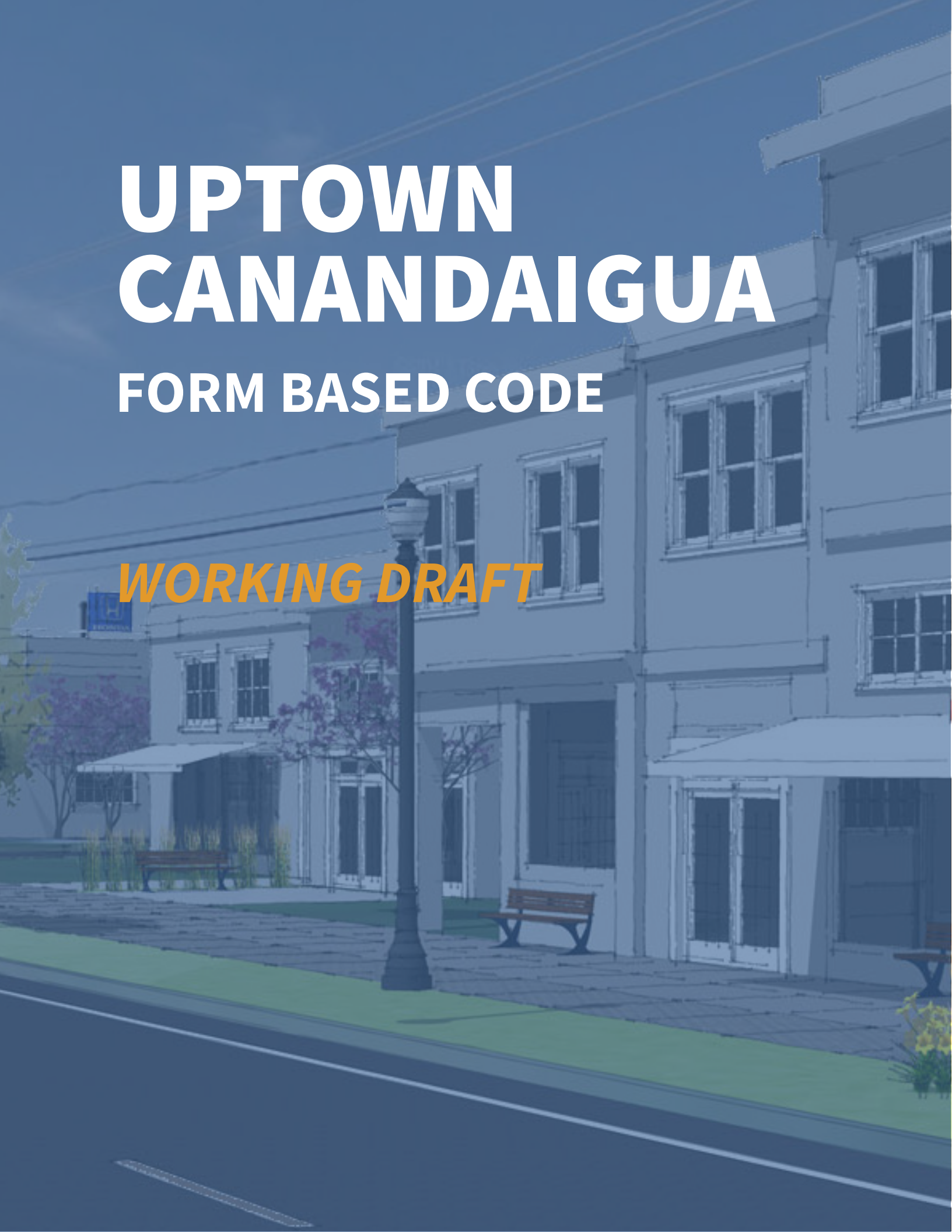


# UPTOWN CANANDAIGUA

FORM BASED CODE

*WORKING DRAFT*





SECTION I

# OVERVIEW OF THE FORM BASED CODE

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# A. PURPOSE

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The purpose of the Uptown Canandaigua Form Based Code is to implement the community's vision set forth in the Uptown Canandaigua Corridor Study completed in 2018. The Plan envisions a vibrant district with a variety of building types that offer retail, service, employment, as well as a variety of housing choices. This district aims to strengthen the area's sense of place and improve walkability and connectivity to key destinations within Uptown.

This Form Based Code will regulate the physical form of the built environment in the Uptown Canandaigua area to create a high quality public realm. This Form Based Code is the enforceable regulating document with the necessary tools and standards in order to realize the community's vision.

This code acts as a guide for developers to ensure future development in Uptown Canandaigua is attractive, cohesive, and aligns to the established future vision. The regulated standards are intended to create a walkable, connected, and accessible district that enhances the pedestrian experience and provides a safe transportation route for all types of users.

## WHAT IS A FORM BASED CODE?

Form Based Codes are an alternative to conventional, Euclidean zoning. A Form Based Code uses the desired physical form instead of land use as the organizing principle for the overall code.

The terms used to define zones and the building and site standards tie back to the intended physical form, which may include a mix of uses and building types that create a vibrant walkable streetscape.



## B. ORGANIZATION

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This Form Based Code is organized into the following sections:

- Section I - Overview of the Form Based Code
- Section II - Development Review Process
- Section III - Terms and Interpretation
- Section IV - Rules for All Subareas
- Section V - Regulations Applicable to the State Route 332 Corridor Subarea
- Section VI - Regulations Applicable to the Mixed Use Development Subarea

## C. HOW TO USE THE FORM BASED CODE

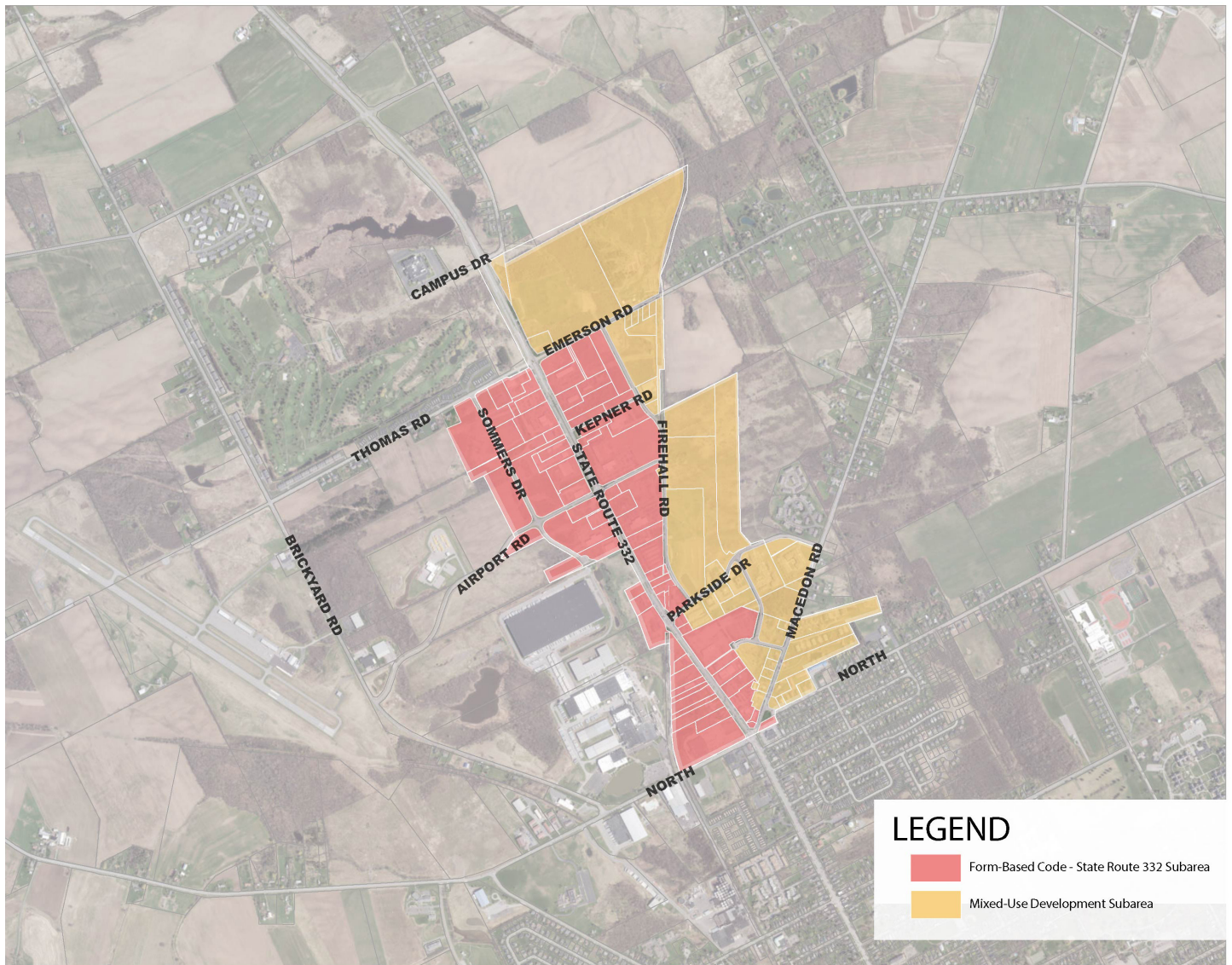
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This document is organized by regulations applicable to the established subareas. To determine the standards that apply to a particular property:

- All terms and interpretations in this document are defined and referenced in Section III;
- Use the Form Based Code Subarea Map (in Section I.D.) to identify which Subarea in which the property is located;
- All properties within the Form Based Code Subarea are subject to the Rules for All Subareas in Section IV;
- Consult the Applicable Regulations section for the specific Subarea in which the property is located for additional regulations and dimensional requirements.

## D. SUBAREAS ESTABLISHED

The Form Based Code for Uptown Canandaigua is categorized into two Subareas; the State Route 332 Corridor Subarea and Mixed Use Development Subarea. The State Route 332 Corridor is envisioned to provide a diverse mix of retail and service options, while the Mixed Use Development Subarea is envisioned to include a mix of uses anchored by Blue Heron Park, including commercial uses and a range of residential offerings.



## E. RULES OF INTERPRETATION

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

## F. ADMINISTRATIVE FEES

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### 1. COLLECTION OF ADMINISTRATIVE FEES

- a. Application forms promulgated by the Town of Canandaigua shall include an acknowledgment that the responsible party shall be jointly and severally liable to the Town of Canandaigua for all administrative fees, and the application form shall also include a statement that a copy of the current Fee Schedule may be obtained from the Town Clerk's office.
- b. Administrative fees shall be paid current prior to the issuance of any permit, license and/or certificate.
- c. The Town Board shall audit bills for administrative fees for the purpose of identifying expenses to be reimbursed by the responsible party.
- d. The responsible party shall be in default upon failure to pay the administrative fees within 60 days after written demand from the Town of Canandaigua.
- e. Failure to pay administrative fees within 60 days after written demand from the Town of Canandaigua shall result in the suspension of pending permits, licenses and/or certificates, as well as suspension of further review of any other application made by the responsible party.
- f. Collection costs and/or attorney's fees. The Town Board is hereby authorized to engage debt collection entities, and/or attorneys, to collect unpaid administrative fees from a responsible party.
- g. The responsible party shall be liable to pay to the Town of Canandaigua all expenses incurred by the Town of Canandaigua in its attempts to collect unpaid administrative fees, including any and all reasonable attorney's fees, court costs, disbursements and any and all fees charged by a debt collection entity, including flat fees and percentage-based fees up to a maximum of 40% of unpaid administrative fees.

### 2. APPEAL

- a. A responsible party may appeal the assessment of any administrative fees to the Town Board by submitting an appeal, in writing, to the Town Clerk within 20 business days of the written demand to pay administrative fees from the Town of Canandaigua. The sole ground for an appeal is that the assessment of the administrative fees contains an error.
- b. Notwithstanding the limited appeal procedure set forth above, the Town Board, on its own motion, may amend and/or correct any assessment of administrative fees on the basis of error and/or that the administrative fees were not reasonably necessary.

### 3. PARKS AND RECREATION FEES FOR NEW DEVELOPMENT

- a. To offset impacts from new residential development on the Town's parks and recreational facilities and further the goals of the Town Parks and Recreation Master Plan, as well as the Town of Canandaigua Comprehensive Plan, as it pertains to parks and recreation, the Town finds it necessary to allow for collection of a parks and recreation fee.
- b. A parks and recreation fee shall:
  - i. Be in an amount as established by the Town Board;
  - ii. Be assessed on a per dwelling-unit basis;
  - iii. Apply to all housing types.
- c. In conjunction with its review of a site plan or subdivision plat containing residential dwelling units, the Planning Board shall make findings and a determination that a proper case exists for requiring set-aside of parkland or payment of a fee in lieu thereof, in compliance with New York State Town Law.
- d. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions herein, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.
- e. Any parks and recreation Fees assessed by the Planning Board shall be paid to the Town Clerk before any building permit related to the subject application may be issued.
- f. An applicant may appeal to the Town Board the assessment of parks and recreation fees by the Planning Board pursuant to Section I.F.2. of this Form Based Code district by submitting an appeal, in writing, to the Town Clerk within 20 business days of the Planning Board decision regarding said fees.
- g. Notwithstanding the limited appeal procedure set forth above, the Town Board, on its own motion, may amend and/or correct any assessment of parks and recreation fees on the basis of error and/or that said fees were not reasonably necessary.

## G. EXEMPTIONS

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Regular maintenance and repair of materials, parking resurfacing and similar maintenance is exempt from compliance with this Form Based Code. A building expansion that is solely designed and constructed to provide accessibility for the disabled is also exempt from compliance with this Section.

## H. RELATIONSHIP TO THE TOWN CODE

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The Form Based Code is intended for adoption as part of the Town of Canandaigua Code Chapter 220 - Zoning. Upon adoption, it will supersede and replace existing Zoning provisions regarding zoning districts, allowable land uses, permit requirements, and site development standards, for the parcels and land area included within the Form Based Code zoning districts as defined in Section I.D. Subareas Established.

# I. COMPLIANCE THRESHOLDS

The provisions in this Section shall apply to all development or redevelopment of property within the Form Based Code District as outlined in the Compliance Thresholds Matrix.

Table 1: Compliance Thresholds											
Action	Applicable Section/Subsection										
	II	IV.A.	IV.B.	IV.C.1.	IV.C.2.	IV.C.3.	IV.C.4.	IV.C.5.	IV.C.6.	IV.C.7.	IV.D
	Development Review Process	Measurements	Building Elements	Off-Street Parking Standards	Bicycle Parking	Landscaping Standards	Lighting Standards	Screening	Outdoor Amenity Space	Sidewalk Dining	Sign Standards
New Development	X	X	X	X	X	X	X	X	X	X	X
Expansion of a building up to 50% of gross building square footage	X	X	X	X	X	X	X			X	X
Expansion of a building over 50% of gross building square footage	X	X	X	X	X	X	X	X	X	X	X
Exterior remodel of existing non-residential or multi-family building up to 50% of the facade surface area	X	X	X				X			X	X
Exterior remodel of existing non-residential or multi-family building covering over 50% of the facade surface area	X	X	X			X	X	X	X	X	X
Expansion or replacement of existing surface parking lot more than 10 new spaces	X	X		X		X	X				
Installation of parking lot lighting	X	X					X				
Installation of a new sign	X										X

# J. NONCONFORMITIES

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The purpose of this Subsection is to establish regulations and limitation on the continued existence of uses established prior to the effective date of this Code that do not conform to the provisions of this Code. This Section will also provide for the gradual replacement of nonconforming uses with uses that conform to the provisions of this Code. Nonconformities may continue, but the provisions of this Section are designed to limit investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in this Code.

## 1. AUTHORITY TO CONTINUE

The lawful use of any building or land existing prior to the effective date of this Code or its predecessor may be continued even if such use does not conform to the provisions of this Code.

Any violation of this Code prior to the effective date of this Code will continue to be deemed a violation and no use in violation prior to the effective date this Code may be continued if it does not conform to the provisions of this Code.

## 2. REPLACEMENT, REPAIR AND MAINTENANCE

No replacement, repair or maintenance of a nonconforming use shall exceed 50% of the assessed value of the property at the time of the application, as determined by the Zoning Board of Appeals.

The replacement, repair or maintenance shall comply with the design and materials standards of this Code to the maximum extent practicable.

## 3. EXTENSIONS/EXPANSIONS

A nonconforming use cannot be extended, expanded, enlarged or increased in size, footprint or coverage. No nonconforming use may be extended to displace a conforming use.

## 4. CHANGE IN USE

A nonconforming use shall not be changed to another nonconforming use. A nonconforming use that is changed to a conforming use shall not revert back to any nonconforming use. Any nonconforming use shall be changed to a conforming use.

## 5. DISCONTINUANCE

When a building or land containing a nonconforming use ceases to be used for the nonconforming use for a period exceeding one year (12 months), the use shall not be reestablished or resumed.

## 6. NONCONFORMING STRUCTURES

A nonconforming structure that has been abandoned for one (1) or more years shall no longer be grandfathered under this Form Based Code. Any nonconforming structures abandoned for more than one (1) year must be brought into compliance with this Code.

A nonconforming structure cannot be expanded or enlarged, or increase the level of unconformity.



# K. NUISANCES

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The purpose and intent of the following performance standards regulations is to provide not-to-exceed threshold values as a means of protecting the safety and welfare of the residents, visitors and surrounding uses. The performance standards regulations are provided in recognition that certain uses may jeopardize the health and well-being of residents or visitors based on their impacts to the surrounding environment.

## 1. APPLICABILITY

All uses subject to the requirements of this Section may be established and maintained if their operation is approved by the Zoning Officer as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration.

## 2. PERFORMANCE STANDARD PROCEDURES

The Zoning Officer, as part of the pre-application conference, shall tentatively identify whether a proposed development will be required to certify compliance with any of the performance standards listed in this Section. Certification may require a signed written statement or presentation of construction detail and a description of the specifications for the mechanisms and techniques to be used in restricting the emissions of any dangerous and objectionable elements.

The applicant must submit plans and an affidavit acknowledging its obligation to conform to the standards at all times. The Zoning Officer may require the applicant to show that the construction detail and a description of the specifications for the mechanisms and techniques is in compliance with the standards set forth.

### a. Vibration

- i. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed 0.002g peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.
- ii. Vibrations occurring at higher than a frequency of 50 cycles per second or periodic vibrations shall not induce accelerations exceeding 0.001g single impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01g.

### b. Noise

- i. It shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds that causes a public disturbance noise and is plainly audible from the boundary line of the nearest occupied property.
- ii. For purposes of this Section, “sound amplification equipment” means a radio, tape player, compact disc player, digital audio player, television, electronic audio equipment, musical instrument, sound amplifier, or other mechanical or electronic sound-making device that produces, reproduces or amplifies sound.
- iii. For the purpose of this Subsection, “plainly audible” means any sound which clearly can be heard by unimpaired auditory senses.

- iv. The playing of any radio, television, phonographic or other machine or device for the producing, reproducing or amplification of sound must not be:

- a. Audible beyond the property line of the premises upon which it is being used between the hours of 11:00 p.m. and 7:00 a.m.

- b. Audible at a distance of 50 feet beyond the property line of the premises upon which it is being used between the hours of 7:00 a.m. and 11:00 p.m.

- v. Any commercial establishment such as a restaurant, or night club with an outdoor balcony or patio must apply for a permit prior to engaging in any outdoor entertainment that produces any noise as defined in this section.
- vi. Further, the provisions of this Section shall not apply to entertainment facilities constructed to provide outdoor entertainment owned by the Town or a special event, mass gathering or other permitted activity by the Town.

**c. Smoke**

- i. The emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Chart. (The Ringelmann Chart is a graphic published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke). These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.

**d. Odor**

- i. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous emission to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, odor Thresholds, in Chapter 5 of the Air Pollution Abatement Manual, Copyright 1959, by the Manufacturing Chemical Association, Inc., Washington, D.C., as said manual and/or table is subsequently amended.

**e. Fly, ash, dust, fumes, vapors, gases and other forms of air pollution.**

- i. No emission shall be permitted which can cause any damage to the health of animals, vegetation or other forms of property or which may cause any excessive soiling at any point beyond the boundaries of the maximum allowable concentration set forth in §12-29 of the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.



**SECTION II**

# **DEVELOPMENT REVIEW PROCESS**

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# A. SUBMITTAL REQUIREMENTS

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## 1. DETERMINATION OF SUBMITTAL REQUIREMENTS

- a. All actions and applicable compliance thresholds are listed in Section I.I.
- b. All applicants who wish to submit an application for a development action within the Form Based Code district must schedule a pre-application conference meeting with the Development Office.
- c. At the pre-application conference, the Zoning Officer will discuss the proposed development action with the applicant to determine the required submittal requirements.
- d. At the pre-application conference, the Zoning Officer shall inform the applicant which submittal and review procedure is required for the development application, as defined further in this Section.

## 2. ADMINISTRATIVE APPROVALS

- a. The actions listed below shall be processed, reviewed and administratively approved or denied by the Zoning Officer as described in Section II.B. These actions are exempt from the full site plan review and approval procedures, as long as all applicable regulations in the Form Based Code are met:
  - i. Exterior remodel up to 50% of the building facade surface area;
  - ii. Site improvements that do not change the number of parking spaces, increase impervious surface area, or are in conflict with the standards within this Form Based Code.
  - iii. Expansion of parking lots and/or loading areas of up to 10% of the existing area; and
  - iv. Utility system improvements and modifications.

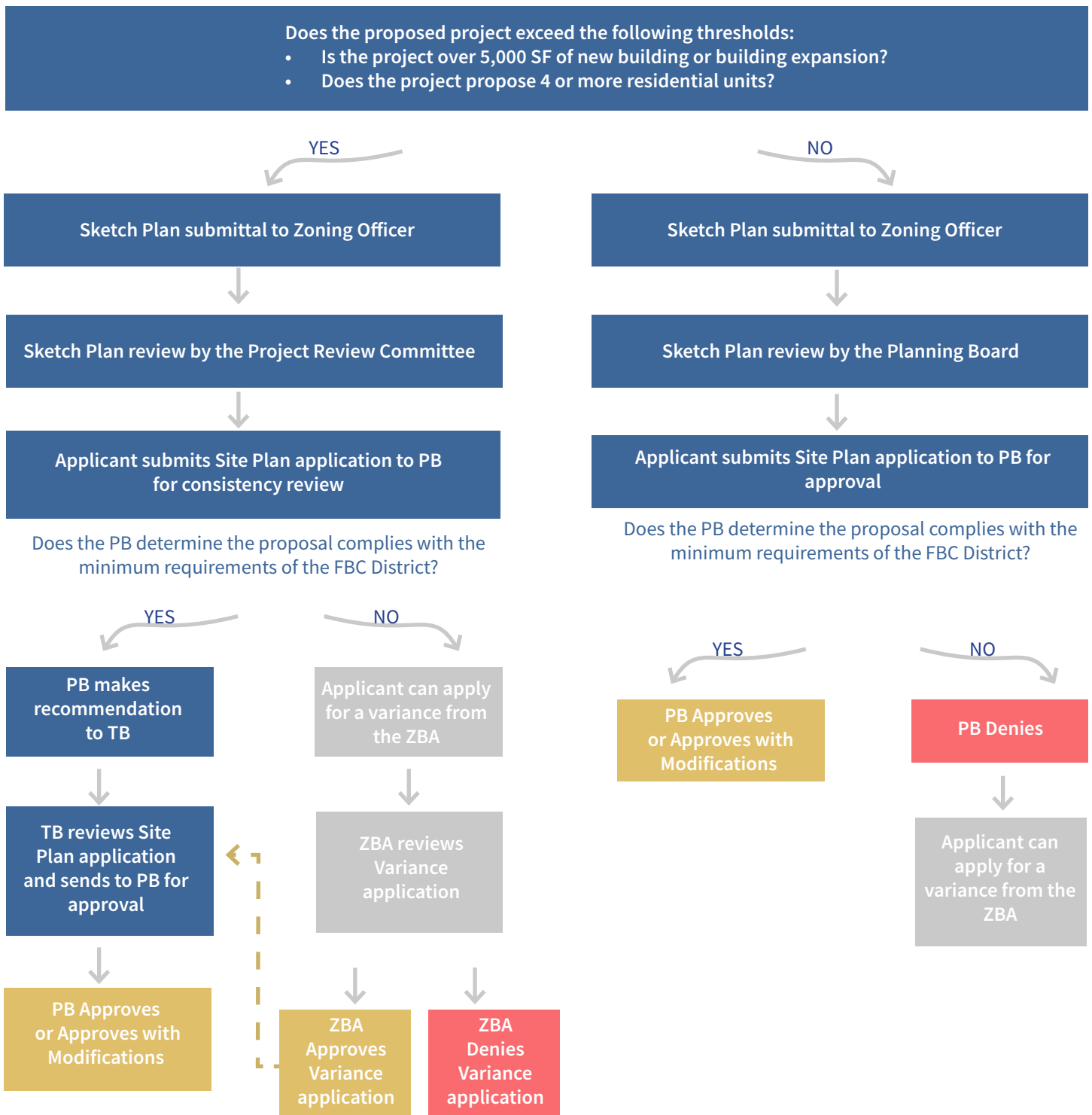
## 3. APPLICATIONS FOR PLANNING BOARD REVIEW

- a. A sketch plan and site plan application for review by the Planning Board is required for all proposed development actions, as listed below:
  - i. New construction or building expansions encompassing 5,000 square feet or less; and
  - ii. New construction or building expansions proposing three (3) or fewer dwelling units.
- b. Applicants with development actions falling under the above list shall refer to Section II.C. for submittal requirements and procedures.

## 4. APPLICATIONS FOR PLANNING BOARD AND TOWN BOARD REVIEW

- a. A sketch plan and site plan application for review by the Planning Board and Town Board is required for all proposed development actions, as listed below:
  - i. New construction or building expansions greater than 5,000 square feet; and
  - ii. New construction or building expansions proposing four (4) or more residential units.
- b. Applicants with development actions falling under the above list shall refer to Section II.D. for submittal requirements and procedures.

## SITE PLAN REVIEW AND APPROVAL PROCEDURE: PROCESS DIAGRAM



### KEY:

TB = Town Board

PB = Planning Board

ZBA = Zoning Board of Appeals

PRC = Project Review Committee

# B. ADMINISTRATIVE APPROVALS

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## 1. APPLICATION SUBMITTAL

- a. If an action falls under the list of actions as defined in Section II.A.2. of this Form Based Code, the applicant must submit a development application to the Development Office.
- b. The development application shall include, but is not limited, the following components:
  - i. A sketch plan drawn to scale illustrating the project's scope and the basic land use and site design concept.
  - ii. Accompanying statement provided by the applicant, which describe at a reasonable level of detail what is proposed.
  - iii. An area map keyed to the real property Tax Maps, showing the parcel under consideration and all surrounding properties.
  - iv. All existing and proposed structures, subdivisions, streets, and easements within 200 feet of the boundaries thereof.

## 2. APPLICATION REVIEW

- a. Once the development application is received, the Zoning Officer will determine completeness of the application.
- b. Once the development application is determined to be complete, the Zoning Officer shall take one of two actions:
  - i. Administratively determine that the project conforms to the Form Based Code district regulations and is approved.
  - ii. Administratively determine that the project does not conform to the Form Based Code district regulations and is denied.

# C. APPLICATIONS FOR PLANNING BOARD REVIEW

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Proposed projects less than 5,000 square feet of new building /building expansion or projects less than four residential units must undergo site plan application review by the Planning Board. Submittal and review procedures are described in this Section.

## 1. SKETCH PLAN SUBMITTAL

- a. If an action falls under the list of actions as defined in Section II.A.3. of this Form Based Code, the applicant must submit a sketch plan to the Development Office.
- b. The sketch plan submittal shall include the following components:
  - i. A sketch plan drawn to scale illustrating the project's scope and the basic land use and site design concept.
  - ii. Accompanying statement provided by the applicant, which describe at a reasonable level of detail what is proposed.
  - iii. An area map keyed to the real property Tax Maps, showing the parcel under consideration and all surrounding properties.
  - iv. All existing and proposed structures, subdivisions, streets, and easements within 200 feet of the boundaries thereof.
- c. One hard copy and one electronic copy of all sketch plans shall be submitted to the Zoning Officer.
- d. Prior to submittal of the sketch plan, an applicant may schedule a meeting with the Zoning Officer to discuss application requirements and procedures, and review completeness of sketch plan materials.

## 2. SKETCH PLAN REVIEW

- a. Upon review of the sketch plan for completeness, the Zoning Officer will make arrangements to formalize a sketch plan review by the Planning Board.
- b. The Planning Board shall review the sketch plan submittal and provide feedback to the applicant.

## 3. SITE PLAN APPLICATION

- a. Once a proposed project is reviewed, a complete application for site plan approval shall be made to the Planning Board. The Site Plan application shall include all pertinent information from the checklist of items listed in Section II.C.4. and any other information determined necessary by the PRC during the sketch plan conference. The site plan drawings shall be certified by a licensed engineer, architect, landscape architect and/or land surveyor, in accordance with provisions of the New York State Education Law.

## 4. APPLICATION CHECKLIST

- a. General Requirements:
  - i. Name, address, telephone number, and email address of the applicant and the person or firm preparing the site plan.
  - ii. Evidence of site control and name of property owner.
  - iii. Name of owners of all abutting land.
  - iv. Date of preparation, bar scale and north arrow.
  - v. Statement of intent that describes the project.
  - vi. Project boundaries.
  - vii. A map legend/key.
  - viii. Existing zoning and proposed use.
- b. Existing Conditions:
  - i. All existing property lines, with bearings and distances, including the subject (parent) parcel Tax Map numbers.
  - ii. Area of the subject lot(s).
  - iii. Required building setback lines on each lot.

- iv. Sufficient data to determine readily the location, bearing and length of every existing street, easement, lot and boundary line and to reproduce such lines on the ground, including the length of all straight lines, radii, lengths of curves and tangent bearings for each street.
  - v. The boundaries and nature of all existing easements, deed restrictions and other encumbrances.
  - vi. Existing contours at vertical intervals of 5 feet, including the source of the information. The Planning Board may require contours at such lesser intervals as it finds necessary for study and Planning of the tract.
  - vii. Existing vegetative land cover.
  - viii. Delineation of natural features described in the Natural Resources Inventory, including: existing watercourses including a 100 foot buffer, tree masses and other significant land cover, land exceeding a slope of 15%, New York State Department of Environmental Conservation or federally regulated wetland, FEMA special flood hazard zone boundaries and designations, including the flood hazard zone, Community Map Panel number and the effective date of the flood insurance mapping as shown, and other natural features identified in the Natural Resources Inventory.
  - ix. All existing significant man-made features, including but not limited to buildings with property line setbacks, width, location, and sight distances for all private driveways; limits of pavement and parking areas;; existing streets on or adjacent to the subject lot, including names, right-of-way widths and pavement widths; sanitary and storm sewers; wastewater treatment systems; public and private wells; water mains and fire hydrants; drainage features, including stormwater ponds, swales, culverts, and known underground drain tiles; and location of all other existing utility lines and related facilities, including, gas, electric and telephone.
  - x. Agricultural infrastructure including surface and subsurface drainage systems, and access lanes for farm equipment.
- c. Proposed Conditions:
    - i. Delineation of all proposed sections or phases if any.
    - ii. Delineation of limits of any land to be disturbed in any manner including areas to be cleared of vegetation, cut, filled, excavated, or graded. The delineation shall include dimensions and other references needed to allow efficient field verification.
    - iii. Existing and proposed contours, at vertical intervals of no more than two feet.
    - iv. The boundaries and nature of all proposed easements, deed restrictions and other encumbrances.
    - v. The proposed building setback from each property line and other buildings on the same lot.
    - vi. Location and dimension of all areas to be protected as open space.
    - vii. Location and dimensions of all public buildings, public areas and other parcels of land proposed to be dedicated to or reserved for public use.
    - viii. Proposed location, boundaries, dimensions and uses of all buildings.
    - ix. Location and description of all devices used to control soil erosion and sedimentation or otherwise comply with the provisions of the Town Soil Erosion and Sedimentation Control Law. (See Chapter 165 of the Town Code.)
    - x. Limits of pavement and parking areas.
    - xi. Location and width of all proposed streets, alleys, rights-of-way and easements. The Planning Board shall have the right to name new developments and streets in accordance with historic characteristics of the community and the Ontario County 911 addressing policy.

- i. Typical cross-sections, street profiles and drainage details for all streets. Such profiles shall at least show the following: existing grade along the proposed street center line; existing grade along each side of the proposed street right-of-way; proposed finished center line grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; and storm sewer mains, inlets, manholes and culverts.
- ii. Location and widths of all proposed driveway intersections with streets and sight distances therefrom. Suitable means of access in accordance with Town Code and Town of Canandaigua Site Design and Development Criteria.
- iii. Location and size of all proposed water mains, laterals, hydrants, meters, and valves.
- iv. Location of any public or private wells.
- v. Location, size and invert elevations of all proposed sanitary and storm sewers and location of all manholes inlets and culverts.
- xvii. Location, size and design of proposed on site wastewater treatment systems.
- xvii. Location of all other proposed utility lines and related facilities, including, gas, electric and telephone.
- xviii. Proposed vegetative land cover and landscaping.
- xix. Outdoor lighting.
- xx. Location and design of all signs.
- xxi. A description of all approvals required from outside agencies.
- xxii. Schedule for development, including a detailed sequence of construction and estimated dates for start and completion.
- d. Environmental Assessment Form (EAF)
  - i. An application for site plan review and approval shall be accompanied by a short or full environmental assessment form as required by SEQRA, Article 8 of the Environmental Conservation Law and Title 6 Part 617 NYCRR and as determined by the Zoning Officer.

## 5. DETERMINATION OF COMPLETENESS

- a. An application is not considered complete until all necessary forms, including forms relevant to the New York State Environmental Quality Review Act (SEQRA), are completed and all fees are paid.
- b. The Zoning Officer will determine if all requirements in the submitted Site Plan application have been met.
- c. If the Zoning Officer determines that the application does not include all necessary submittal requirements and is incomplete, the application will be rejected. The rejection will be accompanied by a written statement to the applicant stating reasons for the rejection.
- d. If the Zoning Officer determines that the application is complete, the application will be forwarded to the Planning Board for review.

## 6. SITE PLAN REVIEW PROCEDURE

- a. The Planning Board must review the site plan application within 60 days of determination of completeness to determine the project's consistency with the requirements stated within the Form Based code.
- b. If the Planning Board determines the Site Plan application complies with the requirements of the Form Based Code, the Planning Board shall review and, by resolution, approve, approve with modifications, or disapprove the Site Plan application. Resolutions for conditional final site plan approval shall include such requirements which, when completed, will authorize signing of said site plan by such persons as specified therein.
  - i. Within five (5) business days of the Planning Board resolution approving, conditionally approving or disapproving a final site plan; said resolution shall be certified by the Secretary of the Planning Board, a copy of the certified resolution shall be filed with the Town Clerk, and another copy mailed to the applicant.
  - ii. Approval of a final site plan by a resolution of the Planning Board shall expire within 180 days after the date of the resolution granting approval if said final site plan has not been submitted in final form for signature. The Planning Board may extend the time in which an approved plan in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, but for no longer than two additional periods of 90 days each.
  - iii. Upon completion of such conditions as may be stated in the resolution granting approval, and after signatures of all other persons specified in said resolution, the Chairperson of the Planning Board shall sign the site plan. Signature of the Planning Board Chairperson shall constitute final approval.
  - iv. A site plan submitted for signature shall be a clear, legible print on linen or other suitable material that will not deteriorate.
- c. If the Planning Board determines the Site Plan application does not conform to the requirements of the Form Based Code, the Planning Board shall make findings disapproving the Site Plan application.
  - i. Applicants with a project that does not meet the requirements and standards of the Form Based Code, as determined by the Planning Board, may initiate a zoning variance. Procedures for a variance are listed in Section II.E.



# D. APPLICATIONS FOR PLANNING BOARD AND TOWN BOARD REVIEW

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Proposed projects more than 5,000 square feet of new building / building expansion or projects with four or more residential units must undergo site plan application review by the Town Board and Planning Board. Submittal and review procedures are described in this Section.

## 1. SKETCH PLAN SUBMITTAL

- a. If an action falls under the list of actions as defined in Section II.A.4. of this Form Based Code, the applicant must submit a sketch plan to the Development Office.
- b. The sketch plan submittal shall include the following components:
  - i. A sketch plan drawn to scale illustrating the project's scope and the basic land use and site design concept.
  - ii. Accompanying statement provided by the applicant, which describe at a reasonable level of detail what is proposed.
  - iii. An area map keyed to the real property Tax Maps, showing the parcel under consideration and all surrounding properties.
  - iv. All existing proposed structures, subdivisions, streets, and easements within 200 feet of the boundaries thereof.
- c. One hard copy and one electronic copy of all sketch plans shall be submitted to the Zoning Officer.
- d. Prior to submittal of the sketch plan, an applicant may schedule a meeting with the Zoning Officer to discuss application requirements and procedures, and review completeness of sketch plan materials.

## 2. SKETCH PLAN REVIEW

- a. Upon review of the sketch plan for completeness, the Zoning Officer will make arrangements to formalize a sketch plan review by the Project Review Committee (PRC).
- b. The PRC shall review the sketch plan submittal and provide feedback to the applicant.

## 3. SITE PLAN APPLICATION

- a. Once a proposed project is reviewed by the PRC, a complete application for site plan approval shall be made to the Planning Board. The Site Plan application shall include all pertinent information from the checklist of items listed in Section II.D.4. and any other information determined necessary by the PRC during the sketch plan conference. The site plan drawings shall be certified by a licensed engineer, architect, landscape architect and/or land surveyor, in accordance with provisions of the New York State Education Law.

## 4. APPLICATION CHECKLIST

- a. General Requirements:
  - i. Name, address, telephone number, and email address of the applicant and the person or firm preparing the site plan.
  - ii. Evidence of site control and name of property owner.
  - iii. Name of owners of all abutting land.
  - iv. Date of preparation, bar scale and north arrow.
  - v. Statement of intent that describes the project.
  - vi. Project boundaries.
  - vii. A map legend/key.
  - viii. Existing zoning and proposed use.
- b. Existing Conditions:
  - i. All existing property lines, with bearings and distances, including the subject (parent) parcel Tax Map numbers.
  - ii. Area of the subject lot(s).
  - iii. Required building setback lines on each lot.

- iv. Sufficient data to determine readily the location, bearing and length of every existing street, easement, lot and boundary line and to reproduce such lines on the ground, including the length of all straight lines, radii, lengths of curves and tangent bearings for each street.
  - v. The boundaries and nature of all existing easements, deed restrictions and other encumbrances.
  - vi. Existing contours at vertical intervals of 5 feet, including the source of the information. The Planning Board may require contours at such lesser intervals as it finds necessary for study and Planning of the tract.
  - vii. Existing vegetative land cover.
  - viii. Delineation of natural features described in the Natural Resources Inventory, including: existing watercourses including a 100 foot buffer, tree masses and other significant land cover, land exceeding a slope of 15%, New York State Department of Environmental Conservation or federally regulated wetland, FEMA special flood hazard zone boundaries and designations, including the flood hazard zone, Community Map Panel number and the effective date of the flood insurance mapping as shown, and other natural features identified in the Natural Resources Inventory.
  - ix. All existing significant man-made features, including but not limited to buildings with property line setbacks, width, location, and sight distances for all private driveways; limits of pavement and parking areas;; existing streets on or adjacent to the subject lot, including names, right-of-way widths and pavement widths; sanitary and storm sewers; wastewater treatment systems; public and private wells; water mains and fire hydrants; drainage features, including stormwater ponds, swales, culverts, and known underground drain tiles; and location of all other existing utility lines and related facilities, including, gas, electric and telephone.
  - x. Agricultural infrastructure including surface and subsurface drainage systems, and access lanes for farm equipment.
- c. Proposed Conditions:
    - i. Delineation of all proposed sections or phases if any.
    - ii. Delineation of limits of any land to be disturbed in any manner including areas to be cleared of vegetation, cut, filled, excavated, or graded. The delineation shall include dimensions and other references needed to allow efficient field verification.
    - iii. Existing and proposed contours, at vertical intervals of no more than two feet.
    - iv. The boundaries and nature of all proposed easements, deed restrictions and other encumbrances.
    - v. The proposed building setback from each property line and other buildings on the same lot.
    - vi. Location and dimension of all areas to be protected as open space.
    - vii. Location and dimensions of all public buildings, public areas and other parcels of land proposed to be dedicated to or reserved for public use.
    - viii. Proposed location, boundaries, dimensions and uses of all buildings.
    - ix. Location and description of all devices used to control soil erosion and sedimentation or otherwise comply with the provisions of the Town Soil Erosion and Sedimentation Control Law. (See Chapter 165 of the Town Code.)
    - x. Limits of pavement and parking areas.
    - xi. Location and width of all proposed streets, alleys, rights-of-way and easements. The Planning Board shall have the right to name new developments and streets in accordance with historic characteristics of the community and the Ontario County 911 addressing policy.
    - xii. Typical cross-sections, street profiles and drainage details for all streets. Such profiles shall at least show the following: existing grade along the proposed street center line; existing grade along each side of the

proposed street right-of-way; proposed finished center line grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; and storm sewer mains, inlets, manholes and culverts.

- xiii. Location and widths of all proposed driveway intersections with streets and sight distances therefrom. Suitable means of access in accordance with Town Code and Town of Canandaigua Site Design and Development Criteria.
  - xiv. Location and size of all proposed water mains, laterals, hydrants, meters, and valves.
  - xv. Location of any public or private wells.
  - xvi. Location, size and invert elevations of all proposed sanitary and storm sewers and location of all manholes inlets and culverts.
  - xvii. Location, size and design of proposed on site wastewater treatment systems.
  - xvii. Location of all other proposed utility lines and related facilities, including, gas, electric and telephone.
  - xviii. Proposed vegetative land cover and landscaping.
  - xix. Outdoor lighting.
  - xx. Location and design of all signs.
  - xxi. A description of all approvals required from outside agencies.
  - xxii. Schedule for development, including a detailed sequence of construction and estimated dates for start and completion.
- d. Environmental Assessment Form (EAF)
- i. An application for site plan review and approval shall be accompanied by a short or full environmental assessment form as required by SEQRA, Article 8 of the Environmental Conservation Law and Title 6 Part 617 NYCRR and as determined by the Zoning Officer.

## 5. DETERMINATION OF COMPLETENESS

- a. An application is not considered complete until all necessary forms, including forms relevant to the New York State Environmental Quality Review Act (SEQRA), are completed and all fees are paid.
- b. The Zoning Officer will determine if all requirements in the submitted Site Plan application have been met.
- c. If the Zoning Officer determines that the application does not include all necessary submittal requirements and is incomplete, the application will be rejected. The rejection will be accompanied by a written statement to the applicant stating reasons for the rejection.
- d. If the Zoning Officer determines that the application is complete, the application will be forwarded to the Planning Board for review.

## 6. SITE PLAN REVIEW PROCEDURE

a. The Planning Board must review the site plan application within 60 days of determination of completeness to determine the project's consistency with the requirements stated within the Form Based code.

i. If the Planning Board determines the Site Plan application conforms with the requirements of the Form Based Code, the Planning Board shall make findings and submit a report to the Town Board to recommend the project for Site Plan approval.

1. The Town Board will review the Planning Board's report and Site Plan application. The Town Board has the authority to send the Site Plan to the Planning Board for review and approval.

2. The Planning Board shall review and, by resolution, approve or approve with modifications the Site Plan application. Resolutions for conditional final site plan approval shall include such requirements which, when completed, will authorize signing of said site plan by such persons as specified therein.

3. Within five (5) business days of the Planning Board resolution approving, conditionally approving or disapproving a final site plan; said resolution shall be certified by the Secretary of the Planning Board, a copy of the certified resolution shall be filed with the Town Clerk, and another copy mailed to the applicant.

4. Approval of a final site plan by a resolution of the Planning Board shall expire within 180 days after the date of the resolution granting approval if said final site plan has not been submitted in final form for signature. The Planning Board may extend the time in which an approved plan in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, but for no longer than two additional periods of 90 days each.

5. Upon completion of such conditions as may be stated in the resolution granting approval, and after signatures of all other persons specified in said resolution, the Chairperson of the Planning Board shall sign the site plan. Signature of the Planning Board Chairperson shall constitute final approval.

6. A site plan submitted for signature shall be a clear, legible print on linen or other suitable material that will not deteriorate.

ii. If the Planning Board determines the Site Plan application does not conform to the requirements of the Form Based Code, the Planning Board shall make findings disapproving the Site Plan application.

1. Applicants with a project that does not meet the requirements and standards of the Form Based Code, as determined by the Planning Board, may initiate a zoning variance. Procedures for a variance are listed in Section II.D.

# E. VARIANCES

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## 1. TYPES OF VARIANCES

A variance provides a means by which relief may be granted for unforeseen circumstances. There are two types of variances that can be applied for.

- i. Use Variance - Authorization for a use that is otherwise prohibited by the Form Based Code district.
- ii. Area Variance - Authorization by the Zoning Board of Appeals for the use of land in a manner that is not in compliance with the dimensional or physical requirements of the applicable Form Based Code district regulations.

## 2. REVIEW PROCEDURES

- i. The Zoning Board of Appeals shall hear and make decisions regarding received zoning variance applications.
- ii. A zoning variance application must be filed, including payment of applicable administration fees, with the Zoning Officer. Once it is determined complete, the Zoning Officer must forward the application to the Planning Review Committee (PRC).
- iii. Upon receipt of an application, the applicant is provided a Project Notification Sign from the Town Development Office. The applicant must place the sign on the subject property as described on the instruction sheet.
- iv. The applicant has the burden of proof to support the application. The applicant is expected to address the appropriate criteria set forth in NYS Town Law §267-a and 267-b.
- v. Any representative of the owner must furnish to the ZBA a signed authorization from the record property owner confirming that the representative is an authorized agent of the owner.
- vi. Upon receipt of the application, the PRC will review the submitted application for completeness. If the PRC identifies items that need to be further addressed, the applicant shall resubmit the requested information within the time frame specified in the PRC Meeting Minutes. Should the applicant fail to submit the information as requested within the specified timeframe, the Zoning Officer shall consult with the ZBA chairperson that the applicant failed to submit the requested information. The chairperson will then determine if the application is complete for placement on the next ZBA agenda. If the application is deemed incomplete, the Zoning Officer will notify the applicant in writing of the decision including why the application was deemed incomplete and when the requested information is required to be submitted to be considered for the next available ZBA agenda.
- vii. An applicant may submit additional information (not requested by the PRC) supporting/ supplementing their application no later than seven (7) days prior to the scheduled ZBA meeting at which their application will be heard. Should the applicant submit information after the 7 days prior to the ZBA meeting, the ZBA may continue the public hearing to the next scheduled meeting.
- viii. Meeting minutes shall be available in draft form at the Town Hall within 5 days of the meeting. The meeting minutes of the previous meeting shall be approved at the next month's ZBA meeting.
- ix. The Development Office shall submit the notice of public hearing to the Town's official newspaper within the timeframe required by NYS Town Law §267-a(7) as well as send a copy of the notice of public hearing to all property owners within 500 feet of the subject property.
- x. Upon denial of a requested variance or interpretation, the applicant shall wait one year to reapply for the same variance or interpretation or they may request a rehearing of the ZBA.

# F. SIGN PERMITS AND APPROVALS

## 1. APPROVALS REQUIRED

- a. Applications for new development and/or uses shall include a description of all needed signs.
- b. Development applications that include only the placement of new sign(s) or modification or replacement of existing sign(s) shall be reviewed by the Zoning Officer to determine compliance with the requirements of the Form Based Code and shall include:
  - i. Name and address of the applicant and, where the applicant is not the owner, the name and address of the owner of the land upon which the sign is to be erected. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected, in the event the applicant is not the owner thereof is required.
  - ii. Location of building, structure, or land to which or upon which the sign is to be erected.
  - iii. The subarea district in which the sign is to be placed.
  - iv. Description of the purpose to be served by the sign and a description of the existing and proposed uses of the parcel of real estate upon which the sign is to be located.
  - v. A tape location or instrument survey indicating the location and setbacks of any existing or proposed ground sign and the location and setbacks of all other signs and/or buildings on the property.
  - vi. A location plan drawn to scale not exceeding one inch equals 20 feet showing the position of the sign on any buildings or structures, including a depiction of the building front view or elevation.
  - vii. A detailed drawing showing the construction details of the sign, the lettering and/or pictorial matter and color of each, and the position of lighting or other extraneous devices.
  - viii. Identification of all other signs existing on said parcel of land and whether each other sign is conforming or legally nonconforming.
  - ix. The property owner's signature attesting to the accuracy of the application.
  - x. Upon a determination of compliance, a sign permit shall be issued by the Zoning Officer. The applicant shall have 120 days from the date of issuance to install the sign and submit a request for a certificate of sign compliance. Or the sign permit will expire.
  - xi. Within five business days of the placement of any approved sign, the applicant shall request a certificate of sign compliance and provide two sets of photographs of the site and the sign to the Development Office. Upon verification of compliance with this chapter and/or previous Town approval(s), the Zoning Officer shall issue a certificate of sign compliance.
  - xii. Should the Zoning Officer, upon inspection, find the sign not to be in compliance with this chapter or previous Town approval(s), the applicant shall be so notified by certified mail. The applicant shall, within 30 days from the date of the notification letter, correct the cited deficiencies and notify the Zoning Officer of the corrections.
- c. All applications shall be referred to the Ontario County Planning Board as required by Section 239-n of the General Municipal Law.

# SECTION III

# TERMS AND INTERPRETATION

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Terms not defined here may also be included in the Town Code Chapter 1-17.



# A. GLOSSARY OF TERMS

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Terms as they relate to the interpretation of the Form Based Code are included in this section.

## ACCESS

A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

## ACCESSORY STRUCTURE

A structure, but not including buildings, subordinate and incidental to the principal building or structure on the same lot, that contributes to the comfort, convenience, or necessity of the occupants of the principal building or structure and that is used for a purpose incidental to the use of the principal building or structure. Accessory structures include but are not limited to swimming pools, tennis courts, basketball courts, paddleball courts, patios, decks, generators, and fences. Accessory structures shall not include fences for setback purposes.

## ACCESSORY USE

A use incidental and subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

## ADMINISTRATIVE FEES

Expenses incurred by the Town of Canandaigua through provision of services or processing and/or reviewing any application to the Town of Canandaigua. This includes but is not limited to:

1. Fees as established by the Canandaigua Town Board annually by resolution and referenced in and made a part of the "Town of Canandaigua Annual Fee Schedule" ("Fee Schedule").
2. Consultant fees, which shall be established on a case-by-case basis by contract with the Town Board.
3. All expenses related to collection of delinquent administrative fees, including any and all attorney's fees, court costs, and disbursements.

## ADULT- ORIENTED ESTABLISHMENT

Any establishment which as a regular or substantial course of conduct performs or operates as an adult arcade, adult bookstore or video store, adult theater, adult motion picture theater, adult cabaret, adult model studio, adult hotel/motel, or any other business establishment which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts

## ALLEY

A public or private way not more than 40 feet wide affording only secondary means of access to abutting property.

## ALTERATIONS

As applied to a building or structure:

1. The change or rearrangement in the supporting members of a building or structure such as bearing walls, columns, beams or girders or in the exit facilities;
2. An enlargement of a building or structure, whether by extending on a side or by increasing in height;
3. The moving from one location or position to another; and
4. Any alteration whereby a structure is adapted to another or different use.

## APPLICANT

The owner of land proposed to be subdivided or developed or his agent. Proof of agency shall be required from the legal owner of the land proposed to be subdivided or developed.

## APPLICATION

Formal request to the Town of Canandaigua for development or use of real property, including but not limited to a zoning amendment, temporary use permit, subdivision, site plan, special use permit, variance, clearing and grading permit, and any and all other such permits, licenses and/or approvals described in the Town Code.



**AREA**

The extent of horizontal surface contained within the boundaries or extremities of land or building.

**AWNING**

An ornamental roof-like protective cover over a door, entrance, window or sidewalk dining area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

**BALCONY**

An exterior platform that projects from or into the façade of a building and is surrounded by a railing, handrail, or parapet.

**BILLBOARDS (SIGN ADVERTISING)**

A permanent sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is primarily conducted, sold, or offered elsewhere than upon the premises on which such sign is located, or to which it is affixed.

**BUILDING**

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, property or business activity.

**BUILD-TO-ZONE**

The build-to zone is the area between the minimum and maximum front setbacks. Portions of a building must be placed within this zone along a percentage of the lot width. To determine compliance with the build-to zone requirements, the total width of the building portion located within the build-to zone is divided by the width of the lot.

**BUILDING COVERAGE**

The area of all building footprints on a lot divided by the lot area. This includes all principal and accessory buildings, covered breezeways, covered porches, covered cantilevered structures, and decks.

**BUILDING FOOTPRINT**

The area of a building as measured from the exterior faces of exterior walls. The area of buildings and parts of buildings, without exterior walls, shall be measured from the outer limits of the roof line.

**BUILDING FRONTAGE**

The length, in feet, of the side of a building adjacent to and most nearly parallel to a street or public parking lot.

**BUILDING HEIGHT**

The vertical dimension measured from the average finished grade touching the exterior walls of the building to the highest peak of the roof.

**BUILDING LINE**

A line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building or a projected roof or porch, the vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two feet in width. All yard and setback requirements are measured to the building lines.

**BUILDING, PRINCIPAL**

A building in which is conducted the main or principal permitted or special permitted use of the lot on which said building is situated.

**BUILDING STEP-BACK**

An architectural design element that is typically applied to the upper-story of a building.

**COMMERCIAL OUTDOOR STORAGE**

The storage of any object(s), material(s), equipment or merchandise outside the confines of a building.

**CONSULTANT**

Any person, firm and/or entity duly appointed by the Town of Canandaigua Town Board to provide expert and/or professional services, including attorneys and engineers, for the Town of Canandaigua. This does not include employees of the Town.

**DECK**

An open-air structure providing outdoor living or circulation space. Decks may be at grade or above grade, freestanding, partially connected to an existing structure or constructed on top of an existing structure, pursuant to the New York State Building Code and the New York State Residential Code. Decks are considered a structure and shall conform to required lot setback and coverage requirements.

#### DISTRICT

A portion of the territory of the Town of Canandaigua within which certain uniform regulations and requirements, or various combinations thereof, apply under the Town of Canandaigua Zoning Code and other Town of Canandaigua local laws or regulations.

#### DRIVE-THROUGH FACILITY

An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include, but are not limited to, fast-food restaurants, banks, dry cleaners, mortuaries, and pharmacies. Drive-through facilities do not include “click and collect” facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

#### DRIVEWAY

A roadway providing a means of access from a street to a property or off-street parking area. An access way may also be deemed a driveway.

#### DRIVEWAY, CROSS-ACCESS

A driveway providing vehicular access between two or more contiguous lots.

#### DRIVEWAY, SHARED

A driveway connecting two or more contiguous lots to the public street system.

#### EXTERIOR REMODEL

A change or addition of facade materials of a building or structure.

#### FACADE

Any exterior side or face of a building.

#### FACADE SURFACE AREA

The sum of the gross area of a facade, not including cornices or parapets.

#### FENCE

A structure of wood, masonry, wire mesh or other material, which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

#### GROSS BUILDING SQUARE FOOTAGE

The sum of the gross horizontal areas of all floors of a building or buildings, measured from the inside faces of exterior walls or from the center line of walls separating two uses.

#### IMPROVEMENTS

Those physical additions and changes to the land, whether or not offered for dedication, that are designed to produce functional lots. Improvements include, but are not limited to, grading, paving, curbing, fire hydrants, water mains, sanitary sewers and drains, on-site wastewater treatment systems, stormwater sewers, ditches, ponds and culverts, site lighting, signage, sidewalks, crosswalks and required plantings.

#### JUNKYARD

A lot, land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber yards; places or yards for storage of salvaged house wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. The term “junkyard” shall not include pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, or for processing of used, discarded or salvaged materials as part of manufacturing operations.

#### Exceptions:

1. New, and/or used motor vehicles which are operable qualify for a current New York State Motor vehicle inspection sticker under Article 5 of the New York Motor Vehicle and Traffic Law, and are offered for sale to the public, may be stored on premises on which new or used car sales may be conducted in accordance with the provisions of Town Zoning Code.

2. The storage of vehicles subject to seasonal use such as recreational vehicles and snowmobiles even though such vehicles may be unlicensed during the part of the year they are not in use.
3. The storage of agricultural equipment, machinery and vehicles in an Agricultural Rural Residential District which are being used in farm operation.

#### KENNEL

Any premises on which four or more dogs, six months old or older are kept, bred and/or boarded.

#### LANDSCAPED AREA

The area required or permitted to be devoted to landscaping and environmental improvement, which may include existing and new vegetation.

#### LARGE-SCALE SOLAR ENERGY SYSTEM

A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of off-site sale or consumption, or which exceeds 1,000 square feet in total area.

#### LIGHT POLLUTION

Presence of excessive illumination in locations where it is not desired; excess or obtrusive light.

#### LOT

A parcel of land considered as a unit, devoted to a certain use and occupied, or capable of being occupied, by a building or group of buildings that are united by a common interest or use, and the customary accessory uses and open space belonging to same.

#### LOT AREA

The square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

#### LOT, CORNER

A parcel of land at the junction of, and fronting on, two or more intersecting streets. All corner lots shall be deemed to have two front yards, two side yards and no rear yard.

#### LOT COVERAGE

The area of all structures and impervious surfaces on a lot divided by the lot area.

#### LOT DEPTH

The minimum horizontal distance from the front lot line of a lot to the rear line, measured at right angles 90° to the front lot line.

#### LOT FRONTAGE

Lot frontage is the required percentage of lot width that must be occupied by the building facade between the minimum and maximum setback range.

#### LOT LINE, FRONT

The line separating the lot from the boundary of the highway or right-of-way upon which the lot abuts.

#### LOT LINE, REAR

The lot line opposite and most distant from the front lot line.

#### LOT LINE, SIDE

The lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

#### LOT LINE, STREET OR ALLEY

A lot line separating the lot from a street or alley.

#### LOT OF RECORD

A lot which is part of an approved subdivision recorded in the office of the County Clerk or a lot described by metes and bounds, the description of which has been so recorded.

#### LOT, THROUGH

A lot which is not a corner lot and which has frontage on two streets.

#### LOT WIDTH

The horizontal distance across the lot between side lot lines at the street line.

#### MIXED-USE STRUCTURE

A structure on a parcel of land within which are independently operated two or more commercial/business/industrial uses or one or more nonresidential uses operating independently of a residential use.

#### MODULAR HOME

A structure approved by the State of New York and designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation or assembly and permanent installation.

#### NEW CONSTRUCTION

An entirely new structure built on a site/parcel, regardless of whether the site was previously developed.

#### NEON SIGN

Any sign that utilizes an exposed lighting source configured in a tube-like or strip-like configuration, whether or not the source of the illumination is light emitting diodes, neon, argon, or other gaseous or liquid element or compound.

#### NONCONFORMING STRUCTURE

A structure which was legally established according to the applicable zoning and building laws of the time, but which does not meet current zoning or building regulations.

#### NONCONFORMING USE

A use of land which was legally established according to the applicable zoning and building laws of the time, but which does not meet current zoning regulations.

#### OPEN SPACE

That portion of a lot which does not contain any building, structure, parking area or travel lane, whether paved or unpaved. This portion may be in a natural state or landscaped as part of any site development.

#### OUTDOOR AMENITY SPACE

An outdoor amenity space is a space that provides an amenity or benefit for the occupants of a development.

#### PARCEL

An area of land, filed in the Ontario County Clerk's Office, delineated as a contiguous unit by a Tax Map number based upon a metes and bounds description.

#### PARKING AREA, PUBLIC

An area, other than a street or other public way, used for the parking of automobiles and available to the public.

#### PARKING SPACE, OFF-STREET

A space located outside a public right-of-way adequate for parking an automobile and having an area of not less than 200 square feet per motor vehicle, exclusive of passageways and driveways appurtenant thereto.

#### PARKING LOT ROOM

A grouping of parking spaces within a larger parking lot.

#### PARAPET

The extension of a building facade above the line of the structural roof.

#### PEDESTRIAN ACCESS

An entrance providing both ingress and egress, operable to residents at all times and customers during regular business hours.

#### PEDESTRIAN CONNECTION or ACCOMMODATION

An improved pathway at least five (5) feet in width devoid of obstructions or hazards and intended for use by pedestrians to commute between destinations, including but not limited to buildings, structures, parks and open spaces, parking areas, the sidewalk system or other walkways.

#### PEDESTRIAN-SCALE LIGHTING

Smaller-scale light pole placement, typically no greater than 12 feet in height, located along a pedestrian connection.

#### PLAN APPROVAL, SITE

The approval by the Planning Board of a preliminary or final site plan set forth in a resolution. Site plan approvals may include modifications, and approvals of final site plans may be conditional. A resolution of the Planning Board approving a site plan does not constitute final approval and does not qualify a final site plan for recording in the office of the Ontario County Clerk or the Canandaigua Town Clerk.

#### PRIMARY STREET

A lot must have a primary street. The primary street is clearly associated with the front facades of the lot's principle buildings. If the primary street is unclear, the Zoning Officer will make a determination of the lot's primary street taking into account the following; the street(s) with the highest classification, the established orientation of the block, the street(s) abutting the longest face of the block, the streets(s) parallel to an alley within a block, the street that the lot takes its address from.

#### PROJECTION

A vertical or horizontal break in a building façade which moves the wall surface outward.

#### PUBLIC DISTURBANCE NOISE

Any noise, sound or signal which unreasonably disturbs the comfort, peace, or repose of another person or persons.

#### PUBLIC REALM

All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys and parks, as well as the interior and areas surrounding public buildings.

#### PUBLIC USE

Operations and activities conducted by one or more governmental or legally established not-for-profit organizations to provide charitable, medical, educational, recreational, spiritual, or other similar benefits and services to the public.

#### PUBLIC UTILITY FACILITY

A facility other than a telecommunication tower or telecommunications antenna for the provision of public utility services, including facilities

constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or other such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administration buildings. For purposes of the zoning law, telecommunication towers or telecommunication antenna, defined separately in this section, shall not be governed by the zoning regulations which apply to the broader definition of public utility facilities, but shall be governed by § 220-60.

#### PUBLIC WAY

Any right-of-way open to the public for vehicular or pedestrian access.

#### RESPONSIBLE PARTY

The property owner(s) of record of the real property that is the subject of an application to the Town of Canandaigua.

#### SETBACK

The distance between the street line, rear or side lines of the lot, and the front, rear and side lines of the building. All measurements shall be made at right angles to or radially from the lot lines to the nearest portion of the building lines. Setbacks from street lines to building lines are defined as "front setbacks." Setbacks from side lot lines are "side setbacks." Setbacks from rear lot lines are "rear setbacks."

#### SIDE STREET

A street that is not the lot's principal street.

#### SIDEWALK DINING

Sidewalk dining is a designated area of a public sidewalk where patrons may sit at tables while consuming food and beverages purchased from the associated eating establishment.



## SIGN

Any material, structure or part thereof, or any device attached to a building or structure or painted or represented thereon, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed and is intended for display of an advertisement, notice, directional matter or name, and includes sign frames, billboards, sign boards, illuminated signs, pennants, fluttering devices, projecting signs, or monument signs.

## SIGN AREA

The sum of the areas of each display surface defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the areas shall be defined as the areas of the projected, enclosed, rectangular geometric shapes which most closely outlines each display surface of the said sign. The sign copy area of product names, trade names and/or logos displayed upon a sign shall be included in the computation of sign area.

## SIGN, AWNING

Any visual message incorporated into an awning attached to a building.

## SIGN, BUILDING DIRECTORY

A sign listing the name and location of all tenants in a structure.

## SIGN, BUSINESS IDENTIFICATION

A commercial speech sign, or copy thereon, which identifies the name, address and location of a business on it and which does not contain any copy which would cause the sign to be a business advertising sign.

## SIGN, CHANGEABLE-COPY

A commercial speech sign which makes provision for changing letters and other copy. This definition does not include signs located on fuel dispensers that are otherwise regulated by New York State and Ontario County laws.

## SIGN, COMMERCIAL SPEECH

Any sign erected that identifies or pertains to a commercial enterprise or a product, commodity or service offered by a commercial enterprise.

## SIGN COMPLIANCE CERTIFICATE

A certificate issued by the Code Enforcement Officer attesting that a sign described therein has been erected in compliance with Chapter 220, Zoning, Article IX, and any permit issued therefor. Generally, commercial speech signs require a sign compliance certificate; noncommercial speech signs do not.

## SIGN COPY AREA

The actual area of the background occupied by the sign. It is computed by drawing straight lines adjacent to the closest extremities of the individual letters or words and is computed in the same manner when there is no background area. Where there is no background, the size of the copy area shall be equal to what would be permitted if the background were provided.

## SIGN, DEVELOPMENT IDENTIFICATION

A sign which identifies the name of a development, such as a mall, center, plaza, office complex, industrial park, business park or residential development rather than an individual business or tenant.

## SIGN, DIRECTIONAL

A sign that directs attention to the location of a local service or place of business.

## SIGN, ELECTRONIC MESSAGE

An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed.

## SIGN, GROUND

A sign attached to the ground along its entire length upon a continuous pedestal.

## SIGN, ILLUMINATED

A sign lighted by electricity, gas, or other artificial light, including reflective or phosphorescent light, paint, or tape.

## SIGN LIGHTING, BACK

An indirect source of light which is located from behind the sign surface or shielded from the viewer's eyes by a translucent or opaque material.

#### SIGN LIGHTING, INDIRECT

A light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures.

#### SIGN, MULTI-USE DEVELOPMENT IDENTIFICATION

A ground sign designed or intended to identify multiple tenants, occupants or establishments within a multi-use development.

#### SIGN, NONCOMMERCIAL SPEECH

Any sign, other than a commercial speech sign, as defined herein, used to attract attention to a site. Such signs shall include, but not be limited to, political, public safety, religious, charitable or other freedom of speech types of signage.

#### SIGN, PROJECTING

A sign which is attached to the exterior of a building or a structure beyond the surface of that portion of the building or structure to which the sign is attached and not parallel to the face of the building.

#### SIGN, SANDWICH BOARD

A sign constructed of two surfaces hinged or otherwise joined at one edge so as to allow the opposite edges to rest upon the ground and thereby support the sign without benefit of any structural framework.

#### SIGN, TEMPORARY

A sign which is intended to advertise a community or civic project, real estate for sale or lease, or other special events on a temporary basis.

#### SIGN, TEMPORARY WINDOW

A window sign not permanently affixed that does not identify the tenant or a specific service or product.

#### SIGN, TENANT IDENTIFICATION

A sign designed or intended to identify an individual tenant, occupant or establishment within a multi-use development.

#### SIGN, WALL

Any sign painted on, or attached parallel to, the wall facing of a building and projecting not more than six inches.

#### SIGN, WINDOW

A sign affixed on or located with respect to a window fronting a public way that is visible from the public way.

#### SINGLE-FAMILY RESIDENTIAL, DETACHED

A detached building containing one dwelling unit only.

#### SINGLE-USE DEVELOPMENT

A development where only one principal building or use exists or is proposed on a single parcel of property.

#### SITE DESIGN AND DEVELOPMENT CRITERIA

A manual of requirements and minimum standards that shall be applied to all proposed construction and/or development in the Town of Canandaigua, and/or areas that will involve the connections to existing municipal systems. Said manual as prepared by the Town's Engineering Consultants, and as adopted by the Town Board, and as may be amended from time to time, may be obtained from the Town Clerk.

#### SITE DEVELOPMENT PERMIT

A permit issued by the CEO specifying the extent of development activities permitted to occur on a lot or parcel. A site development permit does not authorize the construction of a building or structure on a lot or parcel.

#### SITE PLAN

A plan, to scale, showing uses and structures proposed for a parcel of land, including lot lines, streets, existing and proposed buildings and structures, topography, rights-of-way, parking areas, open space, and any other information deemed necessary by the Zoning Officer, Zoning Officer, Planning Board or Town Board.

#### STACKING LANE

A space occupied by vehicles queuing for the service to be provided at a drive-through facility.

## STRUCTURE

Anything constructed or erected which requires temporary or permanent support, placement or attachment to the ground, beneath the ground or to something having permanent location on the ground, including, but not limited to, gasoline and oil tanks, buildings, sheds, pools, decks, docks, manufactured homes, fences [excluding seasonal snow fence as further regulated in Chapter 220, § 220-9K(9) of the Town Code], signs, billboards, towers, antennas, satellite TV dishes, patios, sidewalks, driveways, and impervious or substantially impervious surfaces. The term does not include vegetative landscaping.

## TRANSPARENCY

Transparency is the minimum percent of windows and doors that must cover a building façade. Opaque windows do not count as part of building transparency.

## ZONING DISTRICT

The classification of lands as established in the Town of Canandaigua Zoning Law.

## ZONING MAP

The Official Zoning Map of the Town of Canandaigua, bearing the signature of the Town Clerk, which shows the boundaries of zoning districts and zoning overlay districts within the Town, as amended from time to time.

## ZONING OFFICER

The Zoning Officer is employed by the Town of Canandaigua. Duties include the review of proposed and existing development within the Town as well as the issuance of permits and certificates.



**SECTION IV**

# **RULES FOR ALL SUBAREAS**

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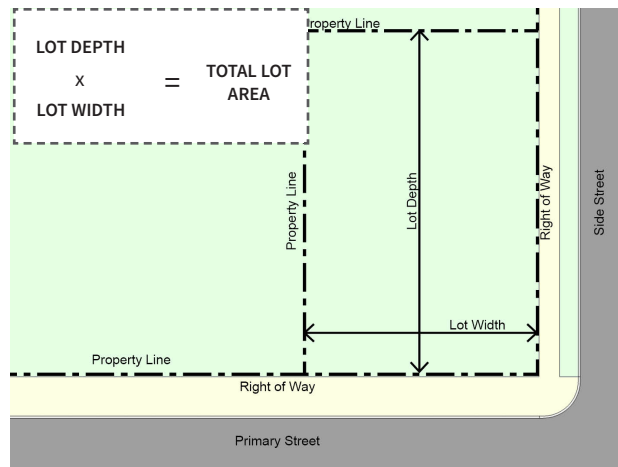
# A. MEASUREMENTS

This Section identifies how measurements should be calculated when determining and evaluating the defined site and building regulations as prescribed within this Form Based Code. Descriptions and visual representations are provided to facilitate understanding of how calculations shall be completed.

## 1. LOT PARAMETERS

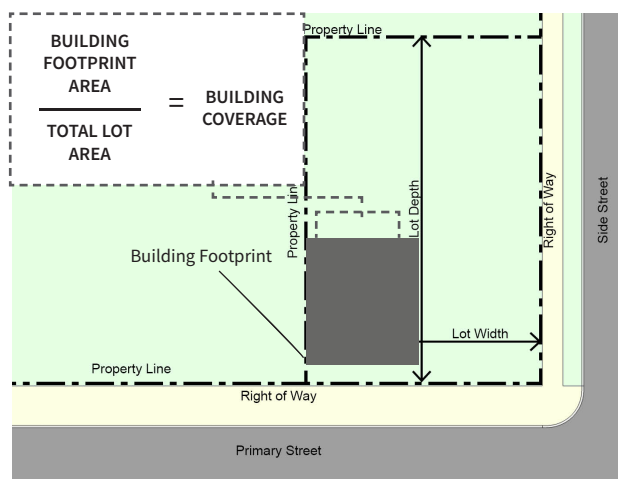
### A. Lot Depth and Width

- i. Lot depth is measured by calculating the distance between the front and rear lot line.
- ii. Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line (or along the chord of the property line on a curvilinear lot).
- iii. Total lot area is measured by multiplying lot width and lot depth.



### B. Building Coverage

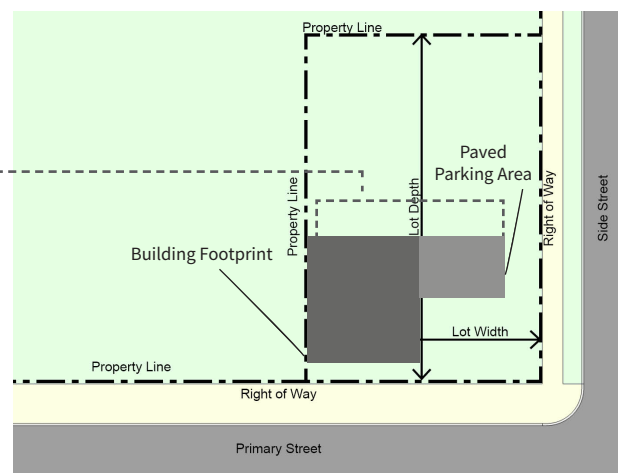
- i. The area of a lot covered by roofed buildings and structures measured from the outside of the exterior wall at the ground floor, including covered porches and patios, detached and attached accessory structures, and any projecting structures above ground level.
- ii. Building coverage does not include uncovered paved parking areas, driveways, walkways, roof overhangs, uncovered steps, decks, or architectural projections not intended for shelter or occupancy.



### C. Lot Coverage

- i. Lot coverage includes building coverage as well as all impervious surfaces, including uncovered paved parking areas, driveways, walkways, roof overhangs, uncovered steps, decks, and architectural projections.

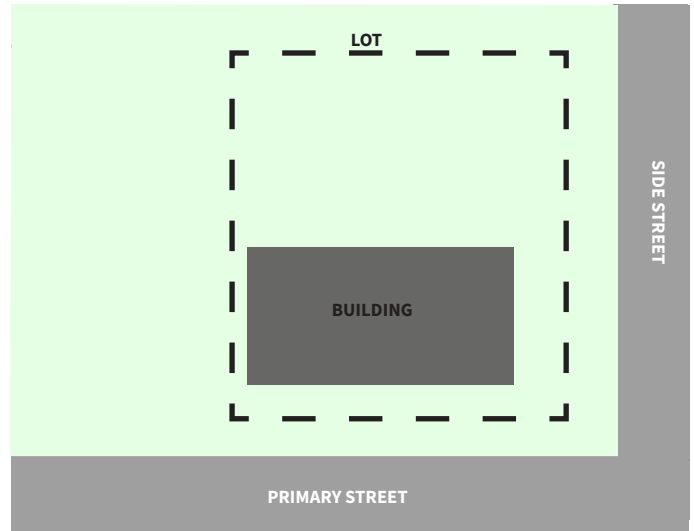
$$\frac{\text{BUILDING FOOTPRINT AREA} + \text{IMPERVIOUS SURFACES}}{\text{TOTAL LOT AREA}} = \text{LOT COVERAGE}$$



## 2. BUILDING PARAMETERS

### A. Primary and Side Streets

- i. Where only one street abuts a lot, that street is considered a primary street.
- ii. A multiple street frontage lot must designate at least one primary street. A lot may have more than one primary street. The Zoning Officer will determine which streets are primary streets based on the following:
  - iii. The pedestrian orientation of the street;
  - iv. The established orientation of the block;
  - v. The street or streets abutting the longest face of the block;
  - vi. The street or streets parallel to an alley within the block;
  - vii. The street that the lot takes its address from; and
  - viii. The street with the highest classification or highest traffic counts.



### B. Setbacks

- i. Building setbacks apply to both principal and accessory buildings or structures except where it explicitly states otherwise.

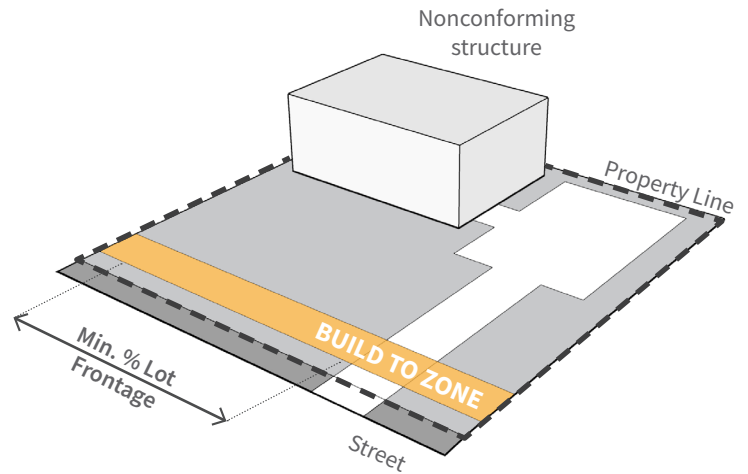
### C. Lot Frontage

- i. Lot frontage is the required percentage of lot width that must be occupied by building facade between the minimum and maximum setback range (also known as the build-to-zone).
- ii. The build-to zone is the area between the minimum and maximum front setbacks. Portions of a building must be placed within this zone along a percentage of the lot width. To determine compliance with the build-to zone requirements, the total width of the building portion located within the build-to zone is divided by the width of the lot.



#### D. Lot Frontage: New Buildings

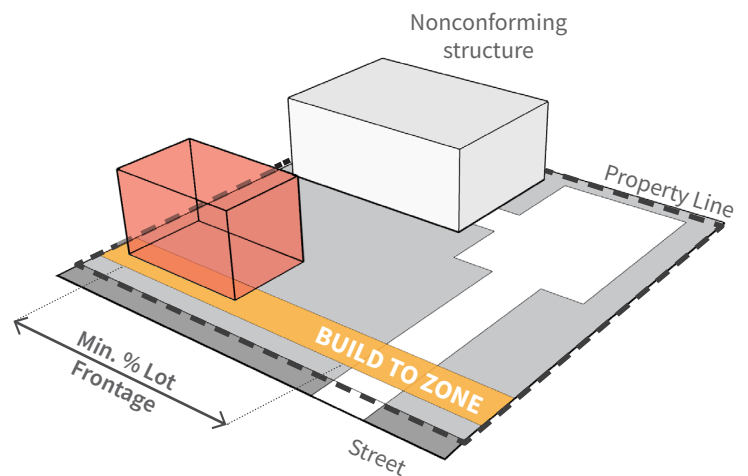
- i. All new buildings must be placed in the build-to-zone until the specified lot frontage for the entire site has been met.
- ii. Once the required lot frontage has been met for the site, new buildings may be placed outside of the build-to-zone, if space permits.
- iii. New buildings outside of the minimum and maximum setback range are not allowed until the minimum lot frontage percentage has been met.



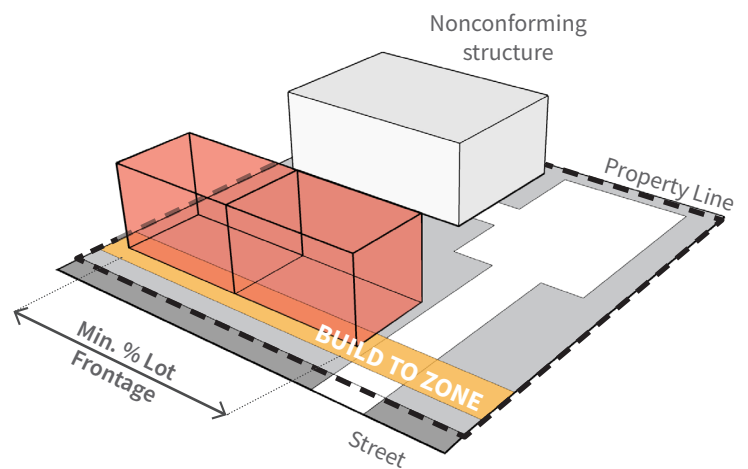
EXISTING NONCONFORMING STRUCTURE PLACEMENT

#### E. Lot Frontage: Building Additions

- i. Any addition to the front of the building must be placed between the minimum and maximum setback range.



COMPLIANT BUILDING PLACEMENT

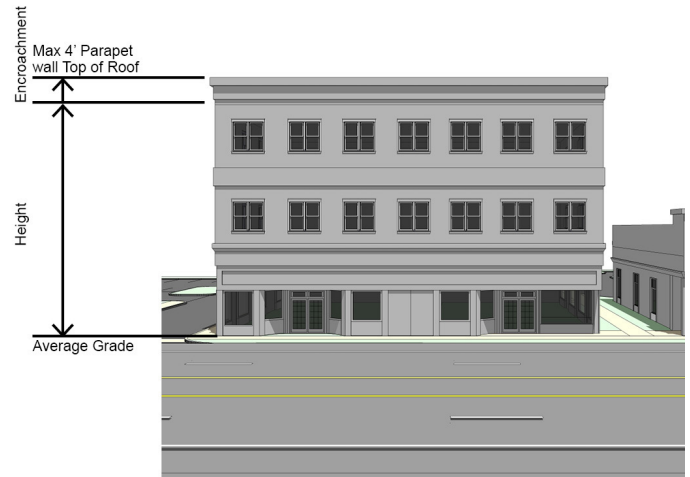


COMPLIANT BUILDING PLACEMENT WITH BUILDING ADDITION

## F. Building Height

- i. Building height is measured from the top of the average grade to the top of the highest finished story.
- ii. New buildings must conform to minimum and maximum building height parameters.

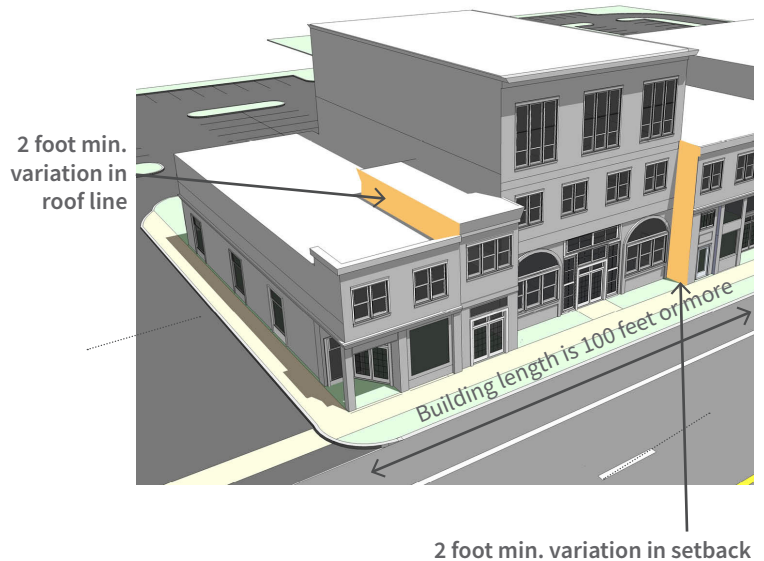
## Building Height



## G. Building Articulation

- i. For buildings 100 feet or more in length, at least 15% of the street-facing roof line must have a variation in height between 2 and 5 feet, not to exceed building height standards specified in the respective Subarea.
- ii. For buildings 100 feet or more in length at least two portions of the street-facing building facade must have a variation in setback between 2 and 4 feet.

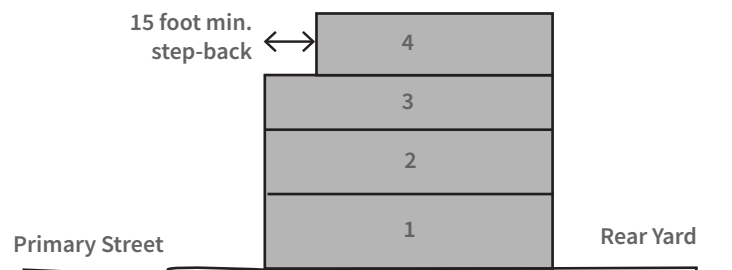
## Building Articulation



## H. Building Step-back

- i. Buildings may also include a building step-back on upper-most story if the building is more than 3-stories in height. This building step-back may only apply to one story, for a total of 4-stories in height.
- ii. Building step-backs must be at least 15 feet from the building facade.

## Building Step-back



## I. Transparency

- i. Transparency applies to the primary and side street facing buildings only.
- ii. Glass is considered transparent where it has transparency higher than 80%.
- iii. Ground story transparency is measured between 2 and 12 feet above the abutting sidewalk
- iv. Upper story transparency is measured from the top of the finished floor to the top of the finished floor above. When there is not a floor above, upper story fenestration is measured from the top of the finished floor to the top of the wall plate above.

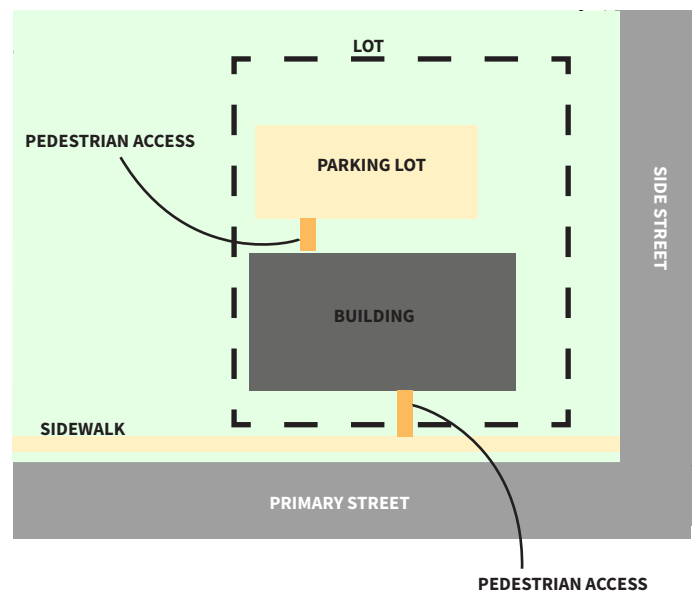
## Building Transparency



## J. Pedestrian Access

- i. An entrance providing both ingress and egress, operable to residents at all times and customers during regular business hours, is required. There must be a connection between all main building entrances and the closest sidewalk or street.
- ii. Additional entrances off another street, pedestrian area or internal parking area are allowed.

## Pedestrian Access



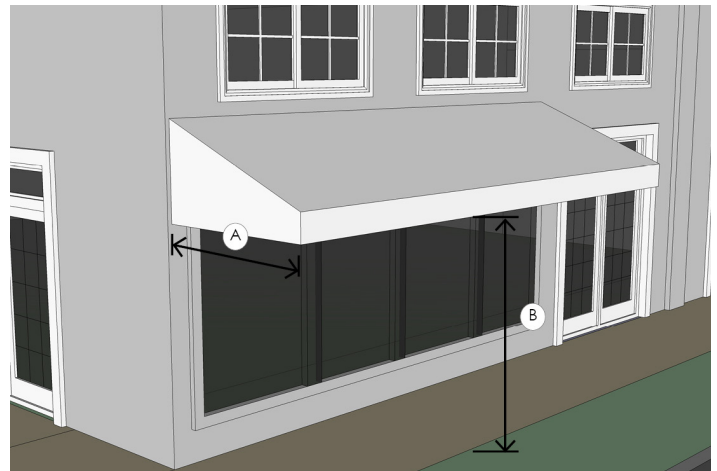
## B. BUILDING STANDARDS

This section establishes regulations that are applicable to Building Elements within both established subareas within the Form Based Code district. These regulations should be considered in tandem with Regulations established and defined in Sections V and VI of this Form Based Code.

### 1. BUILDING ELEMENTS

#### A. Awnings

- i. Awnings shall be continuous above openings below. Breaks in awnings shall coincide with breaks in facade openings below.
- ii. Canvas and fabric awnings must be made of durable fabric and must be in a fixed position.
- iii. Awnings must be self-supporting. No support poles may encroach onto the right-of-way.
- iv. Awnings must have a minimum of 7 feet clear height above the sidewalk and must have a maximum depth of 5 feet.
- v. All applicants must provide an indemnity agreement, in a form acceptable to the Town, holding harmless and indemnifying the Town, its officers and employees, from and against any and all claims and liability resulting from encroachment into the public right of way. Applicants must also provide proof of insurance acceptable to the Town and naming the Town as an additional insured on a primary, non-contributory basis.



#### Standards

Ⓐ	Depth (max)	5'
Ⓑ	Clear height above sidewalk (min)	7'



## B. Balconies

- i. Balconies must be self supported to the structure. No posts are allowed.
- ii. Balconies may not be fully enclosed.
- iii. Balconies must complement the architectural design of the building, using similar details and materials.
- iv. Balconies must have a maximum projecting depth of 6 feet and a clear height above the sidewalk of at least 9 feet.
- v. All applicants must provide an indemnity agreement, in a form acceptable to the Town, holding harmless and indemnifying the Town, its officers and employees, from and against any and all claims and liability resulting from encroachment into the public right of way. Applicants must also provide proof of insurance acceptable to the Town and naming the Town as an additional insured on a primary, non-contributory basis.



### Standards

Ⓐ	Projecting depth (max)	6'
Ⓑ	Clear height above sidewalk (min)	9'

### Permitted



### Not Permitted



## C. SITE STANDARDS

This section establishes regulations that are applicable to site standards within both established subareas within the Form Based Code district. These regulations should be considered in tandem with Regulations established and defined in Sections V and VI of this Form Based Code.

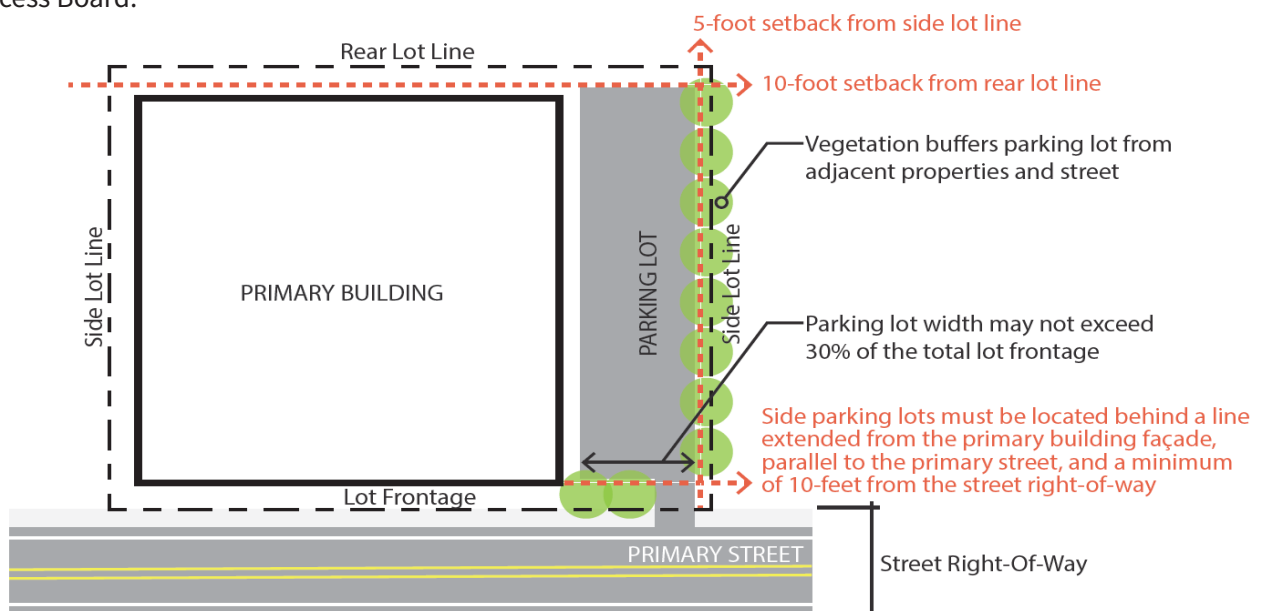
### 1. OFF-STREET PARKING STANDARDS

#### A. Location of Parking

- i. Off-street vehicle parking is not permitted between a building facade and a Primary Street.
- ii. Existing parking areas located between the building facade and a Primary Street may not be expanded.
- iii. Parking areas must be located to the rear or side of structures. Rear parking must have at least a 10-foot setback from the rear lot line and public right-of-way.
- iv. Side parking lots must be located behind a line extended from the primary building façade, parallel to the primary street, and a minimum of 10-feet from the public right-of-way.
- v. All vehicle parking must conform with the ADA Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board.



**Parking Required at the Rear of Building**



**Permitted Parking in Side Yard**



## B. Massing and Orientation

- i. Parking lots shall be arranged such that long, uninterrupted views across large areas of parking are not visible from any street or adjacent properties. Parking lots should be designed in “rooms” containing no more than 50 vehicles each.

## C. Access

- i. All on-site vehicle parking must have access to a right-of-way through an alley, driveway or permanent easement.

## D. Design and Construction

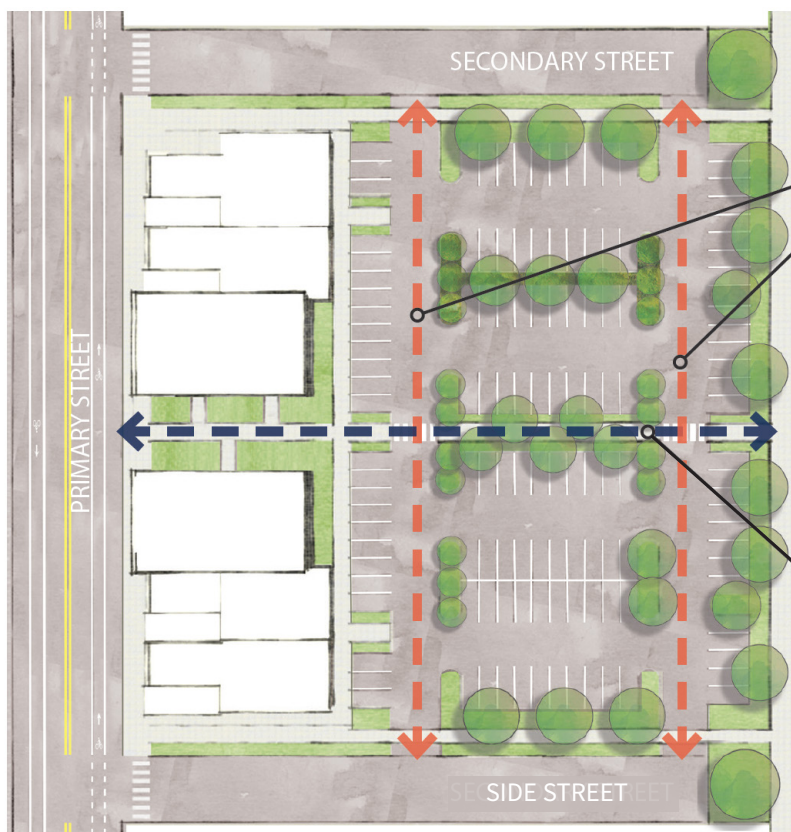
- i. Parking lots shall be surfaced with fixed, firm and non-slip material.
- ii. Permeable pavements are permitted and encouraged, if desired.
- iii. Surface parking lots shall not exceed a 10% slope.
- iv. Parking spaces shall be delineated with paint or similar method approved by the Town.

## E. Parking Space Specifications

- i. A parking space shall not be less than 9 feet in width and 18 feet in depth, exclusive of accessways and driveways.
- ii. Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any motor vehicle may be parked and unparked without moving or damaging another.

## F. Loading Areas

- i. Loading areas must be located on the lot occupied by the use served and must be accessible from a public street or alley.
- ii. Loading areas may not be placed between the building and any Primary Street.



Shared parking between multiple lots creates an opportunity to provide cross lot access between streets for bicyclists and pedestrians

Clear and defined pedestrian routes will enhance safety and comfortability in the Form Based Code district

## **G. Internal Pedestrian Routes**

- i. All developments must provide safe, direct and convenient pedestrian access that connects public streets and parking lots to building entrances.
- ii. Pedestrian routes must be easily discernible, well-lit, and hard surfaced at least 5 feet in width.
- iii. Where the route crosses driveways, parking and loading areas, the route must be clearly identifiable through the use of elevation changes, paving materials or other approved methods.
- iv. Pedestrian walkways must be designed and installed to allow for cross-access between abutting properties.

## **H. Cross-Access and Connectivity**

- i. Cross-access is encouraged between abutting parking areas. Property owners who establish cross-access must record an easement allowing cross-access to and from properties served by the access easement and record a joint maintenance agreement defining the maintenance responsibilities of each owner.

## **I. Shared Parking**

- i. Property owners and applicants are encouraged to investigate common or shared parking opportunities between adjacent uses and businesses.
- ii. If multiple property owners or applicants would like to create shared parking, the applicant must provide the Town with a Joint Parking Agreement.
- iii. Shared parking must be within 600 feet of the pedestrian entrances of all establishments involved in the Joint Parking Agreement.

## **J. Landscaping**

- i. All on-site vehicle parking must be landscaped as specified in Section IV.C.3.

## **K. Lighting**

- i. All on-site vehicle parking must be lit as specified in Section IV.C.4.

## **2. BICYCLE PARKING**

### **A. Required Bicycle Parking by Use**

- i. Bicycle parking is required for all developments with a residential or food service component.
- ii. For all uses that require bicycle parking, one bicycle parking space is required for every 15 off-street parking spaces.

### **B. Design Requirements**

- i. Bicycle parking must be provided on-site, be publicly accessible, and be located no more than 100 feet from the primary entrance of a building that the bicycle parking space is intended to serve.
- ii. Each space must be at least 1.5 feet by 6 feet.
- iii. Each space must be located on a paved or pervious, dust free surface and provided in a well-lit area.
- iv. All spaces must provide clear and convenient access.
- v. All spaces must have the ability to accommodate cable locks and “U-locks.”



***Permitted Bicycle Parking***

### 3. LANDSCAPING STANDARDS

#### A. Purpose

- i. The use of appropriately scaled and designed landscaping is required for any new building or site improvement within the Form Based Code District. Landscaping should enhance the visual appeal of the streetscape and complement the pedestrian experience.

#### B. Screening and Buffers

##### i. Location

- a. Landscaping required under this section is to be installed and maintained along the Primary and Side Streets abutting the property.
- b. Vehicle parking, buildings, signs or structures (except for walls and fences) are not allowed in the buffer.
- c. Breaks for pedestrian, bicycle and vehicular access to the property are allowed.

##### ii. Design

- a. Landscaped areas must be diverse in terms of species and structure.
- b. Landscape beds shall have a defined edge and a sufficient surface and volume given the selected plant species.
- c. Where space is available, canopy trees must be planted along the lot frontage.

##### iii. Installation and Maintenance

- a. All plantings shown on an approved site plan must be installed within six months of the related improvements.
- b. 750 cubic feet of soil must be provided for each tree planted in an individual planter.
- c. 500 cubic feet of soil must be provided for each tree planted in a shared planter.
- d. No permanent impervious surfacing shall be located around the base of any tree or shrub which may impede the growth of the tree or shrub.
- e. All shrubs and trees shall be protected from possible damage inflicted by vehicles using the parking area or access drives by means of a raised curb placed at the edge of the pavement or other methods as approved.
- f. Plantings must not obstruct site triangles at intersections.
- g. Plantings must not compromise site security by creating tall, opaque barriers that completely prevent the site from being surveilled from the streetscape.
- h. All plant materials located on a site must be maintained by the property owner in a healthy condition throughout their lifespan. Deceased plant material must be removed and replaced as soon as possible.

#### iv. Recommended Plant Materials and Sizes

- a. Plant materials must be hardy to the regional climate, per the USDA Plant Hardiness Zone Map. The selection and installation of plants with a USDA Hardiness Zone range that is two above and two below the current Hardiness Zone for the Town of Canandaigua.
- b. The use of invasive plant species listed by the New York State Department of Environmental Conservation as prohibited or regulated is not permitted.
- c. Native plant species should be used in place of non-native species where possible or practical.
- d. Plant selection must also consider the following factors to ensure plantings are appropriate for the site's microclimate and do not create a safety hazard or obstruct the public right-of-way:
  1. Mature form, habit, and size;
  2. Soil, water, and solar requirements;
  3. Urban and pollution tolerance;
  4. Salt tolerance;
  5. Seasonal interest; and,
  6. Maintenance requirements
- a. All plant materials shall meet the following minimum size standards, as noted in Table 1: Recommended Plant Materials and Minimum Size Standards.

**Table 2: Recommended Plant Materials and Minimum Size Standards**

Canopy Trees	
<b>Planting Size</b>	
Side or Rear Yard	10' (height)
All Other Plantings	2 ½' (caliper)
<b>Suggested Species</b>	
Red Maple ( <i>Acer rubrum</i> )	
Thornless Honeylocust ( <i>Gleditsia triacanthos</i> 'inermis')	
Tulip Tree ( <i>Liriodendron tulipifera</i> )	
Red Oak ( <i>Quercus rubrum</i> )	
American Linden ( <i>Tilia americana</i> )	
Multi-Stem Trees	
<b>Planting Size</b>	
Side or Rear Yard	8' (height)
All Other Plantings	1 ½' (caliper)
<b>Suggested Species</b>	
River Birch ( <i>Betula nigra</i> )	
Understory Trees	
<b>Planting Size</b>	
Side or Rear Yard	6' (height)
All Other Plantings	8' (height)
<b>Suggested Species</b>	
White Spruce ( <i>Picea glauca</i> )	Eastern White Pine ( <i>Pinus strobus</i> )
Canadian Hemlock ( <i>Tsuga canadensis</i> )	
Deciduous Shrubs	
<b>Planting Size</b>	
Side or Rear Yard	18" (height)
All Other Plantings	24" (height)
<b>Suggested Species</b>	
Red Twig Dogwood ( <i>Cornus alba</i> 'Siberica')	
Witch-Hazel ( <i>Hamamelis virginiana</i> )	
Grow-Low Fragrant Sumac ( <i>Rhus aromatica</i> 'Gro-Low')	
Staghorn Sumac ( <i>Rhus typhina</i> 'Tiger Eyes')	
Black Elder ( <i>Sambucus nigra</i> 'Eva' Black Lace)	
Evergreen Shrubs	
<b>Planting Size</b>	
Side or Rear Yard	15" (height)
All Other Plantings	12" (height)
<b>Suggested Species</b>	
Winterberry ( <i>Ilex Verticillata</i> )	Dwarf Mugo Pine ( <i>Pinus mugo</i> )
Arborvitae ( <i>Thuja occidentalis</i> )	
Ornamental Grasses and Perennials	
<b>Planting Size</b>	
Side or Rear Yard	No. 2 Container
All Other Plantings	No. 2 Container
<b>Suggested Species</b>	
Purple Coneflower ( <i>Echinacea purpurea</i> 'Magnus')	
Daylily ( <i>Hemerocallis</i> 'Stella D'Oro')	
Maiden Grass ( <i>Miscanthus</i> )	
Shenandoah Red Switch Grass ( <i>Panicum virgatum</i> 'Shenandoah')	
Black-eyed Susan's ( <i>Rudbeckia fulgida</i> 'Goldstrum')	



## ***Recommended Plant Species***

***Canopy Tree - Red Maple***



***Deciduous Shrubs - Grow-Low Fragrant Sumac***



***Multi-Stem Tree - River Birch***



***Evergreen Shrubs - Winterberry***



***Understory Tree - Canadian Hemlock***



***Ornamental Grasses and Perennials - Black-eyed Susans***





## C. Parking Lot Landscaping

### i. General Requirements

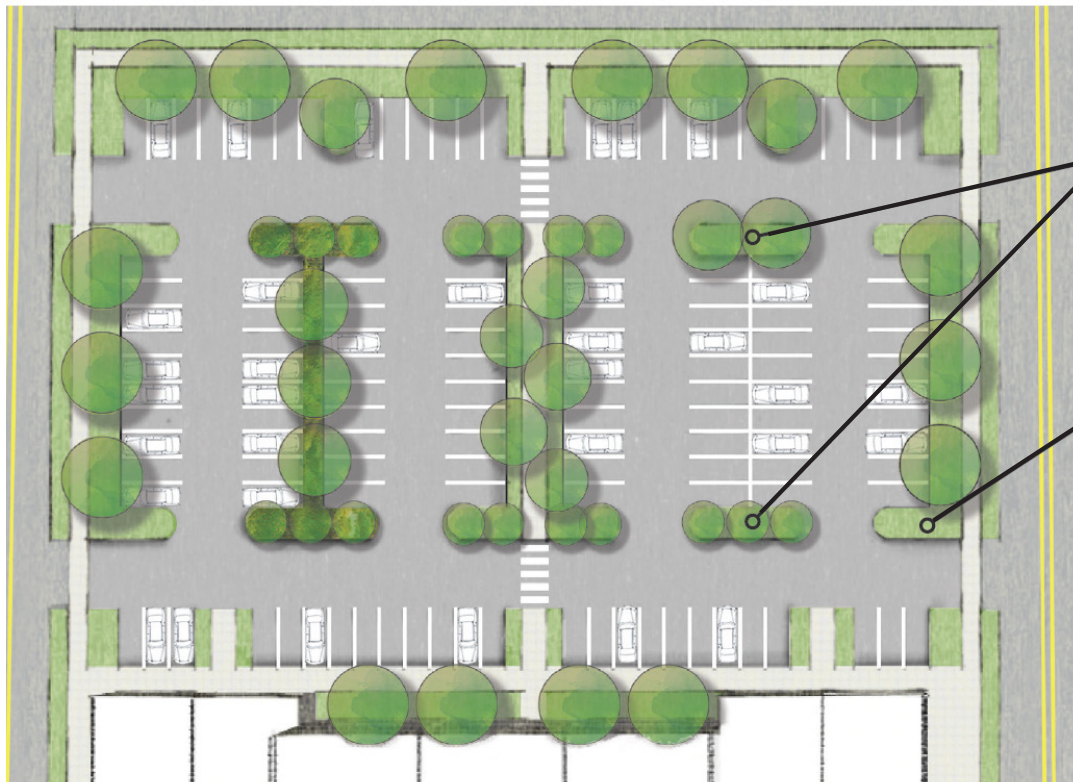
- a. All parking lot perimeters and median islands must be landscaped. Landscaping is intended to screen views, but shall not compromise site security by completely preventing site surveillance from the streetscape.
- a. All areas planted with trees must meet the requirements in Section IV.C.3.

### ii. Perimeter Planting

- a. All parking lot perimeters must have a buffer yard depth of at least 10 feet. The buffer yard must be landscaped along any lot lines facing a public right of way.

### iii. Interior Planting

- a. The following regulations apply for all parking areas of 30 spaces or more:
  - 1. At least 10% of the parking interior - calculated as the total surface area of parking stalls, drive aisles, and interior landscape - must be landscaped.
  - 2. At least one median island must be installed.
  - 3. At least two canopy trees shall be installed per median island. In lieu of two canopy trees, three understory trees may be planted.
  - 4. The ground surface of landscaped areas must be planted with shrubs, grasses, or perennials or a combination of all.



Two canopy trees must be planted for every 10 parking spaces.

The ground surface must be landscaped with shrubs, grasses, or perennials, or a combination of all.

## **4. LIGHTING STANDARDS**

### **A. Purpose**

- i. All lighting fixtures installed after the date of this Form Based Code adoption must conform to all applicable standards and requirements in this Section.
- ii. Control outdoor lighting for the safety of motorists and pedestrians as well as aiding in law enforcement functions and reducing crime through the proper design and use of outdoor lighting to insure nighttime appearance consistent with overall community goals or enhancing the attractiveness of businesses, streets and other portions of the environment.
- iii. Have all exterior lights and illuminated signs designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across) the property lines and glare at any location on or off the property. The maintained horizontal illuminance recommendations, as established by the Illuminating Engineering Society of North America (IESNA), shall be observed.

### **B. General Requirements**

- i. All outdoor lighting fixtures, including display lighting, shall be shielded, and turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors.
- ii. Island canopy fixtures for petroleum stations shall be completely recessed, including the globe portion of the fixture.
- iii. Light trespass at the pavement edge of adjoining public roads shall not exceed a maximum of 0.5 footcandle; except for site access points, where a maximum of one footcandle at the pavement edge is permitted.
- iv. Lighting for outdoor recreational facilities shall be shielded from trespass onto adjacent properties or public right-of-way and be a maximum footcandle of reading of 0.5 footcandle.

### **C. Prohibited Sources**

- i. Cobra-head style fixtures having dished or drop lenses or refractors.
- ii. Temporary search lights and other high intensity, narrow beam lights.
- iii. Amber hue lighting, such as high pressure sodium fixtures and equivalent performance are not permitted.
- iv. Laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon.
- v. Roof-mounted area lighting.

### **D. Luminaries and Shielding Requirements**

- i. All light fixtures are required to be fully shielded and shall be installed and maintained so that the shielding is effective.
- ii. The visibility of the light source inside a luminaire is restricted; the direct light shall not be visible above six feet at the adjoining public roadway pavement edge or 25 feet beyond the property line.
- iii. All luminaries whose initial source lumens are greater than 1,800 must meet the following requirements.
  - a. Have a cutoff angle of 90° or less.
  - b. Wall-pack units are required to be opaque shielded or have optics that provide a cutoff angle of 70° or less.

### **E. Building-Mounted Lighting**

- i. Building-mounted lighting must complement the architectural character of the building and surrounding subarea.
- ii. Building-mounted lighting must be fully shielded and mounted at a height between 8 and 15 feet above grade.
- iii. Building-mounted lighting must reinforce, not replace, pole-mounted lighting along public and private and public rights-of-way and parking areas.
- iv. Building-mounted lighting must be utilized to illuminate and improve safety and security at entryways and utility and loading areas.

## F. Parking and Pedestrian Areas

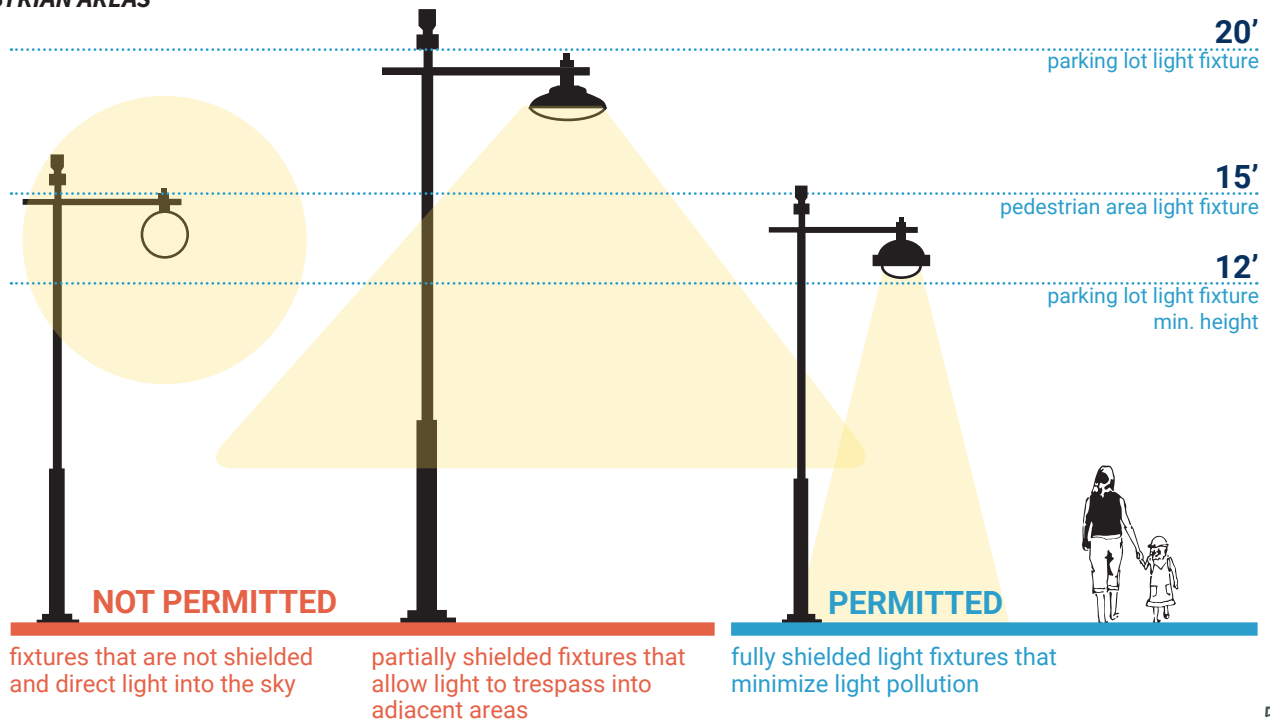
- i. Lighting in conformance with this section is required for all parking lots having five or more cars. Light levels shall be designed to meet but not to exceed the latest recommended levels from the Illuminating Engineering Society of North America (IESNA) for the type of activity/area being lighted except light levels for ATMs, which shall be in accordance with the New York State ATM Safety Act.[1] Where no standard is available from IESNA, the applicable standard shall be determined by the Planning Board, taking into account the levels for the closest IESNA activity.
- ii. Uniform light levels shall be achieved on the site. The uniformity ratio (average to minimum) shall not exceed 3:1 for parking and traffic areas, nor 4:1 for pedestrian areas.
- iii. Design should establish a hierarchy of lighting to insure a smooth transition from bright areas to those with subdued lighting.
- iv. Maximum to average light levels should be kept within a six to one ratio. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed.
- v. Fixtures within pedestrian areas and along sidewalks and trails must be a maximum height of 15 feet.

- vi. Fixtures within parking lots must be a minimum height of 12-feet and a maximum height of 20-feet.

## G. Nonconforming Lighting

- i. All outdoor lighting lawfully existing prior to the effective date of this chapter shall be deemed conforming to this section, except that:
  - a. No installation of new luminaries (e.g., fixtures and bulbs) shall be permitted unless in conformance to this section.
  - b. All outdoor lighting that, in the opinion of the Zoning Officer (ZO), is causing a glare on adjoining roadways or properties shall be required to submit lighting details to the ZO showing that the existing lighting meets the requirements of this section or how such lighting will be brought into conformance. No light causing glare on adjoining roadways or properties shall be allowed to continue.
  - c. Any application for renewal of a special use permit, site plan approval, or an amendment to a site plan, or sign site plan shall require that any aspect of the subject property be subject to compliance with these regulations, regardless of whether or not the application involves new site lighting.

### SITE LIGHT HEIGHT AND ILLUMINATION REQUIREMENTS FOR PARKING AND PEDESTRIAN AREAS





## 5. SCREENING

### A. Purpose

- i. To provide appropriate screening of mechanical and service equipment for all properties within the Form Based Code District.

### B. Service Areas

- i. Trash collection, recycling, compaction, and other similar service areas must be located to the side or rear of buildings and must be screened from view from adjacent properties and from a public right-of-way (not including alleys).
- ii. Service areas that are not integrated into a building must be screened on at least three sides by a wall at least six feet high and on the fourth side by a solid gate at least six feet high.

### C. Roof-Mounted Equipment

- i. Roof-mounted equipment must be screened from ground level view from adjacent property and adjacent public rights-of-way.

### D. Wall-Mounted Equipment

- i. Wall-mounted equipment at grade level must be screened by landscaping or an opaque screen and is not allowed on any surface that directly faces a Primary or Side Street.

### E. Ground-Mounted Equipment

- i. Ground-mounted equipment must be screened from view by landscaping or a fence or wall that is a minimum of 1-foot above the height of all screened elements, not to exceed 6 feet.
- ii. If the ground-mounted equipment is screened with landscaping, it must contain a buffer yard depth of at least 10 feet and include a combination of evergreen or deciduous shrubs recommended in Section IV.C.3.

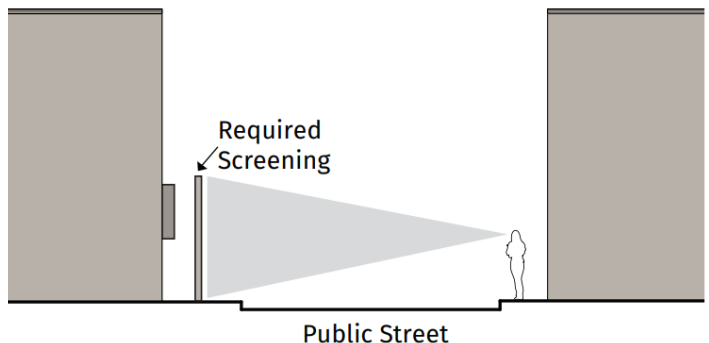
*Permitted Screened Service Area*



*Permitted Screened Roof-Mounted Equipment*



*Permitted Screened Wall-Mounted Equipment*



*Permitted Screened Ground-Mounted Equipment*



## 6. OUTDOOR AMENITY SPACE

### A. Purpose

- i. Outdoor amenity space is required for all residential uses or uses with a residential component (such as a mixed-use development). Outdoor amenity space is permitted for all other types of development.
- ii. Outdoor amenity space must be provided on the site and available as unenclosed, improved active or passive space for use by the occupants of the development. Outdoor amenity spaces are not required to be open to members of the public. It may be provided in one contiguous open area or multiple areas on the site. The outdoor amenity space must be a permanent component of the site.
- iii. Examples of include playgrounds or athletic equipment, splash pad, trail path (minimum 5 feet wide), garden or sitting area, rooftop deck, pavilion or sidewalk dining.

### B. Standards

- i. The outdoor amenity space should be a minimum of 100 square feet in size and publicly accessible.
- ii. The outdoor amenity space cannot be used for parking except for emergency access purposes.

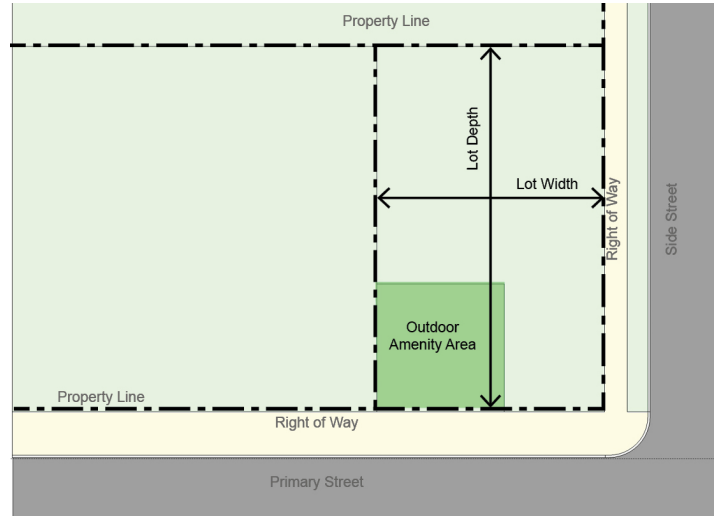


Table 3: Minimum Outdoor Amenity Space Requirements

Gross Floor Area (SF)	Minimum Outdoor Amenity Space Size
<2,500	100 SF
2,501 - 5,000	200 SF
5,001 +	5% of total building SF

7. SIDEWALK DINING

A. Standards

- i. Sidewalk dining is a designated area of a public sidewalk where patrons may sit at tables while consuming food and beverages purchased from the associated eating establishment.
- ii. The sidewalk dining area must be located adjacent to the property of a lawfully operating eating establishment and shall be under the control of the restaurant.
- iii. At least 5 feet of unobstructed corridor space must be maintained past the sidewalk dining area for sidewalk pedestrian traffic in order to ensure a clear pedestrian passageway along the sidewalk.
- iv. At least 44 inches of unobstructed space must be maintained between any restaurant doorway and the sidewalk.
- v. Food preparation is not allowed in the sidewalk dining area.
- vi. Loudspeakers are subject to the nuisance standards stated in Section II.B.
- vii. Freestanding planters, fences, or railings may be installed and must be self-supporting, no taller than 30 inches and easy to remove from the sidewalk.
- viii. Each establishment is limited to a maximum of 6 seats per every 10 linear feet of restaurant frontage.



Standards	
Seats (max)	6 per 10 linear feet of restaurant frontage



## 8. DRIVE-THROUGH FACILITIES

### A. Standards

- i. Locate the building as close to the minimum building setback as possible to support a strong street edge.
- ii. Stacking lanes and driveways between the building and primary and side streets are prohibited.
- iii. All staking lanes and areas shall be clearly identified through the use of pavement markings and/or curbing and landscaping features and shall be designed so they do not interfere with safe pedestrian and vehicle circulation on the site or along the public right-of-way.
- iv. Each stacking space shall be no less than ten (10) feet in width and twenty (20) feet in length. Each drive-in facility shall provide a minimum of six (6) stacking spaces. Each drive-in facility shall additionally provide a bypass lane of at least ten (10) feet in width.
- v. All drive-in establishment vehicle stacking areas shall be located a minimum of 30 feet from any lot line adjoining a residential property.
- vi. Any speaker system installed as part of the drive-through establishment shall be located a minimum of 50 feet from any property line adjoining a residential property.
- vii. The capacity of the drive-through stacking lanes should not interfere with the overall traffic flow within the parking lot.
- viii. Each parcel with a drive-through facility shall be limited to one point of shared ingress and egress. Where possible, cross access to the closest shared drive shall be provided.
- ix. Menu boards shall be a maximum of 20 square feet with a maximum height of five feet and shall be shielded from any public street and residential properties with decorative treatments and landscaping.
- x. Landscaping along exterior lot lines shall include a 5- to 10-foot wide vegetative buffer of deciduous trees and shrubs or a six-foot fence screening constructed of low maintenance natural materials, including brick, stone, or wood with a vegetative buffer of 2-5 feet from the exterior lot lines.
- xi. Luminaries or lighting fixtures shall not exceed sixteen (16) feet in height in vehicular areas and ten (10) feet in height in pedestrian areas.
- xii. Flood and area lighting shall be prohibited.



# D. SIGN STANDARDS

This section establishes regulations that are applicable to signage within both established subareas within the Form Based Code district. These regulations should be considered in tandem with Regulations established and defined in Sections V and VI of this Form Based Code.

## 1. PURPOSE

A. The purpose of these regulations is to facilitate efficient identification of, as well safe travel to and from, all types of uses and structures through the use of signage. The regulations are intended to distinguish between commercial speech and noncommercial speech and make adequate provisions for both within established limits in order to promote and protect the public health, safety and welfare.

## 2. SIGNS REQUIRING A PERMIT

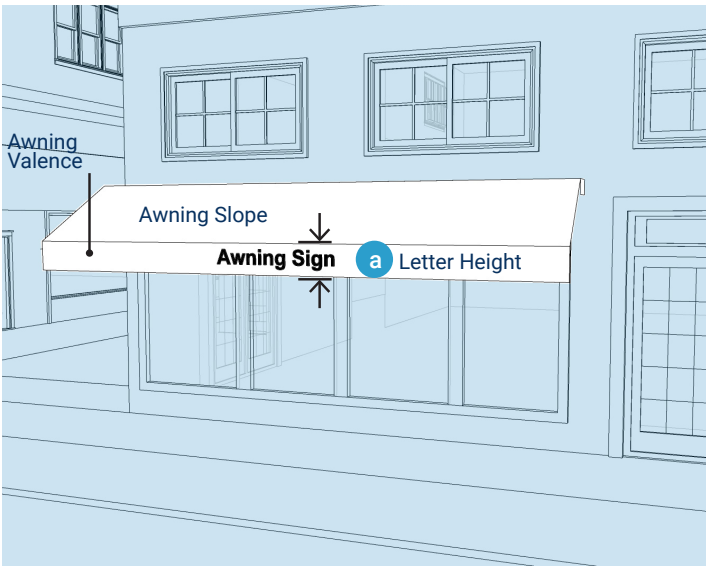
- A. All applicants proposing to install, reconstruct, or alter a sign within the Form Based Code District must obtain a permit from the Town Development Office. Types of signs requiring a permit include the following:
- i. Awning Signs;
  - ii. Projecting Signs;
  - iii. Wall Signs;
  - iv. Window Signs; and
  - v. Monument Signs.

Signs Permitted (up to three types per building)	
Awning Sign	1 per facade
Projecting Sign	1 per facade
Monument Sign	1 per street frontage
Wall Sign	1 per facade
Window Sign	1 per business/tenant
Signs not expressly permitted in this Section are prohibited.	

3. SIGN TYPES

B. AWNING SIGN

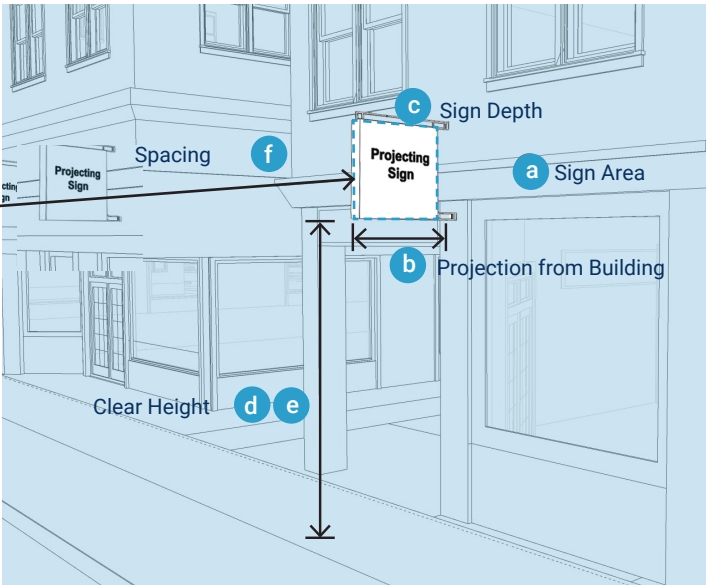
- i. Awning signs may not extend beyond the awning.
- ii. Signs shall be constrained to the valence portion of the awning only.
- iii. Signs are only allowed on ground floor awnings.
- iv. Awning signs may be externally illuminated only.



Standards		
a	Letter Height (max)	16"

C. PROJECTING SIGN

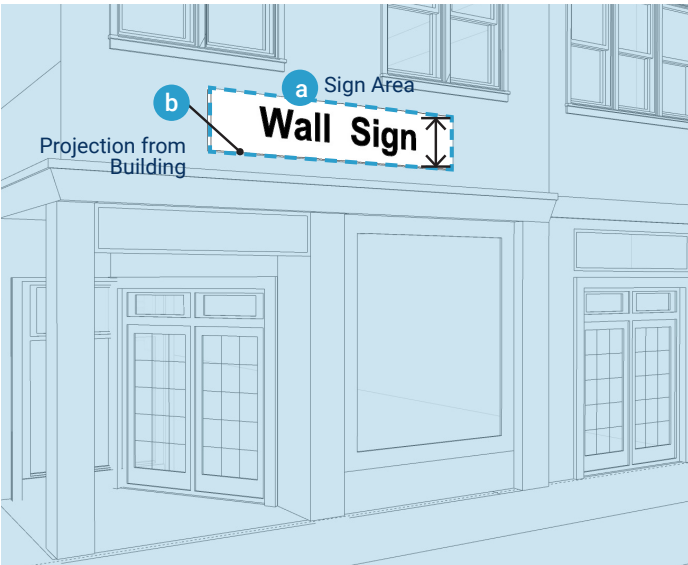
- i. No portion of a Projecting Sign may be higher than the top of the building to which it is attached.
- ii. No portion of a Projecting Sign may be located higher than the second floor of the building to which it is attached.
- iii. Any part of a Projecting Sign extending over pedestrian areas must have a minimum height clearance of 10 feet.
- iv. Projecting Signs may be internally or externally illuminated.



Standards		
a	Sign Area (max)	15 SF
b	Projection from Building (max)	18"
c	Depth (max)	6"
d e	Clear height above sidewalk (min / max)	10' / 20'
f	Spacing between projection signs (min)	25'

D. WALL SIGN

- i. Wall Signs shall not project more than 12 inches from the building in which it is located.
- ii. No portion of a wall sign may project above the roof line or above the parapet wall of a building with a flat roof.
- iii. A wall sign may not cover windows or architectural details.
- iv. Wall signs may be internally or externally illuminated.
- v. One wall sign is permitted to identify the name of the building or business activity if the dimensional requirements are met.



Standards		
a	Sign area (max)	
	State Route 332 Corridor Subarea	1 SF per foot of building length, not to exceed 200 square feet
b	Mixed Use Development Subarea	16 SF
	Projection from building (max)	12"

E. WINDOW SIGN

- i. Window signs shall not obstruct visual access into the interior of the building.
- ii. Lettering shall not exceed 6 inches in height.
- iii. The combined coverage of lettering and graphics shall not exceed 50% of the total window space.
- iv. Window signs may be internally illuminated only.

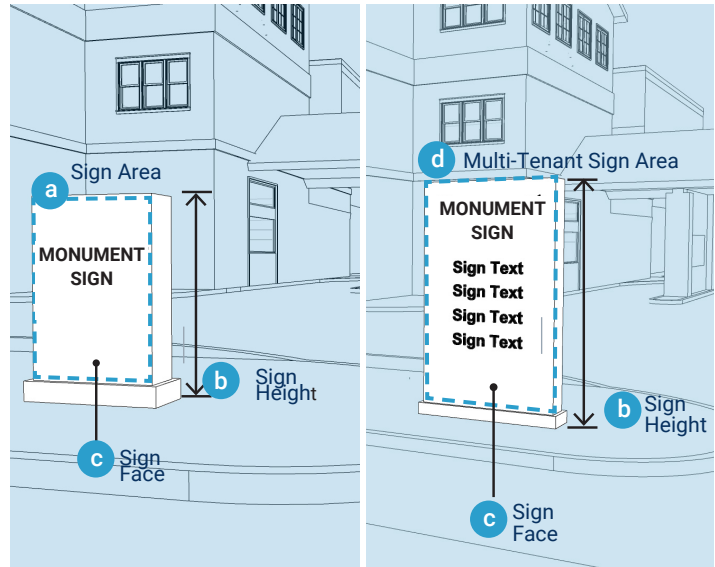


Standards

a	Sign Area (max)	50% of the window space or 32 square feet
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## F. MONUMENT SIGN

- i. General Requirements for Single-Use Developments:
  - a. One monument sign is permitted per lot.
  - b. Single pole mounted signs are prohibited.
  - c. No monument sign shall be erected within 15 feet of any boundary of any street, highway, or public way nor within 15 feet of any lot boundary.
  - d. Monument signs must be constructed of materials and colors that are consistent with the building that is being advertised and the character of the subarea which is located.
  - e. All wood signage components must be sealed and protected from the elements.
  - f. Segmental block and/or non-mortared stone is permitted for signage base materials only if like materials are in use throughout the principal building.
  - g. Sign copy must be located at least three feet above grade.
  - h. The sign copy area must have the same material and dimensions to ensure consistency.
- ii. General Requirements for Multi-Tenant Commercial Developments:
  - a. One single or double-faced monument sign may be installed on a single property.
  - b. A monument sign may be used as a multi-tenant directory sign indicating the name of the occupants of a building or multiple buildings. Each business may have no more than one sign within the multi-tenant monument sign.



### Standards

a	Sign Area (max)	
	State Route 332 Corridor Subarea	20 SF - single-sided 40 SF - double-sided
	Mixed Use Development Subarea	16 SF
b	Sign Height (max)	
	State Route 332 Corridor Subarea	10'
	Mixed Use Development Subarea	7'
c	Number of Faces (max)	2
d	Monument Signs for Multi-Tenant Buildings	25 square feet per face for 5 businesses, with 3 square feet for each additional business. Total square footage shall not exceed 50 square feet

## 4. EXEMPT SIGNS

**A. Government Signs.** The regulations specified herein shall not apply to any sign or directional device erected by any governmental agency to serve a governmental purpose, any identification sign indicating the location of underground utility lines, any posted or preserve signs erected pursuant to the Environmental Conservation Law of the State of New York, signs relating to health and/or emergency situation, or any other sign required to be erected by laws of the United States or the State of New York.

**B. Civic or Community Service Signs.** The regulations specified herein shall not apply to any sign found by the Canandaigua Town Board to be necessary to a civic or community service or otherwise necessary to serve the public interest, provided the findings of such board describe the nature, including size, location, design, illumination and duration of any such sign found to be necessary.

**C. Non Commercial Speech Signs.** Erecting or maintaining noncommercial speech signs conforming to the requirements of this article

**D. Vehicular Signs.** Commercial speech signs displayed on licensed and registered motor vehicles which are used in conjunction with a business, provided that:

- i. The primary use of such vehicle is the transportation of people or material for such business;
- ii. The primary effect of such sign is to identify the vehicle as being used for such purpose; and
- iii. The vehicle is not parked or stored in a manner primarily intended to display the sign to passersby.

**E. Directional Signs.** Such as entrance, exit, parking, shipping and receiving, the sole purpose of which is to assure safe and efficient ingress, egress and access upon a commercial or industrial site, provided each such sign does not exceed two square feet in sign area if a one-sided sign and four square feet in sign area if a two-sided sign and three feet in height.

**F. Credit Card Signs.** Credit card advertisements or trade association emblems which are displayed together in an area which does not exceed one square foot may be displayed. Such signs shall be displayed flat on window or door surfaces. The purpose of these signs shall be solely to offer a service and not to advertise the business.

**G. Temporary signs** conforming to the requirements of Town Code § 220-85.

**H. Substituting speech copy on a commercial speech sign** which otherwise conforms to the requirements of this article.

**I. Repainting, repairing or otherwise maintaining a conforming commercial speech sign**, provided the location, size, design, copy or logo is not changed and the sign is in no way made nonconforming thereby.

**J. Sandwich Board or Sidewalk Signs.** Sidewalk signs that meet all of the following requirements do not require a permit or approvals from any board.

- i. Each ground floor tenant may have one sandwich board sign.
- ii. Sandwich board signs must be placed indoors at the close of each business day.
- iii. Sandwich board signs cannot obstruct vehicular, bicycle, or pedestrian traffic and must provide at least 5-feet of clear space to allow for unimpeded pedestrian movement.
- iv. Sandwich board signs shall be located a minimum of 18 inches from the inside of the curb line or edge of pavement, whichever is greater.
- v. Sandwich board signs made of plastic, coroplast, and foam core are prohibited.
- vi. Sandwich board signs may not be illuminated.

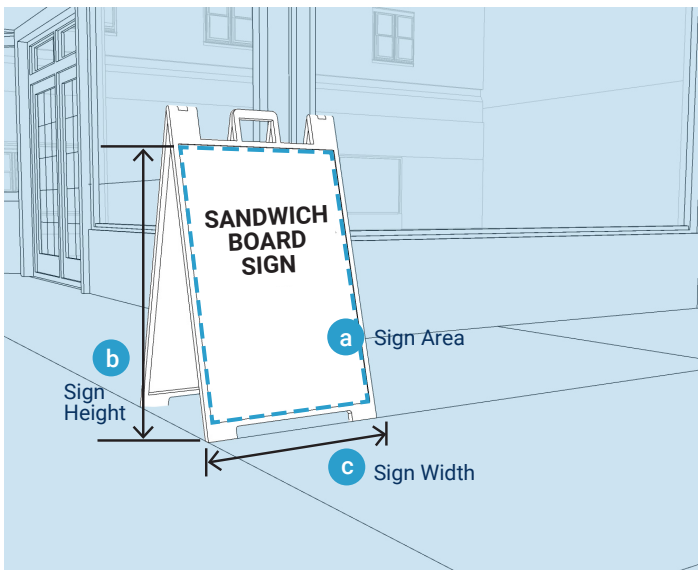
## 5. TEMPORARY, INCIDENTAL AND DIRECTIONAL SIGNS

The following describes temporary, incidental and directional signs permitted within the Form Based Code District:

A. Temporary signs advertising any political, educational, charitable, civic or religious event or the sale of property other than real estate may be erected in any district for a consecutive period not to exceed 60 days in any calendar year for a single event. Said signs shall be removed within three days following the event or sale and shall not exceed eight square feet in sign area, seven feet in height above the adjacent ground level and shall not be illuminated.

B. For purposes of this section, each general election, referendum, primary election or caucus shall be considered to be a separate political event. Other types of events which are held more frequently than once annually, but which are substantially similar in nature, held in a substantially identical location, and customarily held on the same day of the week or same monthly date shall be considered to be a single ongoing event for which temporary signs may not be displayed in excess of 60 days within any calendar year.

C. One sign per parcel of real estate advertising the sale, lease or rental of the premises upon which the sign is located shall be permitted, provided: the sign shall not exceed 24 square feet in sign area and eight feet in height above the adjacent ground level within the Form Based Code District. Should the parcel of real estate advertised have no common boundary with a public road, an additional such sign may also be located upon the parcel providing access from the public ways. Should the parcel of real estate advertised have a boundary in common with two public roads, then two such signs shall be permitted, one adjacent to each such road.



### Standards

a	Sign Area (max)	6 SF
b	Sign Height (max)	3'
c	Sign Width (max)	2'



D. The following temporary business advertising signs may also be placed on an approved lot that contains a dwelling unit offered for sale, on a Saturday and/or Sunday between the hours of 12:00 noon and 6:00 p.m. only, and shall be removed at the end of each business day:

- i. One sign, not exceeding six square feet in sign area, bearing a legend such as “Open” or “Open for Inspection,” on a premises being advertised for sale;
- ii. Two signs, each sign not exceeding six square feet in sign area, bearing a legend such as “Open” or “Open for Inspection,” at locations other than the premises being advertised for sale. Such signs may be located within the right-of-way of the two closest intersecting streets, provided they are placed so as not to interfere with sight distances. The highest portion of each sign shall not be more than four feet above the adjacent ground level; and
- iii. In the event a subdivision tract contains more than one model dwelling unit offered for sale by the developer, then the maximum number of off-premises advertising signs shall be based upon one sign allowed at each entryway to the tract.

E. Temporary identification of active development sites. Upon any parcel under active development, a single temporary sign may be erected and maintained for the duration of the project without approval by the Town. Such sign may identify the primary contractor or owner of the premises and the street identification number, provided such sign does not exceed six square feet in sign area and does not exceed four feet in height above the adjacent ground.

F. A temporary business identification sign, may be temporarily erected and maintained by a new business, provided the following standards are met:

- i. Such signs shall only be erected and maintained by owners or tenants having received a site plan approval by the Town Planning Board, which application describes a conforming permanent business identification sign to be erected and maintained on the parcel;
- ii. Such signs shall only be allowed to continue until a date 60 days from the date the temporary sign was first placed or until such application as has been made to the Planning Board for sign site plan approval of a permanent sign has been denied or granted and a permit issued, whichever date shall first occur;
- iii. Such sign shall conform to the same dimensional requirements of this chapter which would restrict the sign area, height or location of any permanent sign which might be lawfully erected in the same location to permanently identify the same business; and
- iv. Although no site development permit shall be issued for such signs, temporary business identification signs shall only be erected and maintained if the Zoning Officer has reviewed a written submission describing the proposed temporary sign and made a written finding that the proposed sign is in substantial compliance with the provisions and intent of the provisions in this Form Based Code. Should no such finding be issued by the Zoning Officer, then the proposed sign shall continue to be subject to those provisions which would otherwise prohibit its use.

G. Temporary window signs. Signs may be displayed in any window at any commercial use lawfully conducted under the provisions of the Town Zoning Law. Nonilluminated window signs may be displayed without limit and without issuance of any permit or the approval of any board. A single illuminated window sign no more than four square feet in sign area may be displayed, for a period of 30 calendar days during one calendar year, without issuance of any permit or approvals of any board at any commercial use lawfully conducted under the provisions of the Town Zoning Law.

H. Banners, streamers, flags and other attention-getting devices, not including ground commercial speech signage, which would otherwise be prohibited by the provisions of this chapter, may be temporarily erected and maintained on subject sites within these two districts, provided that the following standards are met:

- i. Such displays shall only be erected and maintained for a maximum cumulative duration of 30 days within any given calendar year. Although no permit shall be required to be issued for such displays, an informational form briefly describing the display and the dates thereof shall be filed with the Zoning Officer (ZO). Should no such form be provided or should the maximum cumulative duration of 30 days be exceeded, such display shall be considered to be in violation of this chapter. The ZO shall coordinate with the Code Enforcement Officer (CEO) when required to conform with the New York State Uniform Fire Prevention and Building Code; and
- ii. Such displays shall conform to any standards and limitations identified in Subsection F above. Any display failing to conform to such standards and limitations shall be deemed to have failed to comply with the provisions of this subsection and consequently to be in violation of this chapter.

I. Temporary signs shall not be attached to fences or trees and shall not obstruct or impair vision or traffic in any manner or otherwise create a hazard or disturbance to the health and welfare of the general public or the environment.

## 6. PROHIBITED SIGNS

**A. Signs Without Permit or Approval.** Signs which under these provisions may not be erected or maintained without permits or approvals and for which no such permit or approval has been granted or for which the required approvals and/or permits have been revoked shall not be allowed to continue and shall be removed.

**B. Signs Not Pertinent to Use.** Commercial speech signs which no longer relate to any commercial enterprise or use conducted on the same parcel of real estate upon which the sign is located shall not be allowed to continue and shall be removed.

**C. Abandoned Signs.** Failure to restore a sign to a condition of good repair within 30 days of written notification by the Zoning Officer of a sign's deficient condition shall constitute abandonment of the sign. Abandoned signs shall not be permitted to continue and shall be removed. Sign abandonment shall also be grounds for revocation of any site plan, special use permit or site development permit approved with respect to said sign.

**D. Off-site Advertising Signs.** With the exception of certain temporary signs described in § 220-85 and multi-use development identification signs in § 220-83B(2)(j), no sign advertising a business, use or service other than that available on the parcel of real estate on which the sign is located shall be permitted.

**E. Temporary Signs.** Temporary signs other than those specified in § 220-85 are prohibited. Except as provided in § 220-85F, banners, streamers, flags and other attention-getting devices.

**F. Roof Signs.** No signs, banners, flags or other like advertising devices shall be permitted above the peak of the roof of any building or structure.

**G. Traffic Hazard.** Other provisions herein notwithstanding, any permanent or temporary signs erected or placed at or near the intersection of any streets in such a manner as to cause a traffic hazard or at any location where, by reason of the position, shape, color or illumination, the sign interferes with, obstructs the view of or otherwise misleads or confuses vehicle operators, shall be removed and shall not be allowed to continue.

**H. Reflective Surfaces.** Signs having glaring reflective surfaces are prohibited, except for street identification numbers.

**I. Electronic Message Signs.** Electronic message signs are prohibited.

## **7. PLACEMENT OF SIGNS**

A. All signs must be located on the same lot as the business to which it relates and be clearly incidental, customary, and commonly associated with the operation of the business.

B. Signs may not encroach onto any streets or alleys. Awning, Projecting, and Sidewalk signs may encroach over the public sidewalk and must be located at a minimum of 18 inches inside the curb line or edge of pavement, whichever is greater.

C. Signs may not project above the roof of any building and are in no case permitted as building height encroachments.

## **8. SIGN ILLUMINATION**

A. Exterior sign lighting shall illuminate only the sign and shall not be emitted or reflected so as to create a traffic hazard or nuisance.

B. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light(s). Sign-illuminating devices shall only emit light of constant intensity and color.

C. Neon signs and lights are prohibited.

D. The intensity of light illuminating a sign shall not exceed that necessary to make the sign visible from the nearest public ways.

E. All sign lighting shall be compliant with the Town's Dark Sky Lighting Standards contained in this Form Based Code.

## **9. SIGN MATERIALS**

A. All signs must be of professional quality and constructed of durable, weather resistant materials.

B. All wood signage components must be sealed and protected from the elements. Unpainted or unfinished treated and untreated lumber is not permitted.

C. Signage materials must be of complementary color, character, type, and quality to those found on the related principal structure.

D. No sign shall consist, in whole or in part, of banners, balloons, pennants, ribbons, streamers, spinners, or similar fluttering devices or consist of animated or moving parts.

## 10. REMOVAL OF SIGNS

**A. Signs Not Pertinent to Use.** The owner of any sign which is abandoned or found to otherwise no longer serve the purpose for which a permit was issued or is otherwise in violation of the provisions hereof shall remove the sign within 30 days of written notice or otherwise correct the specified unsatisfactory condition in a manner approved by the Zoning Officer. If the Zoning Officer's notice is not appealed within 30 days of the date of the written notice, the notice automatically becomes an order to remove and shall be enforced in accordance with this section.

**B. Hazardous Signs and Signs in Violation.** The Zoning Officer shall notify, in writing, the owner of any sign which is unsafe, insecure or is a menace to the public, or has been erected or installed in violation of this chapter to remove or correct the unsatisfactory condition of said sign within 30 days from the date of such notice. If the Zoning Officer's notice is not appealed within 30 days of the date of the written notice, the notice automatically becomes an order to remove and shall be enforced in accordance with this section.

**C. Failure to Comply.** Upon failure to comply with any court order to remove or any court order to correct or remove within the prescribed time, the Zoning Officer shall cause the removal of such sign and all costs and expenses incurred with said removal shall be charged to the owner of the land or building upon which the sign is located.

**D. Signs Causing Immediate Peril.** The Zoning Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily upon written notice to that effect. Failure to comply immediately upon receipt of such notice will serve as an authorization to the Zoning Officer to immediately remove or cause removal of such sign with all costs and expenses charged to the owner of the land upon which the sign is erected.

## 11. INDEMNITY

**A.** All applicants must provide an indemnity agreement, in a form acceptable to the Town, holding harmless and indemnifying the Town, its officers and employees from and against any and all claims and liability resulting from encroachment into the public right of way. Applicants must also provide proof of insurance acceptable to the Town and naming the Town as an additional insured on a primary, non-contributory basis.

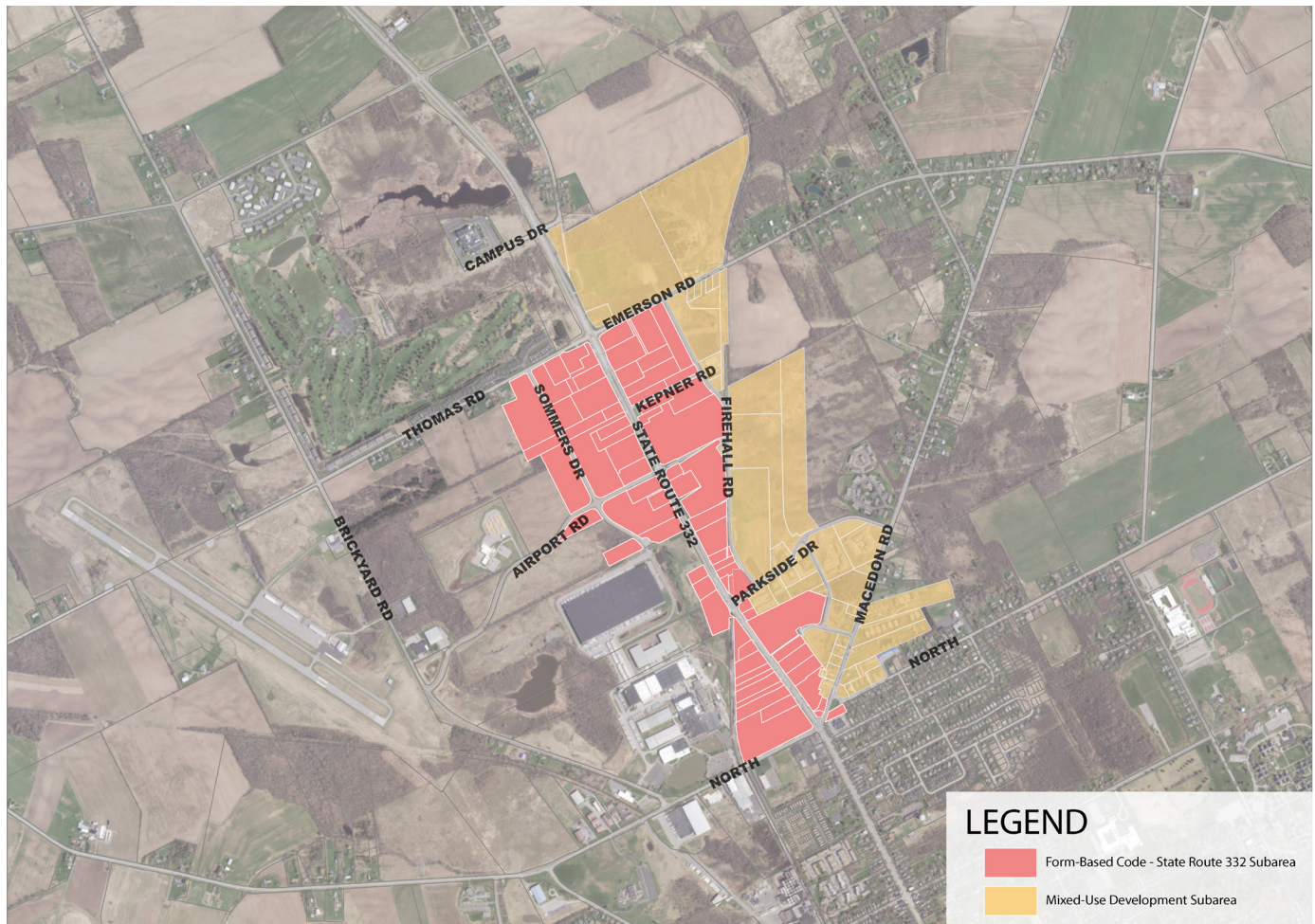
**SECTION V**

# **REGULATIONS APPLICABLE TO STATE ROUTE 332 CORRIDOR**

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# STATE ROUTE 332 CORRIDOR SUBAREA



## Intent

Recognizing the placement of existing buildings and the use of State Route 332 as a vehicular corridor today, the Town envisions a phased transition to the built environment within this subarea. The State Route 332 Corridor Subarea is intended to accommodate a mix of compatible uses and a variety of building types. Special focus is placed on creating a walkable and connected environment for pedestrians and bicyclists. Guiding principles for this Subarea include:

- Encourage a mix of uses on the State Route 332 Corridor, including the development of retail, offices and restaurants, and residential uses;
- Provide pedestrian and bicycle amenities;
- Construct buildings facades up to the street to create vertical definition and narrower streetscape proportions;
- Build active and transparent ground floors; and
- Place vehicle parking on the side or rear of buildings.

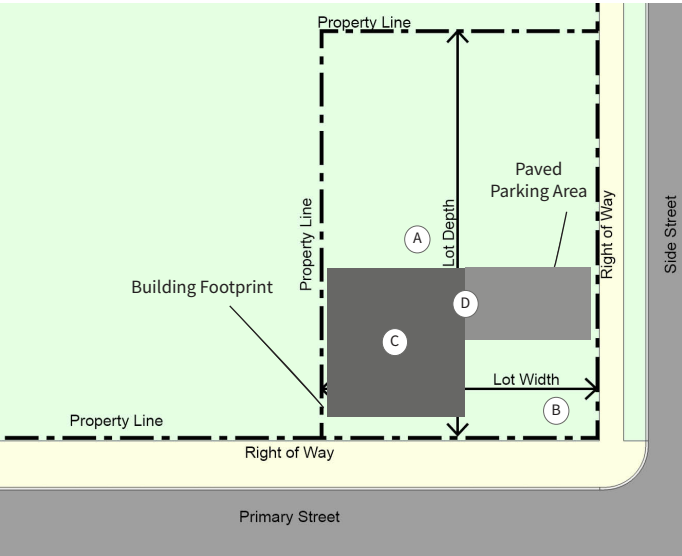
### **Prohibited Uses**

Land uses within the State Route 332 Corridor Subarea are not regulated as the Form Based Code emphasizes and regulates the shape, scale, and placement of buildings rather than the use of the building. With the exception of the prohibited uses listed below, all permitted uses listed in the Town of Canandaigua Zoning Code are allowed, subject to the requirements in this Section. Prohibited uses include:

- Single-Family Residential, detached;
- Adult-Oriented Establishments;
- Junkyards;
- Public utility substations and uses;
- Manufactured and or modular home sales;
- Truck and freight terminals;
- Commercial outdoor storage of boats and boat accessories; and
- Large-scale solar energy systems, as a standalone use.



Site Requirements



Building Placement



Lot Dimensions		
A	Lot Depth	50' min / 600' max
B	Lot Width	75' min / 500' max
C	Building Coverage	75% max
D	Lot Coverage	85% max

Building Setbacks		
A	Primary Street	10' min / 30' max
B	Side Street	10' min / 20' max
C	Rear	10' min / 20' max

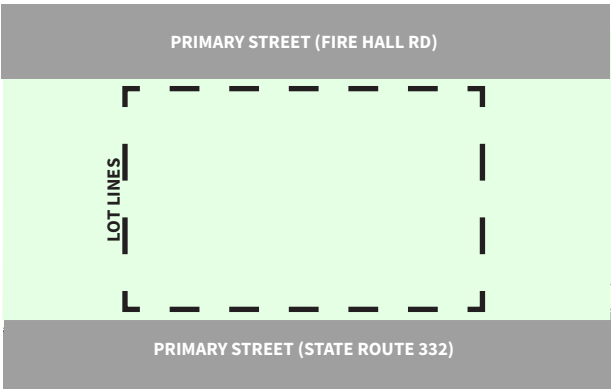
Required Facade within Build-to Zone		
Primary Street	75% min	
Side Street	50% min	

Properties with Two Frontages Extending from State Route 332 to Fire Hall Road

Properties with frontage along two roadways are permitted to treat both frontages as Primary Streets, recognizing the Town’s goal to activate all street frontages within the Uptown corridor.

If desired to develop both frontages, all requirements for Primary Streets must be met by the site plan. In all cases, the State Route 332 frontage must conform to the requirements as the Primary Street.

If the second frontage is not treated as a Primary Street, all rear setback requirements shall be met, including rear landscape requirements.



Building Height



Facade Requirements



Building Height		Transparency along Primary and Side Streets (min)	
Primary Structure		(A) Ground Story	75%
(A) Maximum	45’*	(B) Upper Story	60%
(B) Minimum	15’		
* The front facade of the principal building may not exceed 36 feet in height; however, building step-backs may be included up to a maximum building height of 45 feet.		Allowable Building Materials	
Permitted Height Encroachments (max)		Brick and tile masonry	
Chimney, flue, vent stack	5’	Cementitious siding	
Elevator/stairway access to roof	12’	Glass curtain wall	
Parapet Wall	4’	Faux and Native stone	
Mechanical Equipment	6’	Wood clapboard or shingles	
Outdoor / Rooftop Dining		Pedestrian Access	
Allowable Building Elements		(C) Entrance facing primary street	Required
Awning		Entrance from parking area (if not along the primary street)	Required
Balcony			

## STATE ROUTE 332 CORRIDOR SUBAREA

### Permitted Sign Types

Permitted signs must meet the regulations in Section V. Each building within the Mixed Use Development Subarea may have a maximum of three total sign types. All sign types are limited to one per primary building facade, except for window signs. There may be multiple window signs if the signs are within the stated size regulations. If a sign is not listed, it is not permitted in the subarea.

#### Signs Permitted (up to three types per building)

Awning Sign	1 per facade
Projecting Sign	1 per facade
Monument Sign	1 per street frontage
Wall Sign	1 per facade
Window Sign	Unlimited, if within size regulations

Signs not expressly permitted in this Section are prohibited.

#### Awning Sign

Maximum Lettering Size (max)	16" high
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#### Window Sign

Sign Area (max)	50% of the window space or 32 square feet (max)
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#### Projecting Sign

Sign Area (max)	15 SF
Projection from building (max)	18"
Depth (max)	6"
Clear height above sidewalk (min/max)	10' / 20'

#### Monument Sign

Sign Area (max)	20 SF (single-sided) 40 SF (double-sided)
Height (max)	10'
Number of Faces (max)	2
Multi-Tenant Building Monument Signs (max)	25 square feet per face for 5 businesses, with 3 square feet for each additional business. Total square footage shall not exceed 50 square feet

#### Wall Sign

Sign Area (max)	1 sf per foot of building length, not to exceed 200 SF
Projection from building (max)	12"

#### Sandwich Board or Sidewalk Sign (No permit required)

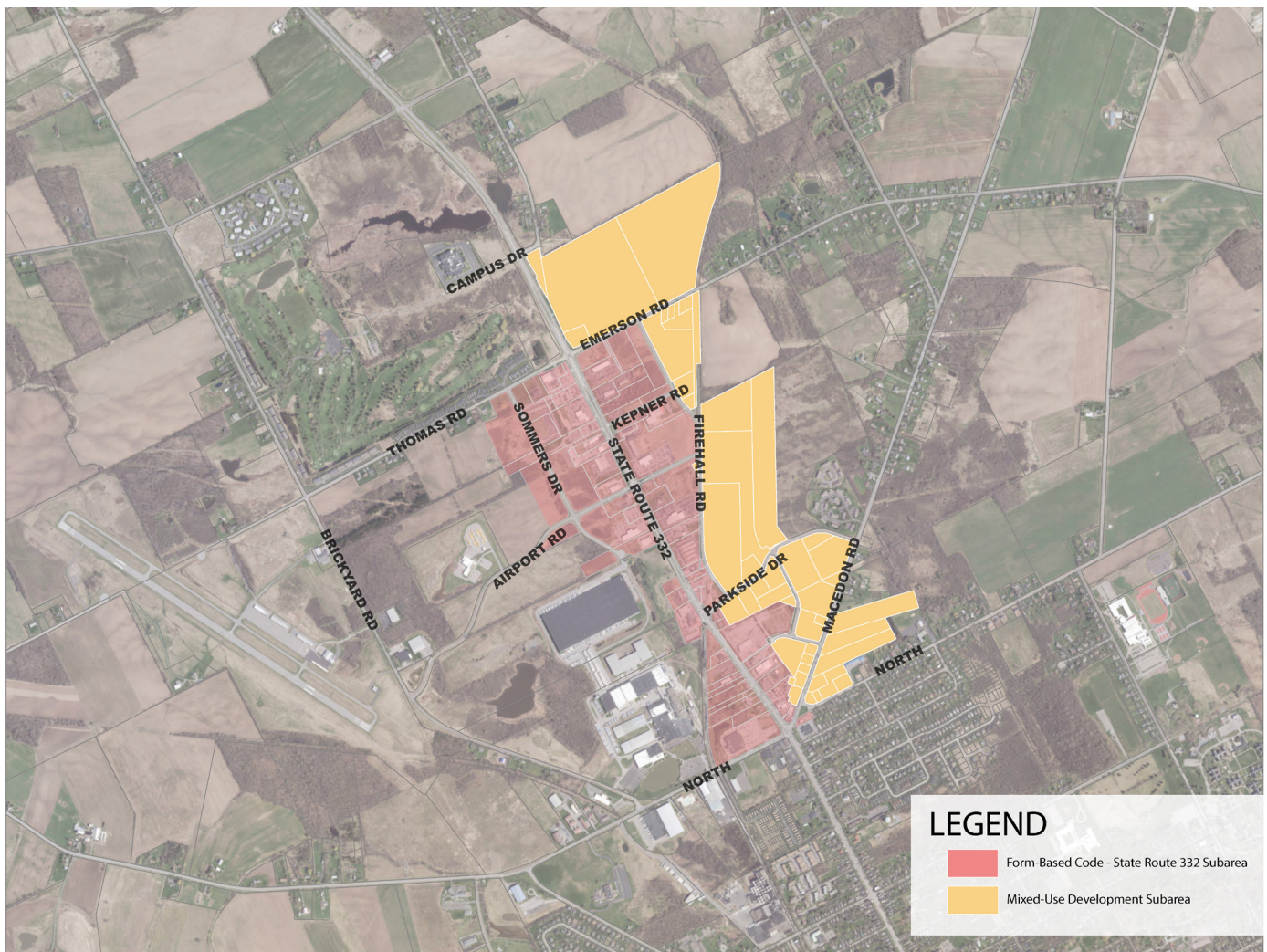
Sign Area (max)	6 SF
Height (max)	3'
Width (max)	2'

**SECTION VI**

# **REGULATIONS APPLICABLE TO MIXED-USE DEVELOPMENT SUBAREA**

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# MIXED-USE DEVELOPMENT SUBAREA



The Mixed Use Development Subarea is intended to allow for a mix of residential and commercial uses that serve as a transition zone between higher denser commercial uses on State Route 332 and single-family residential uses to the east. Guiding principles for this Subarea include:

- Expansion of lower density mixed-uses
- Establish a combination of low density, multi-family homes in close proximity to commercial uses
- Expansion of mixed-residential uses in the Town
- Encourage multi-modal mobility options
- Ensure new development and site design does not negatively impact adjacent residential uses

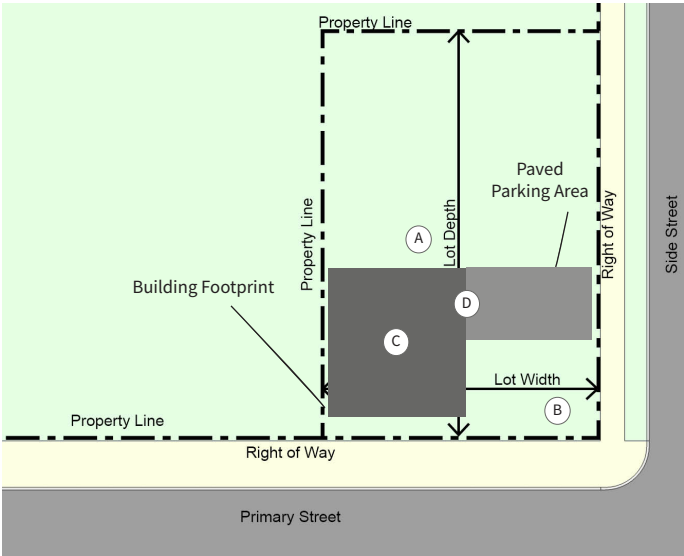


### **Prohibited Uses**

Land uses within the Mixed-Use Development Subarea are not regulated as the Form Based Code emphasizes and regulates the shape, scale, and placement of buildings rather than the use of the building. With the exception of the prohibited uses listed below, all permitted uses listed in the Town of Canandaigua Zoning Code are allowed, subject to the requirements in this Section. Prohibited uses include:

- Adult-Oriented Establishments;
- Junkyards;
- Public utility substations and uses;
- Manufactured and or modular home sales;
- Truck and freight terminals;
- Commercial outdoor storage of boats and boat accessories; and
- Large-scale solar energy systems, as a standalone use.

Site Requirements



Building Placement



Lot Dimensions

(A)	Lot Depth	100' min / 400' max
(B)	Lot Width	100' min / 400' max
(C)	Building Coverage	70% max
(D)	Lot Coverage	80% max

Building Setbacks

(A)	Primary Street	5' min / 20' max
(B)	Side Street	5' min / 20' max
(C)	Side Interior	5' min / 20' max
(D)	Rear	5' min / 20' max

Required Facade within Build-to Zone

Primary Street	75% min
Side Street	50% min

Building Height



Building Height

(A)	Max	60'
(B)	Min	15'

Permitted Height Encroachments (max)

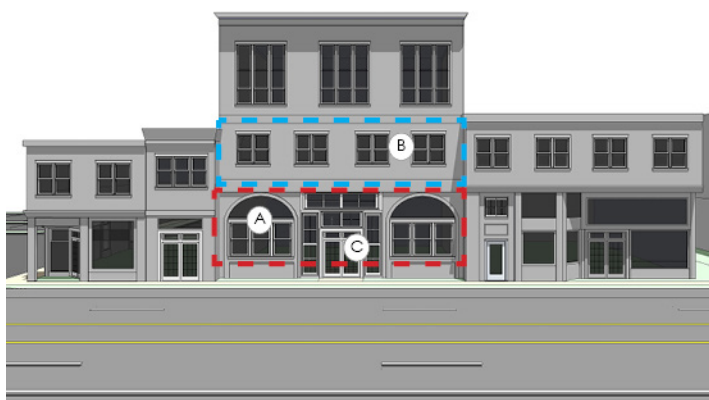
Chimney, flue, vent stack	5'
Elevator/stairway access to roof	12'
Parapet Wall	4'
Mechanical Equipment	6'
Outdoor Dining	

Allowable Building Elements

Awning
Balcony

## Facade Requirements

### Commercial and Mixed-Use Buildings



#### Transparency along Primary and Side Streets (min)

(A) Ground Story	75%
(B) Upper Story	60%

#### Pedestrian Access

(C) Entrance facing primary street	Required
Entrance from parking area (if not along the primary street)	Required

### Residential and Buildings



#### Transparency along Primary and Side Streets (min)

(A) Ground Story	50%
(B) Upper Story	40%

#### Allowable Building Materials

Brick and tile masonry
Cementitious siding
EIFS siding
Vinyl siding*
Glass curtain wall
Native and faux/synthetic stone
Wood clapboard or shingles

\* Vinyl siding can not account for more than 40% of the primary building facade. The remaining facade must be comprised of natural materials.

## MIXED USE DEVELOPMENT SUBAREA

### Permitted Sign Types

Permitted signs must meet the regulations in Section V. Each building within the Mixed Use Development Subarea may have a maximum of three total sign types. All sign types are limited to one per primary building facade, except for window signs. There may be multiple window signs if the signs are within the stated size regulations. If a sign is not listed, it is not permitted in the subarea.

### Signs Permitted (up to three types per building)

Awning Sign	1 per facade
Projecting Sign	1 per facade
Monument Sign	1 per street frontage
Wall Sign	1 per facade
Window Sign	Unlimited, if within size regulations

Signs not expressly permitted in this Section are prohibited.

#### Awning Sign

Maximum Lettering Size (max)	16" high
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#### Window Sign

Sign Area (max)	50% of the window space or 32 square feet (max)
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#### Projecting Sign

Sign Area (max)	15 SF
Projection from building (max)	18"
Depth (max)	6"
Clear height above sidewalk (min/max)	10' / 20'

#### Monument Sign

Sign Area (max)	20 SF (single-sided) 40 SF (double-sided)
Height (max)	10'
Number of Faces (max)	2
Multi-Tenant Building Monument Signs (max)	25 square feet per face for 5 businesses, with 3 square feet for each additional business. Total square footage shall not exceed 50 square feet

#### Wall Sign

Sign Area (max)	1 sf per foot of building length, not to exceed 200 SF
Projection from building (max)	12"

#### Sandwich Board or Sidewalk Sign (No permit required)

Sign Area (max)	6 SF
Height (max)	3'
Width (max)	2'