

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## ORDINANCE COMMITTEE

Monday May 3rd, 2021, at 9:00 AM

Rev. 5/18/2021

## MEETING REPORT

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MEETING CALLED BY:	GARY DAVIS		
COMMITTEE MEMBERS:	GARY DAVIS	JOHN CASEY	CHUCK OYLER
	BOB HILLIARD	TOM SCHWARTZ	
SECRETARY:	KIMBERLY BURKARD		
GUESTS:	TERRY FENNELLY	DOUG FINCH	JOYCE MARTHALLER
	SARAH REYNOLDS	KIMBERLY BAPTISTE	OKSANA FULLER
	MICHAEL BILLS	ROBERT TAYLOR	CATHERINE MENIKOTZ
	ADELIN RUDOLPH		

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### PRIVILEGE OF THE FLOOR

Chair Davis opened the meeting at 9am.

### COMMITTEE BUSINESS

#### Presentation by Bergmann on Uptown Canandaigua Form Base Code

- Chair Davis started the meeting with two questions:

*What does Form Based Code mean? and Why is it needed for Uptown?*

Mr. Finch added that this is the next step required after the study done on the Uptown Area.

- Ms. Baptiste from Bergmann shared the following presentation. Questions and comments on the various slides will be shared with each slide.



# UPTOWN CANANDAIGUA LAND USE REGULATION UPDATES

May 3, 2021

## Comments:

- Ms. Baptiste said this presentation will answer Chair Davis' questions.

# AGENDA

- Recap of Uptown Study and Recommendations
- Zoning Update Purpose and Scope
- Overview of Form Based Code
- Proposed Regulations
- Development Application and Review Process
- Supplemental Uptown Zoning Changes
- Questions and Comments

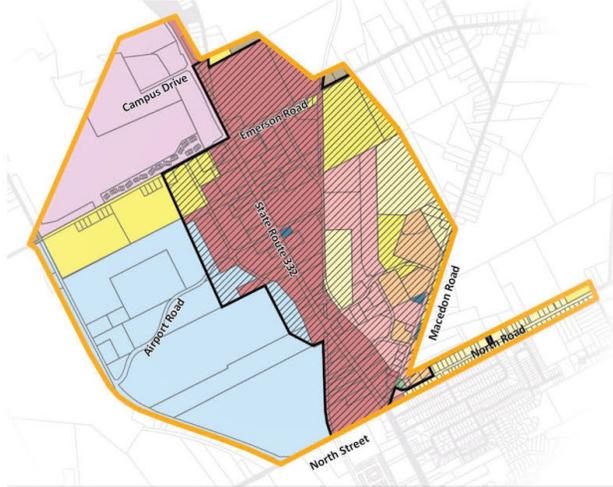
## **Comments:**

# RECAP OF UPTOWN STUDY LAND USE RECOMMENDATIONS



Comments:

# CURRENT ZONING IN UPTOWN



- Single-Family Residential (R-1-20)
- Single-Family Residential (R-1-30)
- Multiple Residential (MR)
- Community Commercial (CC)
- Neighborhood Commercial (NC)
- Restricted Business (RB-1)
- Industrial (I)
- Agricultural Rural Residential (AR-2)
- Planned Unit Development (PUD)
- Incentive Zoning (IZ)
- Mixed Use Overlay District
- Mixed Use Overlay (MUO)

## Comments:

# UPTOWN CHARACTER AREAS



## RESIDENTIAL

Areas that provide housing and residential living in Uptown. Generally, these are in the form of single-family detached homes, townhomes and condominiums, and multi-family homes.

## COMMERCIAL

Areas where retail goods and services are available to serve the neighborhood corridor and community-wide needs.

## MIXED-USE

Small-scale mixed-use development that blends a variety of uses. These types of buildings may range from two- to three-stories, typically with first floor retail/office and residential above. Emphasis is on connectivity and mobility to create a walkable environment and public spaces.

## OFFICE/EMPLOYMENT CENTER

Blended areas of office space and light-industrial use that focus on technology and innovative business. Possible land uses include light industrial facilities, business parks, and office buildings.

## INDUSTRIAL

Areas that cluster industrial uses to support the Town's tax base and provide employment opportunities. Includes light manufacturing and business parks.

## PARKS AND OPEN SPACE

Areas defined by existing parkland and open space that the Town seeks to protect and preserve. May also include areas of agricultural preservation. Possible land uses include parks, natural areas, agricultural lands, and golf courses.

### Comments:

- Simplify and think of future land use in character areas.
- Red & Orange areas (332 corridor) are where the emphasis is on bringing the design element of the district to the road and making it more walkable, slowing traffic, and thinking of density and mixed-use development.

## KEY PHYSICAL RECOMMENDATIONS

- 1 Infill development on State Route 332
- 2 Implement pedestrian and bicycle amenities
- 3 Create mixed-use development centered around Blue Heron Park to increase density
- 4 Create additional housing opportunities in Uptown Canandigua

### Comments:



# ZONING UPDATE PURPOSE AND SCOPE

Comments:

## ZONING UPDATE PURPOSE

- Advance the vision for future land uses in the Uptown Study
- Evaluate Form-Based Code regulations for Uptown
- Develop adoptable land use regulations

### **Comments:**

# ZONING UPDATE PROCESS

- Began in late 2019
- Project team met regularly with a steering committee (Economic Development Committee) to review potential zoning changes and approval procedures
- Discussed multiple approaches to land use regulations
  - Traditional Euclidean zoning
  - Design Standards/Guidelines
  - Form Based Code

## **Comments:**

- Met with some stakeholders/property owners early on in the process and got good feedback.
- Traditional Euclidean Zoning is what the Town has now—organizing uses within districts.
- Design Standards/Guidelines—like the mixed use overlay.



# OVERVIEW OF FORM BASED CODE

Comments:

# ELEMENTS OF A FORM BASED CODE



REGULATES THE FORM OF  
LAND USES, RATHER THAN  
THE USE ITSELF



STRONG FOCUS ON  
DESIGN AND  
PERFORMANCE



OFTEN USED TO PRESERVE  
OR PROMOTE A CERTAIN  
DEVELOPMENT PATTERN



PROVIDES FLEXIBILITY IN  
PROGRAMMING



DEVELOPERS HAVE CLEAR  
SET OF EXPECTATIONS



PROHIBITS SPECIFIC  
UNDESIRABLE USES

## **Comments:**

- Decision to move forward with Form Based Code in the Orange & Red (on character areas map) of RTE 332 and Blue Heron Park.
- Form Based Code moves away from focusing on defining/segregating uses to focusing on regulating the form—what buildings look like, how sites are designed, how they interact with the public realm, and what is “happening within the walls of that building.”
- Nuisance controls are still in place.
- Creating a unique environment based on design and performance.
- Trend is to use Form Base Code in certain areas to create a certain ascetic.
- Builders like this as they have clear expectation of what is required of them.



**Comments:**

- Form Base Code looks at building and site standards.



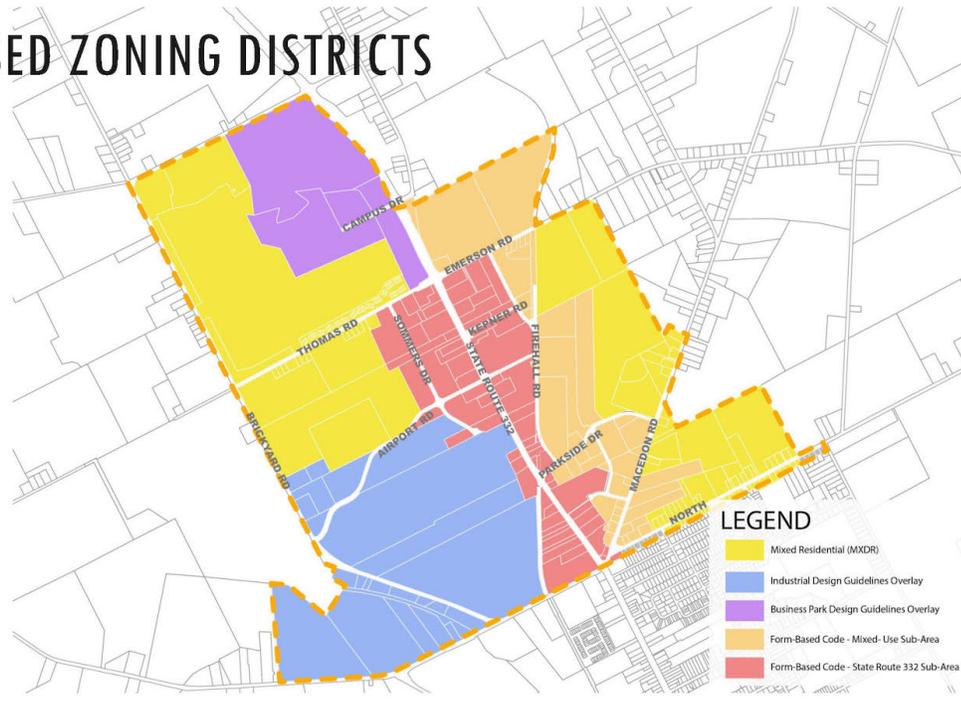
**Comments:**



# PROPOSED REGULATIONS

Comments:

# PROPOSED ZONING DISTRICTS

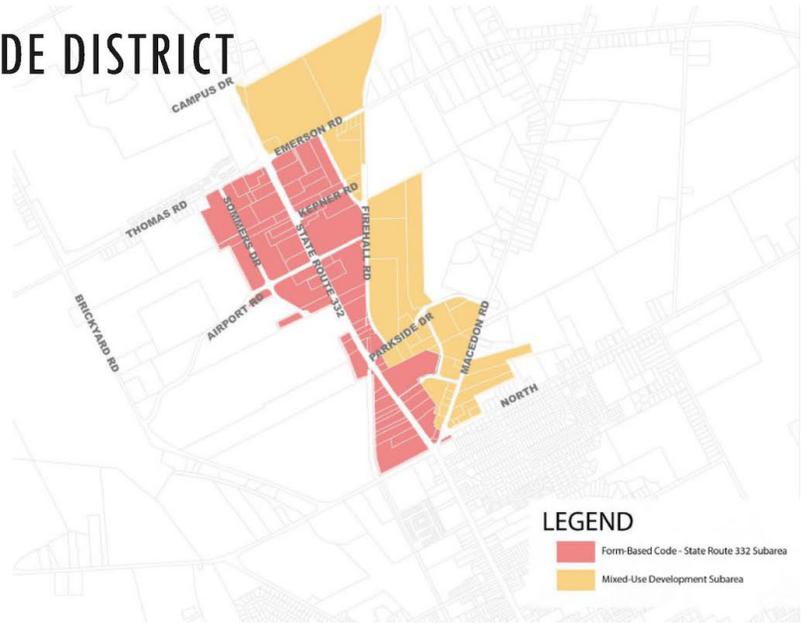


## Comments:

- Proposed zoning map associated with Uptown area with five distinct areas.
- Red = RTE332, Form Based Code District
- Orange = Off of 332, Form Based Code District

# FORM BASED CODE DISTRICT

- Focused on State Route 332 corridor
- Two sub-areas:
  - State Route 332 Corridor
  - Mixed-Use Development



## Comments:

# ORGANIZATION OF THE CODE

1. Overview of the Form Based Code
2. Development Review Process
3. Terms and Interpretation
4. Rules for All Subareas
5. Regulations Applicable to the State Route 332 Corridor Subarea
6. Regulations Applicable to the Mixed-Use Development Subarea

**THIS FORM-BASED CODE IS INTENDED TO BE ADOPTED AS A STANDALONE DOCUMENT.**

## **Comments:**

- Simple review process
- How to implement: create a new section in existing code framework or create a standalone document ("One stop shop"). The standalone contains all information needed for property owners and developers in one document.

# RULES FOR ALL SUBAREAS

Comments:

# RULES FOR ALL SUBAREAS

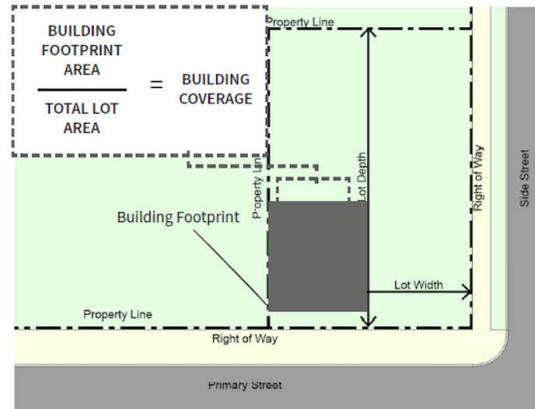
1. Measurements
2. Building Standards
3. Site Standards
4. Sign Standards

## **Comments:**

- Measurements—cheat sheet of how to use the code
- Apply to both the Red & Orange areas

# MEASUREMENTS

- Identifies how measurements should be calculated when determining / evaluating regulations within the FBC.



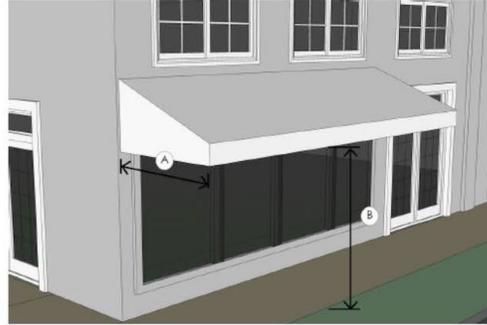
## Comments:

- Example of the measurement (calculating building coverage)
- Form Based Code are very graphical

# BUILDING STANDARDS

## Building Elements

- Awnings
- Balconies



### Standards

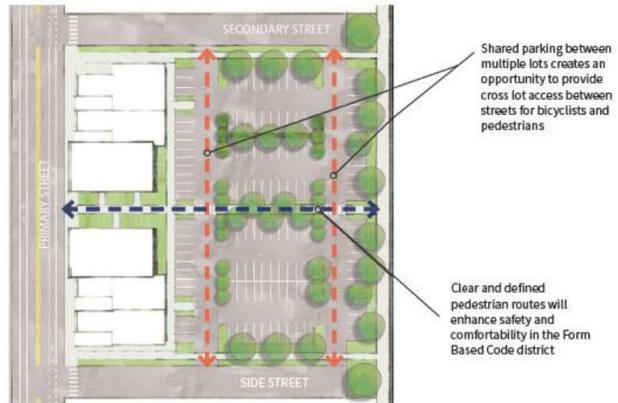
Ⓐ	Depth (max)	5'
Ⓑ	Clear height above sidewalk (min)	7'

### Comments:

- Example for awnings and balconies

# SITE STANDARDS

- Off-Street Parking
- Bicycle Parking
- Landscaping Standards
- Lighting Standards
- Screening
- Outdoor Amenity Space
- Sidewalk Dining
- Drive-Through Facilities



## Comments:

- Site Standards cover a range of topics

# SIGN STANDARDS

- Signs Requiring a Permit
- Exempt Signs
- Temporary + Prohibited Signs
- Placement
- Illumination
- Materials
- Sign Removal
- Indemnity

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

Awning Sign	1 per facade
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Projecting Sign	1 per facade
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Monument Sign	1 per street frontage
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Wall Sign	1 per facade
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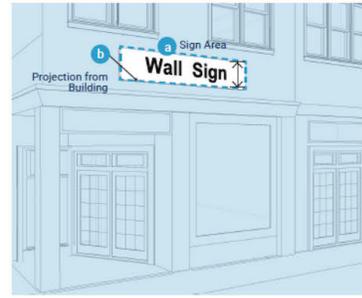
Window Sign	Unlimited, if within size regulations
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Signs not expressly permitted in this Section are prohibited.

## Comments:

# SIGNS REQUIRING PERMITS

- Awning signs
- Projecting signs
- Wall signs
- Window signs
- Monument signs



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

## Comments:

- Graphics included for all sign types which include calculations

# SUBAREA REGULATIONS

Comments:

## SUB AREA REGULATIONS

- Site Requirements (Lot Dimensions)
- Building Placement
- Building Height and Permitted Encroachments
- Façade Requirements
  - Transparency
  - Building Materials
  - Pedestrian Accessibility

### **Comments:**

- Differences between the Mixed-Use Area and the 332 Corridor Area in this section

# STATE ROUTE 332 SUBAREA

**Comments:**

## DESIGN INTENT

- 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
- Place vehicle parking on the side or rear of buildings

### **Comments:**

- Red Area
- Buildings closer to the street will naturally slow the 332 traffic and push parking to the rear/side.

## PROHIBITED USES

- Single-family residential, detached;
- Adult-oriented establishments;
- Junkyards;
- Public utility substations and uses;
- Manufactured and/or modular homes sales;
- Truck and freight terminals;
- Commercial outdoor storage of boats and boat accessories; and
- Large-scale solar energy systems, as a standalone use.

### **Comments:**

- Form Base Code “flips Euclidean Zoning on its head”—cares more about performance and designs. It keeps uses open by creating only a prohibited uses list.
- The Mixed Use area allows single-family residential. 332 Corridor area does not.

# MIXED-USE DEVELOPMENT SUBAREA

**Comments:**

## DESIGN INTENT

- 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

### **Comments:**

## PROHIBITED USES

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

### **Comments:**

- Single-family residences allowed in this Mixed Use area
- Many different housing types allowed in this area.

# DEVELOPMENT APPLICATION + REVIEW PROCESS



Comments:

# COMPLIANCE THRESHOLDS

Table 1: Compliance Thresholds

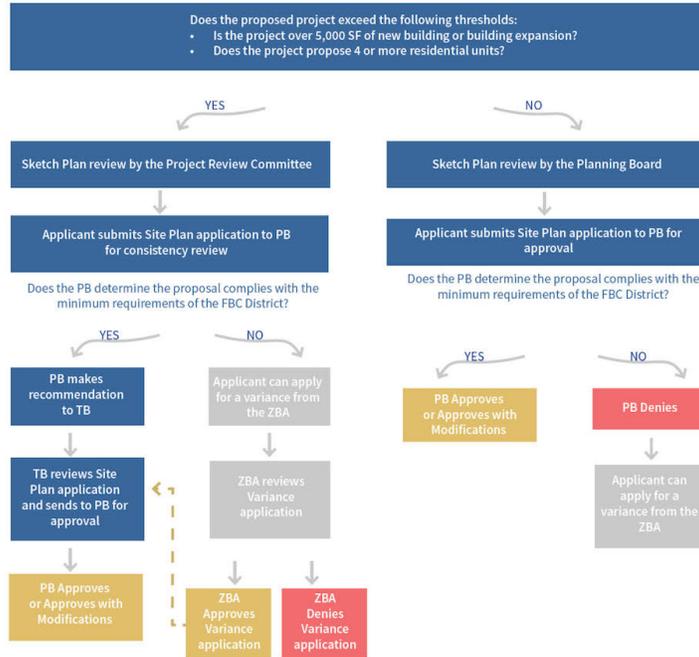
Action	Applicable Section/Subsection										
	II	IV.A.	IV.B.	IV.C.1.	IV.C.2.	IV.C.3.	IV.C.4.	IV.C.5.	IV.C.6.	IV.C.7.	IV.D
	Development Review Process	Measurements	Building Elements	Off-Street Parking Standards	Bicycle Parking	Landscaping Standards	Lighting Standards	Screening	Outdoor Amenity Space	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
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 between 20 and 50% of the facade	X	X	X				X		X	X	X
Exterior remodel of existing non-residential or multi-family building more than 50% of the facade	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
Modifications to an existing sign	X										X

\* An exterior remodel refers to the change or addition of facade materials on a building or structure.

## Comments:

- What changes trigger conformance with the Form Based Code?
- “X”s indicate which sections of the form based code would require compliance.

# SITE PLAN REVIEW AND APPROVAL PROCEDURES



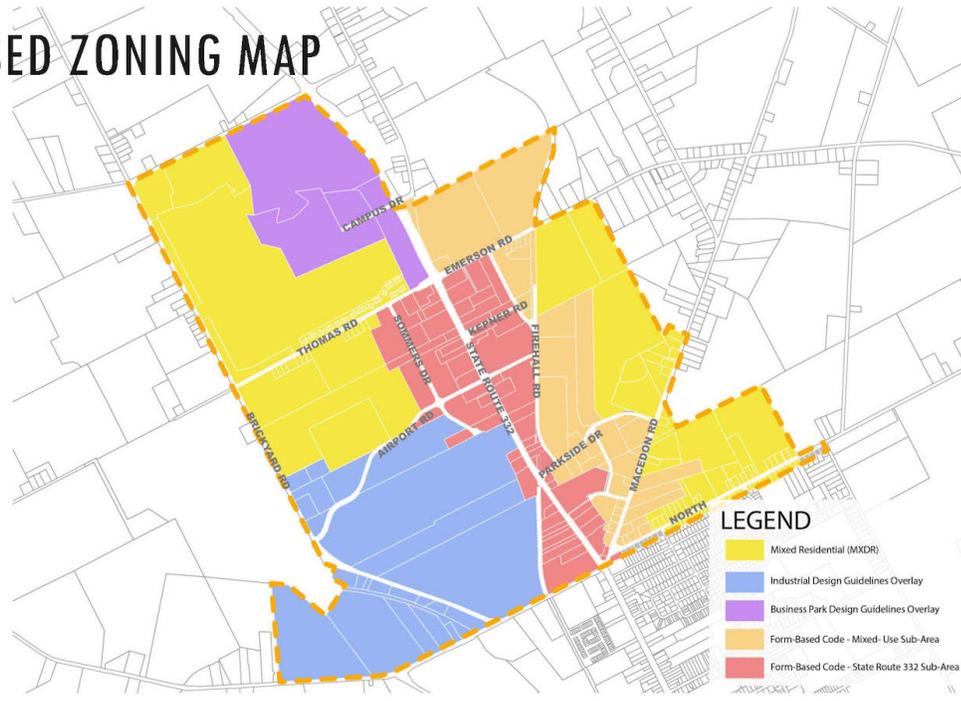
**Comments:**

- Flowchart describes review and approval flow.



Comments:

# PROPOSED ZONING MAP



## Comments:

- Forming a new zone, Mixed Residential District (Yellow)
- Developing design standards for the Industrial District (Blue) and Business Park (Purple)

## QUESTIONS AND COMMENTS



### Comments:

- Mr. Taylor asked if single-family residence allowed in Mixed Use SubArea. Ms. Baptise answered that it was.
- Mr. Taylor asked if land-based solar attached to another project was allowed? Ms. Baptise answered, “yes.”
- Mr. Oylar asked if Form Based Code has been challenged in the courts because of increased cost of development in those areas and what kind of adjudication has occurred? Ms. Baptise does not know of any but can research this. She also acknowledged that variances to certain elements of the Form Based Code are still possible.
- Mr. Finch, who is a on the Board of Directors for the NY Planning Federation (NYPF), said that the NYPF had just voted to award this year’s Comprehensive Plan Award to a municipality that recently adopted a Comprehensive Plan and Form Based Code. He continued that Form Based Code is getting more attention from municipalities.
- Mr. Finch asked if the Red Area on the map is the only area that single-family residences were prohibited? Ms. Baptise said, “yes.”
- Mr. Fennelly asked about the submittal requirement (pg. 12) differences between Administrative Approvals and Applications for Planning Board Review? Ms. Baptise said that the Administrative Approvals are very limited. She gave the example of a minor building façade update: adding an awning to an existing building that was in full compliance with the Form Based Code being an Administrative Approval only. Whereas a nonconforming building could not make any changes, ex: building expansion, without being in compliance otherwise it would trigger a larger review process. Basic utility updates required for a site would not have to go through a Planning Board or Town Board review process. Ms. Baptise said that this can be revisited if there is a need and these requirements can be tightened some to eliminate any grey areas. Form Based Code simplifies and removes ambiguity for developers. Mr. Fennelly noted that this would greatly simply and reduce administrative burden for very black and white issues.
- Ms. Rudolph asked what the Project Review Committee (PRC) was (shown on the flow chart slide) and their connection to the Town Board? Mr. Finch answered that they are

not connected to the Board and that the PRC reviews all new applications that come in for the month and that have been in existence for the last 10-15 years. PRC does include includes Development Office, Planning Board Chair, Environmental Conservation Board, and Zoning Board representatives. They perform reviews to see if the applications are complete.

- Mr. Finch noted that there was been an update to the process so that large projects will go to the Town Board. Ms. Baptiste said that the original process was modified so that the Town Board would be more “in-the-loop” on the larger scale projects—projects with new or expansion of 5000 sq. ft.+ and housing of more than four housing units.
- Mr. Casey asked the Board members in attendance if this plan, based on a 2018 study, had not been changed by the once per 100 years pandemic and if there has been a review to see that this plan is appropriate for 2021? Mr. Finch answered that the 2018 study was very broad and called for example, future office space needs, which may now not be needed but given the flexibility of the Form Based Code, it is possible for something else to be built there. This is unlike current zoning—ex: RB1 Zoning which says that you must build offices and because of that, the property is now sitting vacant. Form Based Code allows more flexibility to address current and future needs. Mr. Casey wants confirmation that Board has reviewed the vision based on 2018 study and that it is still appropriate for our world. Ms. Menikotz answered for the Board that she sees this as a living and breathing document and both Ms. Menikotz and Mr. Fennelly agreed that they have reviewed the vision and plan. Mr. Fennelly sees much merit in the document and vision.
- Ms. Marthaller said that the Comprehensive Plan Update has been on-going since 2019 and that the Comprehensive Plan Committee had a reviewed the Uptown Plan in the plan update and also made sure that any document/Town Board action that needs to be changed because of the pandemic outcomes is made.
- Mr. Casey asked if it would be feasible to have some of the larger developers in the Town to review this document? Ms. Marthaller said that they will or may have already had a chance to review this and that the Town should listen to what they have to say on this. Mr. Finch said that in the February 2020 there was a meeting with Uptown landowners and that nearly all were in attendance. Mr. Finch has been in conversation with many developers because the current odd situation—new code system being developed but not in place yet. Some developers are looking at the Form Base Code already to try to be in compliance with it. Mr. Oyler noted two Planning Board applications in process—one on Emerson Road for a vehicle service building and Canandaigua Crossing. Mr. Oyler said that the Planning Board has directed these developers to the Form Based Code but there is nothing on the books currently to enforce compliance. He pointed out that handling the transition between the two systems will be key and that legislation is needed to be on the books.
- Mr. Casey asked what will happened if there are conflicting definitions between the Form Based Code and existing code? Ms. Baptiste said that definitions were pulled from existing code as well as creating new terminology to foster synergy between the two but the Form Based Code is designed to be a stand alone document. There are areas where there are differences in procedure.
- Mr. Oyler asked if there was a study made to inventory undeveloped property in the Uptown area? Ms. Baptiste said yes that there was an inventory and the largest block of undeveloped property is north and east of Blue Heron Park with some of that in the Form Based Code district and some of it in the Mixed Residential District. There is limited

undeveloped space along the 332 Corridor but maybe there will be properties that transition to new developments.

- Mr. Taylor asked if there is a plan to eventually transition the balance of the Town to Form Based Code or will it only apply to Uptown? Mr. Finch answered that only the Uptown study area has been discussed. He continued that there are two areas where there are mixture overlays that seem to be working well—Mixed Use Overlay 2 (Gateway Area/Ace Hardware area) and the Mixed Use Overlay 3 (County Road 10/RTE 364). Form Based Code only discussed for the Mixed Use Overlay 1 (Uptown Area).
- Mr. Finch asked what is the process and the will be the timeline for this—where do we go from here? Chair Davis asked for the Ordinance Committee’s input on this question. Ms. Baptiste answered Ms. Rudolph’s question that they can meet with the ED again to ensure no pending questions but the ED has seen and commented on the Form Based Code document already. Mr. Fennelly felt the Form Based document was complete. Mr. Casey wanted some additional time with the document now that he understood it better and suggested that the Ordinance Committee meet again to vote on it. Mr. Olyer agreed with Mr. Casey. Mr. Casey suggested expediting the process with an upcoming meeting and vote. Chair Davis called for an Ordinance meeting on May 19 to discuss and vote this.
- Kimberly Baptiste shared her email via the chat: kbaptiste@bergmannpc.com
- Mr. Finch said this is step #1 addressing the red/orange areas. Ms. Baptiste will work with Ms. Fuller to work on the other areas.
- Mr. Finch shared the status on the Park & Recs update—that they are finishing working on draft language concerning the alcohol permit where the “entity” would need to make an application in advance so that it can be reviewed by the Town Board. Ms. Rudolph added that there was the addition of the entity having a temporary liquor license or working with a caterer or other organization that does already have one.
- Mr. Finch asked the Ordinance Committee if they are ready with the language for the digital signage update. The Committee will discuss and vote on that at the May 19<sup>th</sup> meeting as well.

### **Upcoming Meetings:**

- **May 19<sup>th</sup>, 2021 @ 9:00 am**
  - **Discussion/Vote on Form Based Code for Uptown Area**
  - **Discussion/Vote on Billboard Signage**

Zoom information for the upcoming meeting:

### **Zoom Information: Ordinance Committee Special Meeting**

**Topic: Special Ordinance Committee Meeting**

**Time: May 19, 2021 09:00 AM Eastern Time (US and Canada)**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/86533542211?pwd=bUt2cWdGV044K09FejQzYXl0SDFtUT09>

**Meeting ID: 865 3354 2211**

**Passcode: 170693**

**Adjournment @ 10:10 am**