provided by Article 6, Section 75 of the Public Lands Law:

1 Any unexpired uniform docking and mooring permit issued between 1992 and the effective date of this local law and any docking and mooring or associated facility authorized by said permit, whether or not the said facilities have been constructed, shall be considered in compliance with this local law.

2 Any preliminary or final site plan approval for a docking and mooring facility grant prior to 1992 shall be considered in compliance with this local law.

F After the effective date of this local law and upon the written request of the adjoining parcel owner, an examination by the Enforcement Officer of any existing use and structures shall be made. A report of the findings shall be made upon such examination together with a Certificate of Nonconforming Use, which shall clearly describe the extent of use, the number, size, and location of all docks, boat slips, boat structures, and boat houses. Such certificate shall be maintained by the Enforcement Officer, and one (1) copy to be furnished to the adjoining parcel owner.

1 Any existing Certificate of Nonconforming Use for docking and/or mooring facilities or uses in existence prior to the adoption of the 1992 local law does not need to be reissued.

**Section 73-22 Docking and Mooring Appeals and Variances**

A The Town of South Bristol Zoning Board of Appeals shall have the power and jurisdiction to:

1 Hear an appeal of any order, requirement, decision, interpretation, or determination made by the Enforcement Officer as it pertains to this local law; and

2 Upon appeal from the decision or determination of the Enforcement Officer, grant a variance according to the provisions and limitations of this section.

B The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination made by the Enforcement Officer upon appeal, and, may make such an order, requirement, decision, or interpretation as in its opinion should have been made in the matter by the enforcement official only based on the requirements and limitations set forth in D. of this section.

C Any person aggrieved by any order, requirement, decision, or determination of the Enforcement Officer may appeal to the zoning board of appeals under the provisions of this Section.

D To maintain a uniform set of standards for the regulation of docks and moorings as is required by §46-a.(4) Navigation Law of the State of New York, the power to grant variances by the Zoning Board of Appeals is limited to variances from facility area lines and outlet setbacks in all Tiers and dock configuration requirements in Tier 1.

1 Setbacks from the facility area lines and/or dock configuration (Section 73-9 C.1. and Section 73-10) may be varied for the following purposes only:

a) To provide safe navigational access; or

b) To minimize adverse environmental impacts on Canandaigua Lake and its watershed.

2 Under no circumstances shall the following allocations or any use(s) established under this local law be varied:

a) Increasing the number of slips and moorings;

b) The number of docks;

c) The square footage of the dock(s);

d) The number or use of associated facilities;

e) Modify the size or use of boat accessory structures ; or

f) A change in the applicable Tier classification.

E The zoning board of appeals, in the granting of a variance, shall grant the minimum variance that it shall deem necessary and adequate to meet the purposes set forth in D. 1. of this section.

1 The zoning board of appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to furthering the purposes established in D. 1.

F The zoning board of appeals shall follow the procedures set forth in §267-a. of NYS Town Law, as may be amended from time to time.

**Section 73-23 Amendments**

Amendment procedures for this local law are contained in Section 46-a, Subdivision 4, of the New York State Navigation Law. Amendments can only be made by a unanimous adoption of a local law by the six municipalities after proper public hearing and environmental review. Such

amendments shall become effective only upon approval by the Commissioner of the New York State Office of Parks, Recreation and Historic Preservation.

**Section 73-24 Separability**

Should any section or provision of this local law be determined by any court to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part(s) so decided to be unconstitutional or invalid.

**Section 73-25 Fees**

The Town of South Bristol may, by resolution, establish appropriate fees for the review and processing of the permits under this local law.

**Section 73-26 Violations and Penalties**

Violations of this local law shall be remedied according to the violation and penalty section of the Town of South Bristol Zoning Local Law and pursuant with Section 268 of Town Law . In addition, other local and state laws may apply, including the New York State Navigation Law.