

**DRAFT GENERIC CANANDAIGUA LAKE UNIFORM DOCKING AND MOORING
LAW UPDATE – MARCH 2024**

TABLE OF CONTENTS

To navigate to a Section: Control+Click on ‘Section’ in the Table of Contents

Section 44-1 Title.....	2
Section 44-2 Purpose.....	2
Section 44-3 Authority and Applicability.....	2
Section 44-4 Compliance with State and Federal Laws and Regulations	3
Section 44-5 Definitions.....	4
Section 44-6 Allocation of Docking and Mooring Facilities	10
Section 44-7 Determining Facility Area Lines for an Adjoining Parcel(s)	11
Section 44-8 Tier 1 Docking and Mooring Facilities Allocation.....	14
Section 44-9 Tier 1 Design Standards for Docking and Mooring Facilities.....	17
Section 44-10 Tier 1 Permit Required for Permanent and Seasonal Docking and Mooring and Associated Facilities.....	19
Section 44-11 Tier 2 Docking and Mooring Facilities	20
Section 44-12 Tier 2 Docking and Mooring Facilities Design Standards	21
Section 44-13 Tier 3 Docking Facilities for Transient Use	21
Section 44-14 Design Standards for Dock Facilities for Transient Uses	22
Section 44-15 Tier 2 and 3 Permit Requirements and Procedures for Seasonal and Permanent Docking and Mooring and Associated Facilities	23
Section 44-16 Tier 2 & Tier 3 Docking and Mooring Site Plan Review Requirements and Procedures	24
Section 44-17 Compliance with Section 239 of NYS General Municipal Law.....	26
Section 44-18 City of Canandaigua Boat House Parcels (References to any appropriate regulations, laws, etc. will be added to this section by the City.)	26
Section 44-19 Nonconforming Docking and Mooring Facilities, Structures, and Uses.....	27
Section 44-20 Docking and Mooring Appeals and Variances	28
Section 44-21 Amendments.....	29
Section 44-22 Separability.....	29
Section 44-23 Fees	29
Section 44-25 Effective Date.....	30
Section 44-26 Repealer	30

Section 44-1 Title

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

Section 44-2 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, Gorham, 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 City/Town of _____ 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 44-3 Authority and Applicability

A In accordance with Section 46-a, Subdivision 4, of the New York State Navigation Law, the City/Town of _____ 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 accessory 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/City of _____ to a distance of 1,500 feet from the shoreline, shall comply with the provision of this local law No. ____the Canandaigua Lake Uniform Docking and Mooring Law.

- C 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.

- D 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 44-4 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 44-5 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. An appendage may not be attached to another appendage. An appendage can only intersect six feet of 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.

Boat Accessory Structure An enclosed storage structure, allowed only in steep slope parcels, 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. (See Boat Slip)

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. (See Boat Slip)

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. A boat house may enclose no more than two boat slips.

Boat Slip The waterside boat storage area adjacent to a dock, or enclosed in a boat hoist structure, boat station, or boat house, the purpose for which is the storage of a boat to provide for navigational access to Canandaigua Lake.

Boat Station A permanent completely 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. Doors or windows shall not constitute open sides. 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. A boat station may enclose no more than two boat slips.

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. Any platforms, retractable skids, temporary flooring systems or other similar structure shall be included as part of the dock system. There shall be no differentiation in application of this code as it pertains to permanent or seasonal docks or associated facilities.

Docking and Mooring Facility One or more structures, docks, mooring buoys or a combination thereof, associated with an adjoining parcel(s) used for the seasonal or permanent 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:

Table 1 Distance Perpendicular to Mean High Water Mark	
Facility Type	Distance Perpendicular to the Mean High Water Mark
Tier 1 Docking & mooring facilities	60 feet except as provided for in §44-8 and §44-9.
Tier 2 Docking facilities only	200 feet except as provided for in §44-11 G.
Tier 3 Docking Facilities	200 feet except as provided for in §44-13 C
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 Section 44-7.

Height The vertical distance measured from the mean high water level 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 44-7 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. The maximum permitted width of the main walkway shall be ten (10) feet.

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). The Mean Low Water Level for Canandaigua Lake is 686.60 feet above mean sea level (National Geodetic Vertical Datum of 1929). The Mean High-Water Level is 689.40 feet above mean sea level. (National Geodetic Vertical Datum of 1929). These heights are measured above mean sea level.

Mooring Buoy A floating object anchored to the bed of the lake to which a boat can 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. The setback from the outlet shall be measured from the top of the bank nearest to the structure,

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. There shall be no differentiation in the application of this code as it pertains to permanent or seasonal docks or associated facilities.

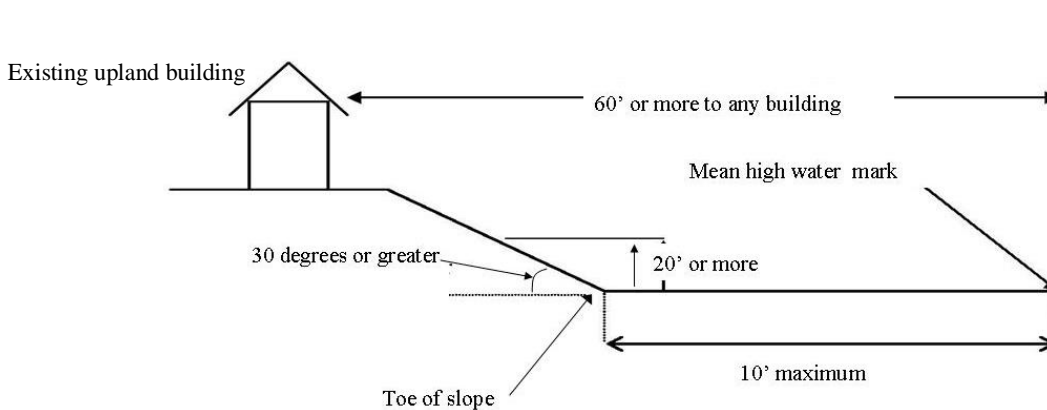
Pier or Wharf Any structure extending out into or over the water built upon fill, which shall include, but shall not be limited to earth, clay, silt, sand, gravel, stone, rock, shale, concrete (whole or fragmentary), ashes, cinders, slag, metal, whether or not enclosed, or containing (1) crib, crib work 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 from the lake on an annual basis. There shall be no differentiation in the application of this code as it pertains to permanent or seasonal docks or associated facilities.

Shoreline Mean high water mark. The location where the mean high-water level intersects the adjoining parcel.

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.

Tier 2 Marina Facility: A facility that is on one parcel or spans multiple parcels that provides Tier 2 docking and/or mooring facility(ies) and associated land-based support facilities such as

parking, marine fueling, restrooms, marine dump station, and incidental marine sales and services.

Tier 3 Transient Use Facility: a facility that is on one parcel or spans multiple parcels that provides for Tier 3 docking facilities and associated land based support facilities such as parking, hotels and restaurants.

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

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 44-6 Allocation of Docking and Mooring Facilities

- A The maximum number of docking and mooring facilities allocated to an adjoining parcel or parcels for Tier 1, Tier 2 or Tier 3 shall be based on the Tier assigned by the Town Board/City Council to the adjoining zoning district.
- 1 In the absence of a Tier assignment by the Town Board/City Council 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 Where both Tier 2 and Tier 3 are assigned to the adjoining zoning district the adjoining parcel or multiple parcel Tier 2 Marina or Tier 3 facilities shall not be assigned both a Tier 2 and Tier 3 allocation of boat slips and moorings.
 - 5 If a Tier 2 Marina Facility or Tier 3 Transient Facility spans multiple parcels, there shall only be one tie line that connects the one outer parcel boundary to the other outer parcel boundary. The length of the one tie line shall be used to determine the maximum number of boat slips and/or moorings allowed for the multiple parcel Tier 2 Marina Facility or Tier 3 Transient Facility.
 - 6 Only the local elected governing body {city council/town board} 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 District 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 are 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 the 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 Limitation on the Maximum Number of Facilities Sections 44-8 (Tier 1), 44-11 (Tier 2), and 44-13 (Tier 3) establish 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 the requirements of the adjoining zoning district, site plan review requirements or other local or state laws or regulations related to development of the adjoining parcel. Application of the zoning code, other local laws and ordinances, or state/federal laws or regulations may result in a reduction in that number.

Section 44-7 Determining Facility Area Lines for an Adjoining Parcel(s)

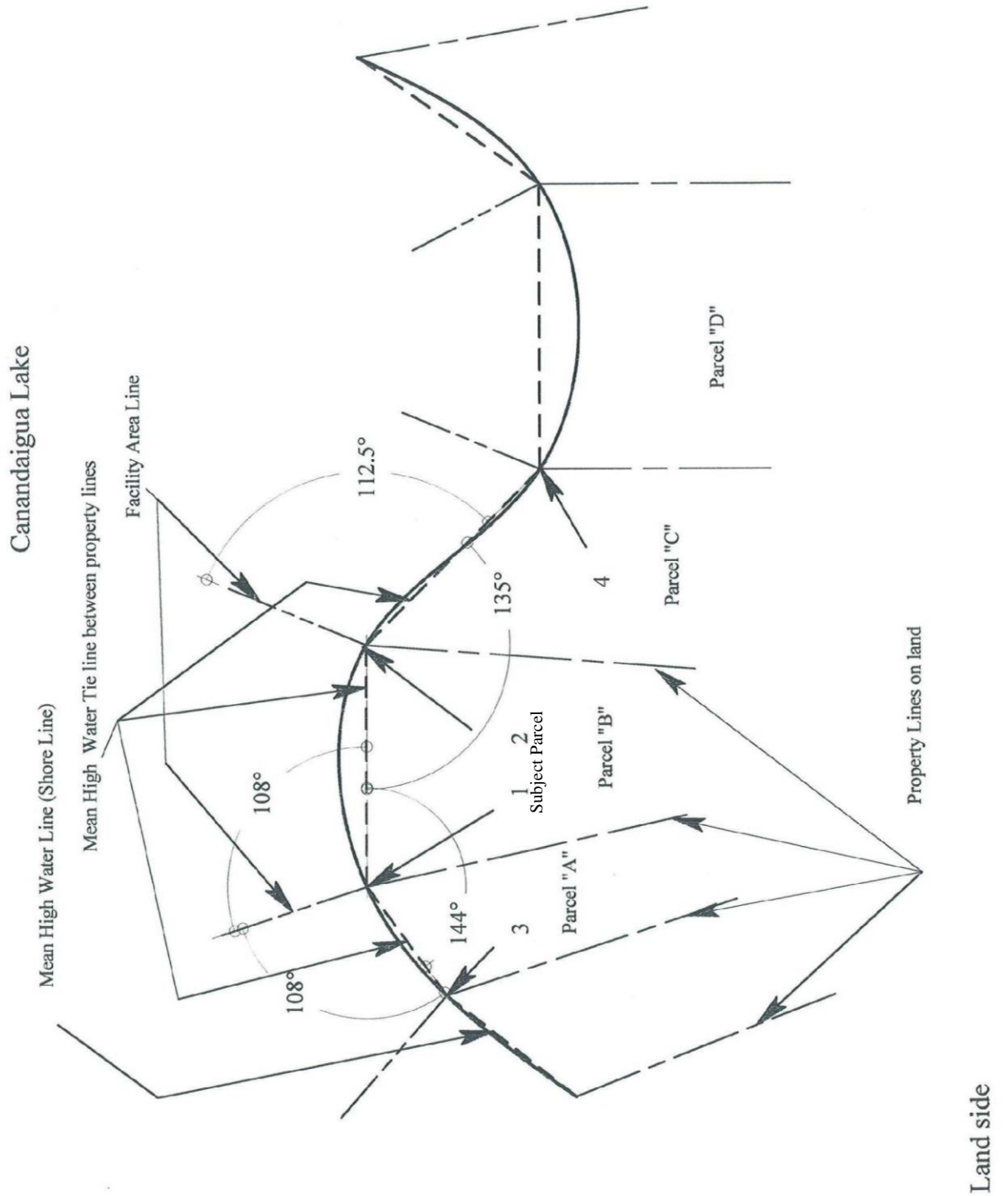
A Facility Area Lines must be determined by a licensed surveyor using the following method (See Figure 2.):

- 1 Determine the four points where the mean high water mark intersects the property lines of the subject parcel(s) (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 44-7 A.1-4. must be modified in order that all Facility Area Lines are 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. Tier One applications shall include a survey of the parcel boundaries, facility lines, water depths and tie lines prepared by a licensed surveyor, and proposed improvements prepared by a licensed professional. (Engineer, Architect, and/or Landscape Architect.)

Figure 2 Determining Facility Area Lines



Section 44-8 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 2 - Tier 1 Allocation.

1. Mooring buoys are prohibited in Category A.
2. For Categories B. – E. 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 44-9 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 2 Tier 1 Allocation			
Lineal Feet of Shoreline Category	Number of Boat Slips/Mooring Buoys	Number of Docks	Square Footage of cumulative total dock(s) system(s) allowed.
A. 1' to 35'	1	1 (Appendages are prohibited. The dock shall consist of a main walkway and adjacent boat slips.)	450
B. 35.01' to 75'	2	1	600
C. 75.01' to 150'	3	1	720
D. 150.01' to 200'	4	2	900 Combined total for both docks. The square footage can be divided between both docks.
E. 200.01+	4 + 1 slip for every 100 feet of shoreline in excess of 200 feet	2	900 Combined total for both docks. The square footage can be divided between both docks..

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:** Only one boat house is allowed for adjoining parcels having 200' lineal feet of shoreline or more and shall contain no more than two boat slips. The adjoining parcel is not allowed to have both a boat station and boat house.
 - a. No boat house may be used as a dwelling, sleeping, lodging or boarding place.
 - b. A boat house has a permanent roof and one or more enclosed sides and shall have no utility service except electricity.
 - c. Construction of a second floor level inside the boat house or of a second floor deck is not permitted
 - d. 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.
 - e. A maximum 12 inch roof overhang is allowed.
 - f. The internal square footage of the walkway(s) inside the boat house must meet all dock dimensional requirements and shall be included in the square feet dockage allowance. Any platforms, retractable skids, temporary flooring systems or other similar structure 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 adjoining parcels having 75 lineal feet of shoreline or more are allowed to have a boat station. 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 one slip boat station shall not exceed 19 feet in width or 40 feet in length. A two-slip boat station shall not exceed 34 feet in width or 40 feet in length.
 - a. The square footage of the walkway(s) of the boat station shall be included in the square feet dockage allowance. Any platforms, retractable skids, any temporary flooring systems or other similar structure shall be included in the square foot dockage allowance and must meet all dimensional requirements.

- b. A maximum 12-inch roof overhang is allowed.
 - c. A boat station may be substituted for one boat hoist structure where more than one boat slip is allowed.
 - d. The adjoining parcel is not allowed to have both a boat station and a boat house. 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 75 square feet, and 10 feet in height as measured from the mean high-water level. The 75 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 square feet dockage allowance.
 - 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 75 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 ten (10) feet of the waterside of the mean high water mark.

Table 3 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	≤ 10’ 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/loft/balcony etc.					

Section 44-9 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 the nearest top of bank of any Outlet to Canandaigua Lake for Table 2. Tier 1 Allocation Categories B.-E. The setback is a minimum of five (5) feet from the facility area lines and the nearest top of bank of any Outlet to Canandaigua Lake for Table 2. 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 Total dock square footage of all permitted docks shall not exceed the maximum limits set forth in Table 2. 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.
 - 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 ten (10) feet.
 - b) 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.
 - c) 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 underwater elevation level of 683.60 feet (established by 686.60 feet mean low water level minus three (3) feet). Under no circumstances may the square footage dimensional requirements listed in Table 2 Tier 1 Allocation be exceeded.
 - d) All platforms, retractable skids/floors, temporary flooring systems or other similar structures shall be included in the square feet dockage allowance and must meet all dimensional requirements.
 - e) All appendages must be attached to the main walkway. The maximum width of any appendage shall not exceed six (6) feet.
 - f) Any appendage shall not exceed a total area of 350 square ft.
 - g) Openings for boat slips shall be a minimum of 5 feet wide.
 - h) 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.

D. Steep Slopes

Steep slope parcels are allowed 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.

Section 44-10 Tier 1 Permit Required for Permanent and Seasonal Docking and Mooring and Associated Facilities

- A A permit must be obtained prior to the:
 - 1 Construction of any new permanent docking and mooring facility or any alteration to an existing facility that is not included in an existing permit; and
 - 2 Initial installation of a new seasonal dock or the replacement, expansion or relocation of an existing seasonal facility.
- B 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 any of the docking and mooring facilities.
- C 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.
- D The city/town _____ shall specify the form and content of the application for a uniform docks and mooring permit.
- E 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. The application shall include a boundary plan prepared by a licensed surveyor, and proposed improvements prepared by a licensed professional. (Engineer, Architect, and/or Landscape architect.)
- F A uniform docks and mooring permit for a boat house or associated facilities is required.
- G 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 the adjoining zoning district or other local laws, regulations or ordinances.

H. The Tier 1 permit expires two years from the date of issuance. The term may be extended an additional two years upon application to the Enforcement Officer prior to expiration of the permit.

I. 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 the applicable state or federal permit.

Section 44-11 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 or parcels, if the Tier 2 facility spans multiple parcels, is listed in Table 4 - Tier 2 Allocation. This maximum allocation does not take into consideration land-based docking and mooring support facility requirements in the zoning code or site plan review requirements such as parking, marine fueling, restrooms, marine dump station, and incidental sales and services that may reduce the number of boat slips or moorings. This may result in a reduction in the maximum number of boat slips and moorings.

B. Municipally-owned docking and mooring facilities are allocated boat slips and docks according to Table 4 – Tier 2 Allocation and shall comply with Section 44-16.

C. Docking and mooring facilities shall require UDML site plan approval by the planning board/commission according to the provisions of §44-16 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 §44-13 G., the maximum length of the dock may be extended to the underwater elevation level of 683.60 feet (established by 686.60 feet mean low water level minus three (3) feet).

TABLE 4 TIER 2 ALLOCATION	
Lineal Feet of Shoreline	Maximum Number of Boat Slips and Moorings
A. 250’ to ≤ 300’	<ul style="list-style-type: none"> ▪ A total of fifty (50) boat slips and 15 moorings are allowed.
B. > 300’	<ul style="list-style-type: none"> ▪ 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’. ▪ Of each additional ten (10), no more than three (3) may be moorings.

Section 44-12 Tier 2 Docking and Mooring Facilities Design Standards

A. Setback Requirements A Docking and Mooring Facility, shall be set back a minimum of 45 feet from the Facility Area Line.

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, structure or boat in a slip. At no time may a moored vessel or part thereof extend outside the limits of any Facility Area Line of a parcel. (See also Section 44-11 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 44-13 Tier 3 Docking Facilities for Transient Use

A An adjoining parcel(s) 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 facilities for the transient use of their patrons according to the allocation in Table 5 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 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.
- D 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.
- E An adjoining parcel may not be allocated both a Tier 2 Docking and Mooring Facility and a Tier 3 Transient Use allocation.
 - (1) If a permit is granted to add a Tier 2 docking and mooring facility that meets all requirements, the number of existing Tier 3 boat slips must be deducted from the Tier 2 allocation calculation for that facility.
- F Mooring buoys are not allowed.
- G The surface area and length of the docking facilities shall be the minimum necessary to accommodate the permitted number of boat slips.
- H Docking facilities shall require site plan approval by the planning board according to provisions of §44-18 of this law.
- I At no time shall the boat slips be rented or leased.
- J 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 5 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 44-14 Design Standards for Dock Facilities for Transient Uses

A Setback Requirements The setback shall be 45 feet from the Facility Area Line.

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 44-15 Tier 2 and 3 Permit Requirements and Procedures for Seasonal and Permanent Docking and Mooring and Associated Facilities

- A A Uniform Docks and Mooring Permit is required for all Tier 2 and Tier 3 seasonal and permanent docking, mooring and associated facilities. The permit shall be issued by the Enforcement Officer only upon receipt of UDML site plan approval from the planning board/commission pursuant to Sec. 44-16.
- B A uniform docks and mooring permit issued for a seasonal Tier 2 or Tier 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 city/town 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:
- “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.
- 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 44-16 Tier 2 & Tier 3 Docking and Mooring Site Plan Review Requirements and Procedures

- A **Authorization** The board having jurisdiction over site plan approval 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.
 - 1 In the case of a municipally owned adjoining parcel, the governing body may designate which board will perform the UDML site plan review.
 - 2 The board having jurisdiction shall determine the number of boat slips and moorings allowed after application of any requirements related to land-based docking and mooring support facilities such as parking, marine fueling, restrooms, marine dump station, and incidental sales and services related to the number of boat slips or moorings that are required in the local zoning code, other applicable local requirement, or as mitigation measures required as part of the conclusion of the SEQR process. This may result in the reduction of the maximum number of slips or moorings allowed.
- B **Review considerations** At a minimum, the following shall be considered by the board having jurisdiction 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 board having jurisdiction may require the applicant to provide additional information that it deems necessary for review of the UDML site plan 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 §44-20.

E **Public hearing** The board having jurisdiction shall conduct a public hearing within sixty-two (62) days from the date when an UDML site plan application has been determined to be complete for the purpose of commencing the review process by the enforcement officer.

- 1 The board having jurisdiction 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/city at least five business days prior to the date of the hearing.

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

G **Requirements and Restrictions** The board having jurisdiction may impose reasonable requirements and restrictions that are related to the proposed UDML site plan and this local law.

H **Relationship to Associated Development of Adjoining Parcel Site Plan Approval**

- 1 If the UDML site plan application for a Tier 2 and/or Tier 3 facility is associated with an application for site plan approval for development and/or redevelopment of parcel(s) on the adjoining parcel(s) pursuant to local planning and zoning regulations, the UDML site plan review process shall be conducted concurrently with the adjoining upland parcel's application(s).
- 2 The term of the UDML site plan permit shall be the same as the term established in local planning and zoning regulations for the adjoining parcel associated development(s) approvals. The expiration date and any extensions for said applications, approvals and issuance of permits shall also be the same.
- 3 If a state or federal department or agency requires issuance of a uniform docking and mooring permit prior to it taking action on a required permit, the planning board may

issue a conditional UDML site plan approval. The planning board will not take final action until the associated site plan is approved and receipt of any federal or state approval has been received.

- 4 Any amendment application to an approved site plan for associated development and/or redevelopment of the adjoining parcel will require a review of any associated UDML site plan approval and permit to determine if such an amendment application would cause noncompliance with this local law if approved.

I Record of decision. The decision of the board having jurisdiction shall be filed with the _____ clerk within five business days after a decision is rendered.

J Issuance and Term of UDML Tier 2 and Tier 3 Permit(s)

- 1 Issuance of the UDML Tier 2 or Tier 3 permit(s) shall take place within three months of the UDML site plan approval and signature of the chair of the board having jurisdiction when there is no related local planning or zoning approvals required for associated adjacent parcel development and/or redevelopment as described in Sec. 44-16 H.
- 2 The term of the permit(s) is two years and may be extended by the board having jurisdiction upon request of the applicant for a period of up to a twelve month unless otherwise provided for in Sec. 44-16 H.

K UDML Site Plan 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. If a UDML permit has been issued that is related to a building permit associated with development/redevelopment on the adjoining parcel pursuant to Sec. 44-16 H., the UDML Certificate of Compliance may not be issued until Certificate(s) of Occupancy have been issued for the associated development on the adjoining parcel(s).

Section 44-17 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 _____ County Planning Board.

Section 44-18 City of Canandaigua Boat House Parcels (References to any appropriate regulations, laws, etc. will be added to this section by the City.)

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 __ of the Municipal Code of the City of

Canandaigua.

Section 44-19 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 Where an existing nonconforming seasonal or permanent dock crosses into the facility area of an adjoining parcel, the replacement docking and mooring facility is allowed to retain the same number of slips if and only if it meets all dimensional requirements of this local law without a variance. No variance(s) shall be granted to the dimensional requirements to allow retention of the number of slips in excess 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 after 2021 and the effective date of this local law and any docking and mooring or associated facility authorized by said permit, whether or not said facilities have been constructed, shall be considered in compliance with this local law.

F After the effective date of this local law, the adjoining landowner may retain a licensed professional to conduct an examination of any existing use and structures and a report of the findings shall be made and submitted to the Enforcement Officer with a request for a Certificate of Nonconforming Use. The report shall clearly document the nonconformities, 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 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 44-20 Docking and Mooring Appeals and Variances

- A The Town/City of ____ 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 setbacks in all Tiers and dock configuration requirements in Tier 1.
- 1 Setbacks from the facility area lines and/or **dock configuration** (Section 44-9 C.1) 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 Except as provided for in Section 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 except as provided for in Sec. 44-19 C.;
 - b) The number of docks;
 - c) The square footage of the dock(s);
 - d) The dimensional requirements of the dock(s);
 - e) The number or use of associated facilities;
 - f) Modify the size or use of boat accessory structures ; or
 - g) 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 or § 81-a of NYS General City Law].

Section 44-21 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 44-22 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 44-23 Fees

The Town/City of _____ may, by resolution, establish appropriate fees for the review and processing of the permits under this local law. Section 44-24 Violations and Penalties

Violations of this local law shall be remedied according to the violation and penalty section of the City/Town of zoning code and pursuant with Section 268 of Town Law or city law. In addition, other and state laws may apply, including the New York State Navigation Law.

Section 44-25 Effective Date

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.

Section 44-26 Repealer

Sample: The text of _____ enacted by the Town/City Board/Council, Ontario/Yates County New York on _____ 1992 and amended in _____ 202__ and 201_, establishing uniform regulation of docking and mooring facilities are hereby repealed and amended in its entirety as set forth above, superseding all previous enactments and amendments, and, from their taking effect, all such previous enactment and amendments thereto shall be repealed.