

# Town of Pittsford

# **Chapter 185. Zoning**

Adopted by the Town Board of the Town of Pittsford 3-27-2025 as Chapter 185 of the Town Code by L.L. No. 1-2025.

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# Article I. General Provisions

## § 185-1. Title, purpose and intent.

- A. Title. This chapter and the Official Zoning Map made a part hereof shall be known and may be cited and referred to as the "Zoning Law of the Town of Pittsford."
- B. Purpose and intent. This chapter is enacted in order to promote the health, safety, morals and welfare of the residents of the Town of Pittsford and to implement the Comprehensive Plan of the Town. To these ends, this chapter is designed:
- To guide and regulate the orderly growth, development and redevelopment of the Town of Pittsford in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.
  - To protect the established character of existing residential neighborhoods and commercial and business areas and the social and economic well-being of the residents.
  - To promote, in the public interest, the utilization of land for the purposes for which it is best adapted in harmony with the established character of the Town.
  - To reduce or prevent congestion in the public streets.
  - To facilitate the creation of a convenient, attractive and harmonious community.
  - To expedite the provision of adequate transportation, water, sewerage, flood protection, disaster evacuation, schools, parks, forests, playgrounds, recreational facilities and other public requirements.
  - To protect against destruction of, or encroachment upon, historic areas and sites.
  - To preserve existing and facilitate the provision of new housing to the community.
  - To protect against one or more of the following: overcrowding of land, undue concentration of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.
  - To promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.
  - To provide for the preservation of environmentally sensitive areas and agricultural lands.

**§ 185-2. Applicability.**

- A. Territorial application. The regulations and restrictions in this chapter shall apply to all buildings, structures, land, water and uses within the territorial limits of the Town of Pittsford, New York, outside the Village of Pittsford.
- B. General application. All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this chapter. Existing buildings, structures and uses which comply with the regulations of this chapter shall likewise be subject to all regulations of this chapter. Existing buildings, structures and uses which do not comply with the regulations of this chapter shall be governed by the provisions of Article XXXII.

**§ 185-3. Compliance required.**

No building or structure, no use of any building, structure or land, and no lot now or hereafter existing shall hereafter be established, altered, moved, divided or maintained in any manner except as authorized by the provisions of this chapter.

**§ 185-4. Construal of provisions.**

- A. Conflicting provisions. Whenever any provision of this chapter imposes a greater requirement or a higher standard than is required in any state or federal statute or other Town law or regulation, the provision of this chapter shall govern. Whenever any provision of any state or federal statute or other Town law or regulation imposes a greater requirement or a higher standard than is required by this chapter, the provision of such state or federal statute or other Town law or regulation shall govern.
- B. Provisions are minimum requirements. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, morals or general welfare.

**§ 185-5. Official Zoning Map.**

- A. The Town is hereby divided into the zoning districts provided in Articles III through XIV of this chapter and as shown on the map entitled "Official Zoning Map, Pittsford, New York," which map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter.
- B. Regardless of the existence of purported copies of the Official Zoning Map, the Official Zoning Map shall be located in the office of the Commissioner of Public Works and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Town, save for subsequent amendments enacted by the Town Board and not yet officially recorded on said map.

- C. No changes of any nature shall be made to the Official Zoning Map or any matter shown thereon except upon resolution of the Town Board, and it shall be unlawful for any person to make unauthorized changes on the Official Zoning Map.

**§ 185-6. Administration; fees.**

- A. The Commissioner of Public Works shall be responsible for the administration and enforcement of this chapter.
- B. The Town Board shall, by resolution, adopt a schedule of fees for each of the development permits and approvals provided by this chapter, which fees shall be designed to cover the Town's administrative costs related to such permits and may be revised from time to time by subsequent resolution.
- C. The Commissioner of Public Works, or his designee, shall serve as the secretary of the Zoning Board of Appeals and of the Planning Board.

**§ 185-7. Penalties for offenses.**

- A. Any person who shall violate any provision of this chapter or shall fail to comply with any of its provisions or shall violate or fail to comply with any order, rule, permit, approval or regulation made hereunder shall be guilty of a violation of this chapter.
- B. Every violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and for conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than
- C. \$1,000 or imprisonment for a period not to exceed six months, or both.
- D. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.
- E. Each week's continued violation shall constitute a separate additional violation.
- F. In addition to the remedies provided in Subsection B above, the Commissioner of Public Works, or his designated agent, is authorized to issue a stop-work order to any person acting in violation of any provision of this chapter or the terms of any permit or approval granted thereunder. Such order, posted at a work site, shall be sufficient notice to require such violator to immediately cease work on the site until an appropriate permit is obtained or the violation otherwise corrected. Failure to abide by a stop-work order shall constitute an additional violation of this chapter.

## Article II. Terminology

### § 185-8. Definitions.

The following words and terms, as used in this chapter, are defined as follows:

**ACCESSORY FACILITY** — A facility that serves the principal use and is subordinate in area, extent and purpose to the principal use. Examples of such facilities include transmission equipment and storage sheds.

**ACCESSORY STRUCTURE OR USE** — A building, structure, or use that meets the following conditions:

- (1) Is customarily incidental and subordinate to and serves a principal building or use;
- (2) Is subordinate in area, extent, or purpose to the principal building or use served;
- (3) Is located on the same parcel as the principal building or use;
- (4) And may be attached or detached from the principal building, where applicable.

**ACCESSORY SUITE** — A division of a primary residence added to or created within a single-family dwelling, having at least one shared or common wall with the primary dwelling. Accessory suites must have shared living space with the primary residence but may provide separate sleeping and sanitary facilities. The primary residence must remain in its entirety a single-family dwelling unit. Accessory suites shall be located on the same parcel as the primary residence and have a shared entrance.

**ANTENNA** — A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include cellular, paging and personal communication services (PCS). The frequency of these waves generally range from 10 hertz to 300,000 megahertz.

**ANIMAL CARE FACILITY** — A commercial or non-profit operation that provides treatment and services for the care of domesticated animals and pets that customarily reside and are cared for within a residential dwelling. The overnight boarding of animals is allowed.

**APARTMENT HOUSE** — A building containing three or more household dwelling units and designed for and occupied exclusively by three or more families living independently of each other.

**ARCHITECTURAL RESOURCES** — Any structural or decorative component visible from a public way, which, considered either individually or collectively, contributes to the aesthetic composition of the structure.

**BOARDING** — The keeping of any horse on the premises not owned by the owner or lessee of

said premises, whether for a fee or otherwise.

**BUFFER** — An area of land undisturbed or established and suitably developed with natural vegetation and landscaping. Fencing and berms may be included as part of such an area.

**CAMOUFLAGING** — The construction of facilities to house or support a telecommunications tower so that the towers blend readily with the landscape, neighborhood and adjacent architectural features. Examples of camouflaging are silo and barn, windmill and simulated tree.

**CARRIER** — A provider of telecommunications service.

**CO-LOCATION** — The use of a telecommunications tower by more than one carrier.

**COLLEGE** — Includes universities and other institutions for higher education authorized to confer degrees.

**COMMERCIAL STABLE** — A business for boarding horses that may be owned by off-site owners; a horse-drawn carriage or livery type of business; and a business for riding and riding lessons for fee.

**COMPREHENSIVE PLAN** — The Town of Pittsford Comprehensive Plan Update and Generic Environmental Impact Statement, as amended from time to time.

**CONDOMINIUM** — Any unit subject to the provisions of Article 9-B of the Real Property Law of the State of New York.

**COUNTRY STORE** — A retail business that builds on the farm market model of a business (See definition below.), but includes the sale of regionally produced agricultural and regionally produced arts and handcrafted products within an enclosed structure of no more than 5,000 square feet in size. Additionally, nonagricultural-related retail products may be sold in an area that is no more than 20% of the net sales floor space. Outside sales of regionally produced agricultural products (i.e., strawberries, pumpkins, Christmas trees, etc.) are permitted.

**DAY CARE CENTER, CHILD OR ADULT** — This shall include any program or facility, which is not a residence, in which care for children or adults is provided on a regular basis away from the child or adult's residence for less than 24 hours and as otherwise defined under NYS Social Services Law and NYS Elder Law. For the purposes of this Chapter, day care "centers" shall not include home-based childcare operations as provided for by state law.

**DEMOLITION** — The razing of any existing structure, including substantial removal of structural building components so as to cause an effective removal of an existing structure. Demolition does not include partial removal of structural elements to facilitate restoration.

**DWELLING UNIT** — A group of rooms which are designed for residential occupancy by a single family, providing housekeeping facilities for such family. In determining the number of dwelling units within a structure, consideration will be given to the separate use of or the provision made for cooking, heating and sanitary facilities, whether installed or not; both the actual use to which the dwelling is being put and the potential use to which the dwelling might be put; and whether

food preparation and bathroom facilities and bedrooms are so located as to provide privacy if occupied by an additional family.

**DWELLING UNIT, UPPER FLOOR** — A dwelling unit located within a mixed-use, multi-story building on any floor other than the ground floor.

**EVENT** — Any happening or occurrence of a limited duration, including, but not limited to, the sale or lease of a property, an election, a referendum, a garage, estate or yard sale, the erecting or repairing of a structure on the premises, the seasonal sale of products grown on the premises of a residential property, and the like.

**FAMILY** — One or more persons occupying a dwelling unit as a nonprofit household unit.

**FARM AREA** — That portion of a parcel that is specifically designated in a recorded conservation easement to the Town of Pittsford as a "farm area."

**FARM MARKET** — A retail business operation, as an accessory use to an agricultural use, that sells agricultural products, as defined by NYS Agriculture & Markets (AGM) Law Chapter 69, Article 1, Section 2, within an enclosed structure. Products for sale shall be limited to those which are produced within a 100-mile radius of the site. Outside sales of agricultural products (i.e., strawberries, pumpkins, Christmas trees, etc.) are also permitted.

**FARM OPERATION** — The land and on-farm buildings, equipment and practices which contribute to the raising, production, preparation and marketing of crops, livestock and livestock products for gain. The farm operation includes necessary farm structures within the prescribed limits of the farm parcel and the storage of equipment as part of the farm operation. A farm operation does not include the operation of a commercial stable.

**FARMSTEAD** — That portion of a parcel, as defined in this Section, that is specifically designated in a recorded conservation easement to the Town of Pittsford as a "farmstead."

**FLOODPLAIN AREA** — Any portion of a property within the "area of special flood hazard," as defined in Chapter 95 of this Code.

**FREESTANDING COMMUNICATION TOWER** — Freestanding lattice tower onto which a telecommunications device is affixed.

**FRONT SETBACK** — The distance from the property line, in the case of a public road, or from the easement boundary, in the case of a private road, to the part of the structure nearest such property measured at right angles to the highway or drive but not including cornices, unroofed and unwall terraces, entrance steps, chimneys or cantilevers that extend two feet or less into the setback.

**GARAGE SALE OR YARD SALE** — Occasional sale of personal items at a single-family home when in compliance with the following:

- (1) No more than three garage or yard sales per calendar year may be conducted at any one property.



- (2) Each garage or yard sale may run for no more than three consecutive calendar days.
- (3) Hours for such sales shall be no earlier than 8:00 a.m. and no later than 6:00 p.m.
- (4) All goods must be brought inside after the sales hours.
- (5) Garage and yard sales under this section must be conducted by the owner(s) of the personal items to be sold.

**GARDEN POND** — Any man-made body of water with a surface area no greater than 500 square feet and a maximum depth of 36 inches.

**GROWN ON THE PREMISES** — Produce resulting from planting of seedlings or the tillage of the soil of the premises, or produced naturally from trees or vines growing in and on the soil of the premises, or grown for a majority of the life of the produce in a greenhouse on the premises. For the purposes of this Chapter, this may include eggs produced by chickens on the premises.

**GUYED TOWER** — Lattice tower supported by wire anchors onto which a telecommunications device is affixed.

**HEIGHT OF A STRUCTURE** — The vertical distance as measured from the average elevation of the proposed finished grade at the front of a building or of a structure to the highest point of the building or the structure, which highest point shall include, but not be limited to, the highest or topmost point of the roof, together with all towers, elevator penthouses, signs, tanks, elevator or stair bulkheads, mechanical equipment, light poles and light standards, except for poles or standards of a public utility company.

**HOMESTEAD** — That portion of a parcel, as defined in this Section, that is specifically designated in a recorded conservation easement to the Town of Pittsford as a "homestead" and as being exempt from the provisions of such recorded conservation easement.

**HORSE** — Either male or female horse, pony, mule, donkey and/or ass.

**INCENTIVE ZONING** — The system by which specific incentives are granted, pursuant to § 261-b of the Town Law and the provisions of this chapter, on condition that specific physical, social or cultural benefits or amenities would inure to the community.

**JUNK** — Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, trailer, or similar object which is abandoned, demolished, discarded, dismantled, or so worn, deteriorated or in such a condition as to be generally unusable in its existing state. This definition shall include but shall not be limited to scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts, and used tires.

**LIGHT INDUSTRIAL USE** — A material-handling, processing, assembly, manufacturing, research, warehouse or similar facility where all input, output, operations and storage are wholly conducted within enclosed buildings and which meets the other performance standards of the district.

**LIVERY** — The rental of horses or carriages to persons other than the owner of the horse or carriage.

**LOT AREA** — The total area within the lot lines of a lot, excluding any portion of a lot within a public highway.

**LOT COVERAGE** — The percentage of the area of the lot covered by impervious surface. This definition includes all buildings and structures as well as impermeable surfaces such as driveways, decks, patios, pools, parking areas, and other similar lot improvements.

**LOT WIDTH** — The width of any lot measured at the minimum required front setback line, unless otherwise defined in subsequent sections of this chapter.

**MICRO-BREWERY** — A micro-brewery or farm brewery operation duly licensed with the NYS Liquor Authority. Such operation shall be limited to the building footprint limitation of the district in which it is located, if any.

**MICRO-DISTILLERY** — A micro-distiller operation duly licensed with the NYS Liquor Authority. Such operation shall be limited to the building footprint limitation of the district in which it is located, if any.

**MONOPOLE** — A single pole of variable cross section onto which telecommunications devices are affixed.

**OPEN-WATER POND** — Any man-made body of water with a surface area in excess of 500 square feet and/or a depth of more than 36 inches.

**OPEN SPACE or OPEN AREA** — Any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would maintain and enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. For the purposes of this section, natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.

**OPEN SPACE PROTECTION EASEMENT** — An easement or similar interest in real property which limits or restricts development, management or use of open space or other real property for the purpose of preserving or maintaining the scenic, open, natural or existing character, conditions, significance or amenities of the open space or other real property. This term shall include an instrument granting any of the foregoing limiting or restrictive interests to the Town, whether denominated "conservation easement," "scenic easement," "scenic and conservation easement," "agricultural easement," "agricultural use easement," "large lot easement," "large lot scenic easement" or by some similar label. The substance of such instruments, however identified, shall be determined by the Town Board.

**PADDOCK** — An enclosure near a stable in which horses are exercised or allowed to go free.

**PERFORMANCE STANDARDS** — Measures by which the requirements for compliance with the purpose and intent of this article can be determined. These standards may include, but not be

limited to, empirical measures of traffic or noise generation, or subjective observations of architectural compatibility and landscape preservation, and similar aesthetic determinations.

PERSONAL SERVICE ESTABLISHMENT —

- A. A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:
- (1) Arts and crafts studios or stores.
  - (2) Appliance repair and rental.
  - (3) Banks, savings and loans, and credit unions.
  - (4) Bicycle and/or wheelchair repair.
  - (5) Barbershops and beauty shops.
  - (6) Contractors' offices, without accessory storage.
  - (7) Dressmakers and tailors.
  - (8) Dry-cleaning or laundry pickup stations.
  - (9) Laundromat.
  - (10) Locksmiths.
  - (11) Musical instrument repair.
  - (12) Optical center.
  - (13) Professional photographer's studios.
  - (14) Shoe repair.
  - (15) Furniture upholstering shops.
  - (16) Watch and or jewelry repair.
  - (17) Copy and printing services.
- B. Personal service establishments do not include, as either a primary or accessory use, the following:
- (1) The sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles.
  - (2) Tattoo and/or piercing parlors, smoking lounges, sale of vape supplies and/or

paraphernalia.

(3) Or any use listed separately as allowed in a zone.

**PRIVATE GARAGE** — A structure or portion of a structure, used for the private, noncommercial storage of motor vehicles, in and about which no business or industry is conducted.

**PRIVATE SWIMMING POOL** — A pool in which no person other than the owner of the premises on which it exists shall have any interest, right, license, permit or right of use of any kind or nature whatsoever.

**PRODUCE** — Fresh fruits, vegetables, flowers, trees, and the like.

**PUBLIC GARAGE** — A structure or portion of a structure in which the sale or maintenance or servicing of motor vehicles or any mechanical vehicle is conducted or which is designed or used for the commercial storage of motor vehicles.

**REAR SETBACK** — The distance from the rear lot line to the part of the structure nearest such lot line measured at right angles to the rear lot line, but not including cornices, unroofed or unwallled terraces, entrance steps, chimneys or cantilevers that extend two feet or less into the minimum setback.

**RESTAURANT** — An establishment that prepares and/or serves food and/or beverages. This includes, but is not limited to, cafeterias, cocktail lounges, diners, fast-food places, cafés or coffee shops, ice cream parlors and take-out or delivery of prepared food.

**SATELLITE ANTENNA** — An apparatus capable of receiving communications from a transmitter or transmitter relay located in geoplanetary orbit.

**SCHOOL** — A regularly organized institution of learning, other than a college, approved by the Education Department of the State of New York and/or Board of Regents.

**SEQRA** — The State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, as amended, and the regulations promulgated thereunder.

**SIDE SETBACK** — The distance from either side line of the lot to the part of the structure nearest such side lot line measured at right angles to the side lot line, but not including cornices, unroofed or unwallled terraces, entrance steps, chimneys or cantilevers that extend two feet or less into the minimum setback.

**SIGN** — Any name, identification, description, display, illustration, symbol, logo, statue or device, illuminated or nonilluminated, which is visible from any public place or from one property to another, designed to advertise, identify or convey information, including any landscaping employing the aforesaid, and/or used for the purpose of directing the public's attention to an object, product, service, place, activity, person, institution, organization or business. Displays of merchandise in storefront windows at regular mercantile establishments shall not be considered signs; however, a false window or window box affixed to the exterior of a structure is a sign.

**A-FRAME SIGN** — A temporary portable sign with two or more steeply angled sides. Also known as a “sandwich board sign.”

**ATTENTION GETTING DEVICE** — Devices or ornamentations designed for the purpose of attracting attention to a use or property. This includes sails, pennants, banners, inflatables, and the similar. Temporary holiday decorations at the discretion of a CEO are not considered attention getting devices.

**AWNING OR CANOPY SIGN** — A sign that is part of a movable or fixed ornamental roof-like structure extending from the face of a structure over a door, entrance, window, or outdoor area and is constructed of durable materials, including fabrics. Illuminated awnings and/or canopies shall be considered to be signs.

**DIGITAL SIGN** — A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs may include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**DIRECTIONAL SIGN** — Signs providing direction to pedestrians, bicyclists, or motorists to entrances, exits, driveways, or other such accessways and containing no commercial message.

**FREESTANDING SIGN** — A sign independently supported by the ground or mounted on a supporting structure that is placed on or anchored in the ground and is independent from any building.

**ILLUMINATION** — The lighting of a sign by one or more of the following artificial light sources:

- (1) External. A separate light source attached to the sign or mounted on the ground and directed so as to shine on the sign face.
- (2) Internal. A light source concealed within the sign structure. This shall include back-lighting where the bulbs or other elements are not visible on the outside of the sign.

**OBSOLETE SIGN** — A sign that advertises or identifies a business, event, product, service, etc. that is no longer in operation, sold, or offered, or is otherwise irrelevant or outdated.

**OFF-PREMISE SIGN** — A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located.

**POLE SIGN** — A type of freestanding sign that is supported by one post with a distance exceeding three feet between the ground and the bottommost edge of the sign.

**PROJECTING SIGN** — A sign which is wholly dependent upon a building for

support and which projects more than 12 inches from such building.

**ROOF SIGN** — Any sign erected upon the roof of a building or any portion of which extends above the roofline of the building as viewed from a right-of-way or residential property. This shall include lighting fixtures placed on and/or around the roofline.

**TEMPORARY SIGN** — Any sign that is not otherwise permitted by this chapter. Signs indicating a happening or occurrence of a limited duration, including, but not limited to, the sale or lease of a property, an election, a referendum, construction work on the premises, seasonal sale of products grown on the premises of an agricultural or residential property, and the like. Such signs usually being constructed of poster board, cardboard, corrugated plastic material or an A-Frame-Sign. Temporary signs allowed by this section specifically do not include signs for the sale of goods or merchandise of any business.

**WALL SIGN** — A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than 12 inches from such building or structure.

**WINDOW SIGN** — Any sign which is applied, affixed, or painted on the interior or exterior of a window or located inside within three feet of the windowpane. This does not include, customary identification placed on the entry door(s) of the use, open and or closed signs of two square feet or less, or customary window display(s) of products or decorations.

**SINGLE-FAMILY DWELLING** — A building containing one dwelling unit and designed for and occupied exclusively by one family.

**STABLE** — A building in which horses are sheltered and/or fed.

**STRUCTURE** — An assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings, and retaining walls 30 inches or greater in height.

**SWIMMING POOL** — Any body of water or receptacle for water having a depth at any point greater than two feet that is used or intended to be used for swimming, bathing or wading, constructed, installed, moved or maintained in or above the ground outside of any building, dwelling or other structure.

**TACK SHOP** — A business for the sales and repair of equine-related and other animal equipment and gear.

**TELECOMMUNICATIONS TOWER** — A structure on which transmitting and/or receiving antennas are located. This includes but is not limited to freestanding towers, guyed towers, monopoles and similar structures. It is a structure intended for transmitting and/or receiving

telecommunications but excluding those either for fire, police or other dispatch communications or exclusively for private radio and television reception and private citizens' bands, amateur radio and other similar communications.

**TEMPORARY STAND** — A structure not attached or affixed to the premises except by the force of gravity and capable of assembly and disassembly with simple hand tools.

**TEMPORARY STRUCTURE** — Any structure, not permanently attached to the ground, which is movable in its entirety.

**TWO-FAMILY DWELLING** — A building containing two household dwelling units and designed for and occupied exclusively by two families living independently of each other.

**UNIT** — A part of real property intended for any type of use or uses, and with an exit to a public street or highway or to a common element or elements leading to a public street or highway, and may include such appurtenances as garage and other parking space, storage room, balcony, terrace or patio.

**USE** — The purpose or purposes for which any structure or premises or any part thereof is occupied or, if unoccupied, for which they may be occupied.

**USE CONVERSIONS/SITE MODIFICATIONS** — Any change to a use, other than single-family residential or permitted accessory uses thereto, or to the land or landscape elements associated with such change.

**VETERINARY CLINIC** — A place where animals are given medical care, and the boarding of animals is limited to short-term care incidental to the hospital use.

**WOODED LANDSCAPE BUFFER** — An area where the natural vegetation, including trees, shrubs and smaller plants, are preserved and maintained in a natural state so as to provide visual screening and noise mitigation from abutting uses.

# Article III. Agricultural Zone

## § 185-9. Definitions.

PARCEL — Any tax parcel, as identified by the Tax Map of the Town of Pittsford as of June 1, 2007.

## § 185-10. Permitted uses.

Uses are permitted in the Agricultural Zone in accordance with the table below.

### A. In Farm Areas.

- (1) Agricultural uses, as permitted in a recorded conservation easement.
- (2) Open Space

### B. In Farmstead Areas.

- (1) Structures used solely in connection with an agricultural use.
- (2) Farm Markets, operated by the farm owner as an accessory use to an agricultural use. See also §185-11.
- (3) Country Stores, operated by the farm owner as an accessory use to an agricultural use. See also §185-11.
- (4) Open Space
- (5) Storage, as allowed in PDR conservation easement.

### C. In Homesteads.

- (1) Single-Family Residential
- (2) Farm Markets, operated by the farm owner as an accessory use to an agricultural use. See also §185-11.
- (3) Country Stores, operated by the farm owner as an accessory use to an agricultural use. See also §185-11.
- (4) Open Space

### D. On parcels not subject to a conservation easement.

- (1) Single-Family Residential



(2) Open Space

E. Accessory structures and uses, subject to § 185-113.

**§ 185-11. Farm market/country store regulations.**

- A. A special use permit shall be obtained from the Planning Board for the use.
- B. Interior retail floor space shall not exceed 5,000 square feet in size.
- C. All structures shall comply with the setback requirements set forth in §185-11.1.
- D. The Planning Board shall ensure that proposed structures are architecturally compatible with the surrounding neighborhood and that adequate off-street parking is provided.

**§ 185-11.1. Development of parcels and homesteads.**

A. A parcel or homestead consisting of less than two acres may be developed at a density of one residential dwelling unit. A parcel or homestead consisting of two acres or more may be developed at a density of one residential dwelling unit per acre. The following minimum standards shall apply:

**Dimensional & Bulk Requirements**

<b>MINIMUM</b>	
<i>Lot Width</i>	<b>125 feet</b>
<i>Front Setback</i>	<b>70 feet</b>
<i>Side Setback</i>	<b>20 feet</b>
<i>Rear Setback</i>	<b>10 feet</b>
<i>Floor Space</i>	<b>1,800 square feet</b>
<b>MAXIMUM</b>	
<i>Height, building or structure</i>	<b>40 feet</b>
<i>Chimneys, attached to structure</i>	<b>+ 5 feet from height of structure</b>

- B. A buffer shall be established and maintained between residential uses and any adjoining agricultural uses. The size, configuration, and landscaping and/or screening materials of such buffer shall be subject to review and approval by the Planning Board as part of subdivision review.
- C. Accessory structures and uses shall comply with the requirements of § 185-113, except that accessory structures located in a homestead and adjacent to a farmstead and are used solely in connection with an agricultural use need not comply with the requirements of § 185-113, but shall comply with the requirements of § 185-11.2.

**§ 185-11.2. Structures in farmsteads.**

Structures on lands designated as a farmstead in a recorded conservation easement shall be limited to the types of structures specifically allowed for in such conservation easement. The following minimum standards shall apply:

**Dimensional & Bulk Requirements**

<b>MINIMUM</b>	
<i>Front Setback</i>	<b>70 feet</b>
<i>Side Setback</i>	<b>20 feet</b>
<i>Rear Setback</i>	<b>10 feet</b>
<b>MAXIMUM</b>	
<i>Height, building or structure</i>	<b>60 feet</b>
<i>Silos and Grain Elevators</i>	<b>80 feet</b>

# Article IV. Residential Neighborhood (RN) District

## § 185-12. Purpose.

The RN Residential Neighborhood District is established to provide and maintain land area for neighborhoods of single-family dwellings and to preserve the previously established (or existing) context of such neighborhoods.

## § 185-13. Permitted uses.

The following uses are permitted:

- A. Single-family dwelling, detached
- B. Single-family dwelling, attached, provided there are no more than two attached units per building and no more than one dwelling unit per lot.
- C. Agriculture.
- D. Rural Conservation.
- E. Accessory structures and uses, subject to § 185-113.
- F. Senior housing development subject to approval by the Town Board and provisions of Article XXXVIII, incentive zoning regulations.

## § 185-14. Specially permitted uses.

The following uses may be allowed pursuant to a special permit issued by the Planning Board:

- A. Place of worship, subject to § 185-124.
- B. School, subject to § 185-131.

## § 185-15. Applicability.

All lots shall comply with the lot and bulk standards of this article. Any lot existing at the time of adoption of this article shall be considered legal as to lot size.

## § 185-16. Context-based approach.

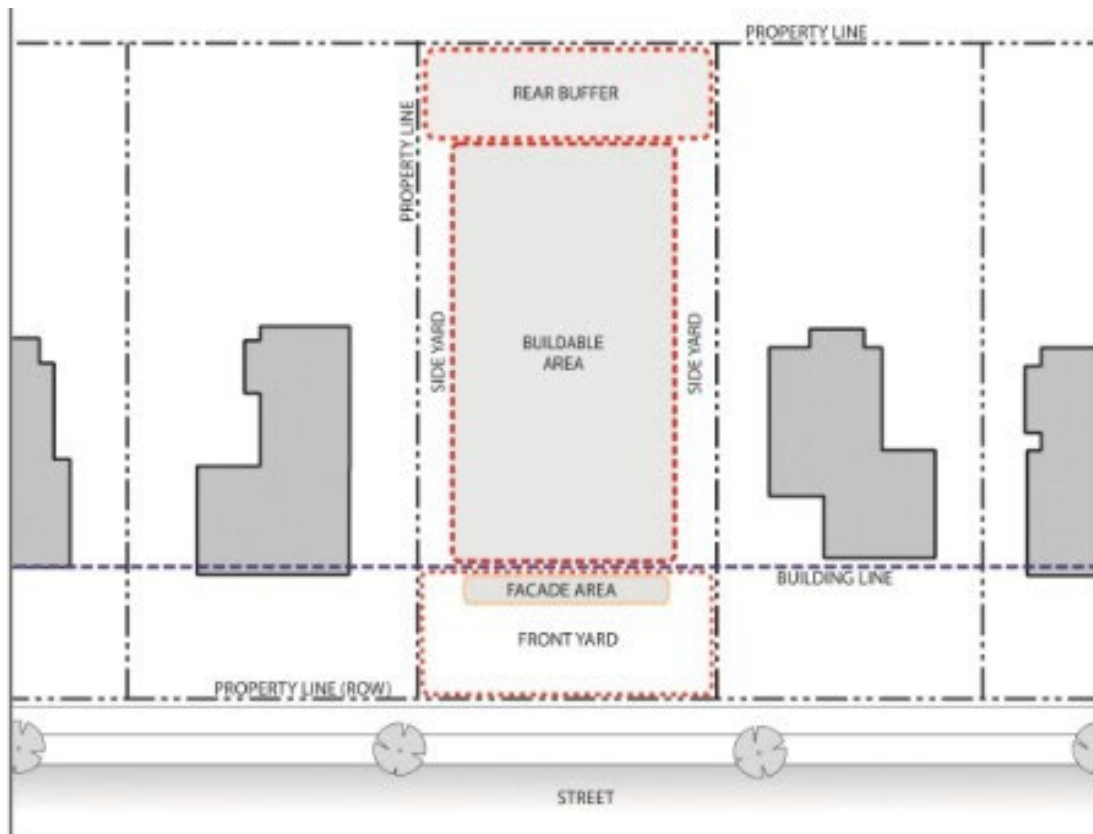
- A. Lot and bulk standards for the construction, expansion, or alteration of homes and accessory structures are based on their neighborhood context. To determine this context, the average lot dimensions of nearby residentially developed properties have been used. In some cases (such as side yard and building envelope), averages have been established based on an analysis of existing conditions for parcels throughout the district. The Town has utilized tax parcel data, published aerial orthophotography and other mapping data to determine relevant measurements. As necessary and appropriate, these data sources have been supplemented with other data available to the Town, including, but not limited to, subdivision plats, property surveys, etc. Unless otherwise noted, all distances are rounded to the nearest foot.
- B. For the convenience of property owners, the Town has established and maintains a database for the district that is on file with the Planning Department and available online. For each parcel in the district, the database contains most of the dimensional requirements outlined in this article, based on precalculated averages derived from existing data as described above. In cases where a property owner has an official survey stamped by a licensed surveyor which indicates a different existing lot width or lot size measurement from what the Town has determined in the database, the survey measurement shall be used as the basis for other dimensional requirements that are derived from lot width or lot size.
- C. Lot and bulk requirements for individual lots are determined by applying the provisions of § 185-17 to the lot dimensions derived from applying the provisions of Subsection B.

**§ 185-17. Lot and bulk requirements.**

- A. Front yard: The front yard is the area from the public right-of-way to the building line. Structures and additions are prohibited in the front yard, except as permitted within the facade area per Subsection D of this section.
- B. Building line: The minimum front setback for each lot within the district has been determined by the Town, based on the average front yard depth of nearby properties on the street. That average distance from the right-of-way determines the location of the building line. (See Figure 1). The Town maintains a database that includes the location of the building line for each lot, expressed as the distance from the public right-of-way to the closest structural wall of each primary structure, not including cornices, unroofed and unwallled terraces, entrance steps, chimneys or cantilevers that extend two feet or less from the structural wall. In some cases when primary structures are facing a private street, the average front setback has been measured and the building line located based on distance from the edge of pavement. In the case of some flag lots, and as provided in § 185-17L, where the relationship to a street is ambiguous, the building line has been located across the front facade of the existing house.
  - (1) Structures and additions are not permitted to extend past the building line, except as permitted in a facade area, as provided in Subsection D of this section. Existing structures which already extend past the building line are permitted minor facade additions, provided that such additions are contained wholly within the facade area.

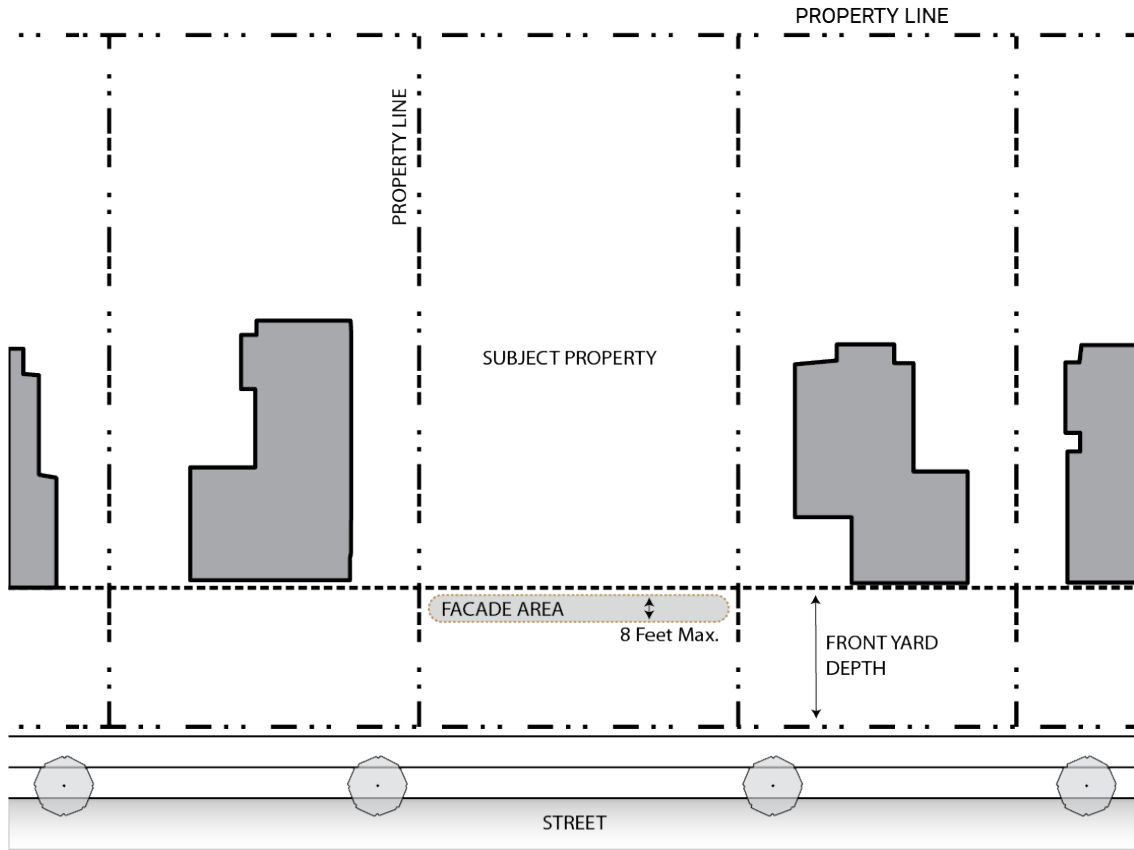
- (2) For construction of new primary structures, the building line shall serve as an approximate "build-to" line, and the front facade of the primary structure shall be located within 10 feet of the building line. However, upon proper application, the Design Review and Historic Preservation Board may permit a greater front setback if appropriate within the context of the neighborhood.

**Figure 1. Area and Bulk Elements**



- C. Lot width: For the purposes of this district, the width of the lot shall be measured at the building line.
- D. Facade area: Minor facade additions, such as unenclosed porches, unenclosed entry vestibules, entry canopies and bay windows, are permitted to extend forward of the building line into the facade area no more than 8 feet. (See Figure 2).

Figure 2. Facade Area



- E. Side yard: The minimum side yard for a lot is based on the width of the lot, as specified in Table I. The minimum side yard measurement can only be used on one side of the lot. The only permitted structures within the side yard area are permitted accessory structures pursuant to § 185-113.

Table I. Minimum Total Required Side Yards

Lot Width (feet)	MIN One Side (feet)	MIN Both Sides Total (feet)
Less than 60	5	15
60 to 90	10	20
91 to 120	10	25
121 to 140	10	30
141 to 160	15	40
161 to 180	15	60
181 to 225	20	90
Greater than 225	20	120

- F. Buildable area: The buildable area on a lot is where the primary and any accessory structure may be built. The buildable area does not include the front yard, side yard or rear buffer.
- G. Maximum building footprint: The building footprint includes all roofed structures that are attached to the primary structure.
- H. The maximum building footprint permitted is based on the size of the lot, as specified in Table II.

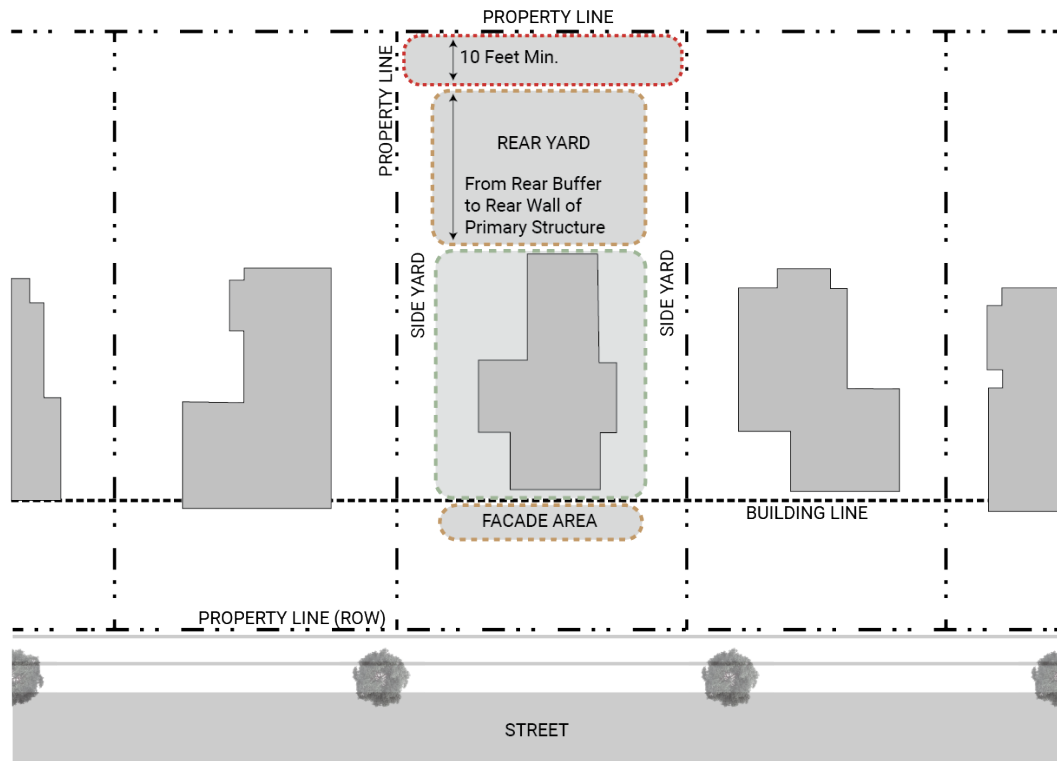
Example: According to Table II, a lot of 18,000 square feet, upon which size the calculations in this example are based, would be permitted to have a maximum building footprint equivalent to 3,675 square feet plus 5% of the lot area over 17,500 square feet (5% of 500 square feet equals 25 square feet). Therefore, the maximum building footprint would be 3,700 square feet.

**Table II. Building Footprint**

Lot Size (square feet)	Maximum Building Footprint (square feet plus percentage of lot size)
Less than 10,000	29%
10,000 to 12,500	2,900 + 19% of area over 10,000
12,501 to 15,000	3,375 + 9% of area over 12,500
15,001 to 17,500	3,600 + 3% of area over 15,000
17,501 to 20,000	3,675 + 5% of area over 17,500
20,001 to 25,000	3,800 + 9% of area over 20,000
25,001 to 30,000	4,250 + 5% of area over 25,000
30,001 to 35,000	4,500 + 1% of area over 30,000
35,001 to 45,000	4,550 + 4% of area over 35,000
Greater than 45,000	4,950 + 2% of area over 35,000

- I. Maximum lot coverage: The maximum lot coverage shall not exceed 40% of the total area of the property.
- J. Rear buffer: A rear buffer shall be applied to all lots extending 10 feet from the rear property line, for the width of the property. (See Figure 3). Primary or accessory structures are not permitted within this area, except fences and garden sheds in accordance with § 185-113.
- K. Rear yard: The rear yard is the portion of the buildable area located behind the rear wall of the primary structure, in between the side yards and forward of the rear buffer.

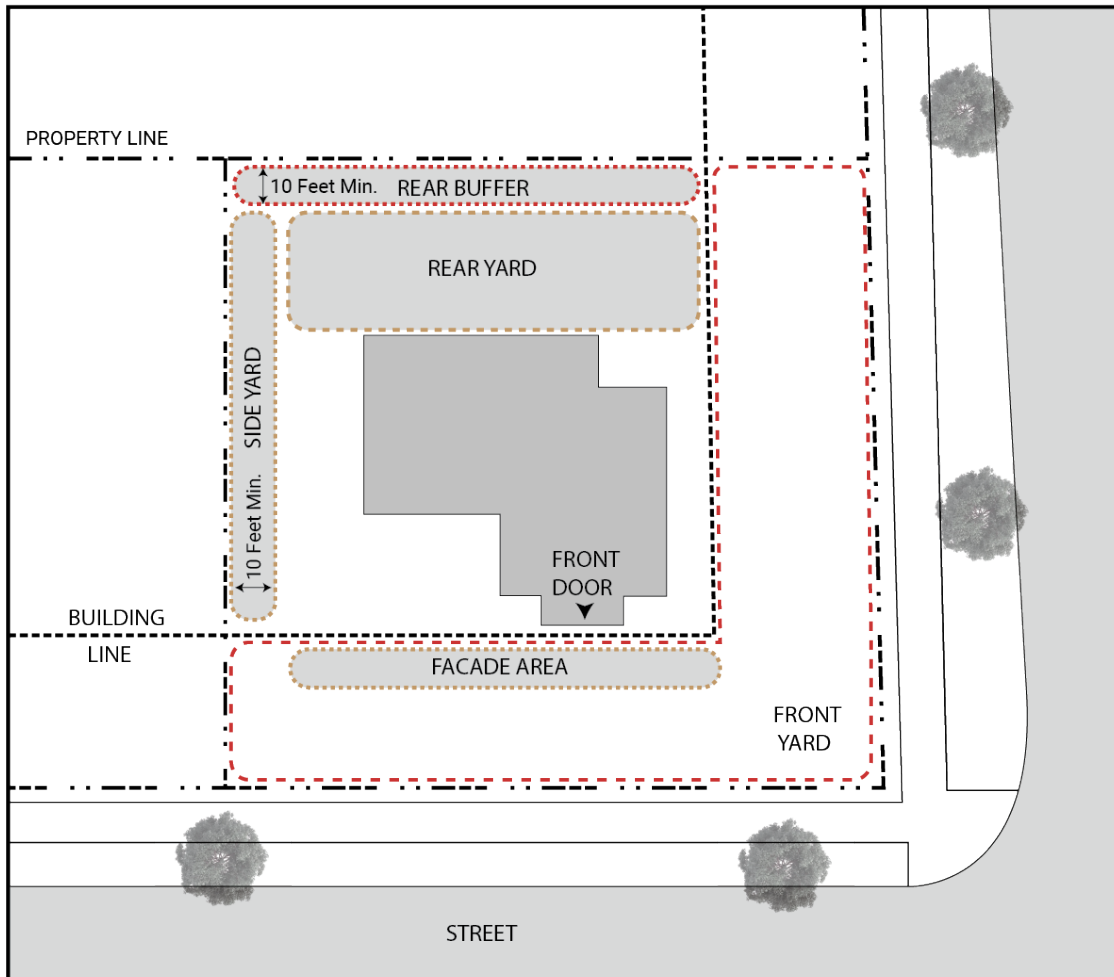
Figure 3. Rear Yard and Rear Buffer Area



- L. Corner lots: Corner lots are lots that front on more than one road right-of-way and shall include curved lots that function as a corner lot. Corner lots shall contain a front yard abutting each road right-of-way. The Town has determined a building line for each front yard in existing corner lots. The front yard toward which the front entry door faces shall be considered the primary front yard for establishing all other dimensional requirements described in this section (facade area, lot width, etc.). The yard behind the house, from the front entry door perspective, shall be considered the rear yard, while the remaining yard shall be considered the only side yard. (See Figure 4.)
- (1) In cases where a corner lot abuts three streets, each yard abutting a road right-of-way shall be considered a front yard and the remaining yard shall be considered the rear yard.
  - (2) Notwithstanding the provisions of § 185-17E of this article, the side yard of a corner lot shall, in all cases, be 10 feet in width.
  - (3) A new primary structure on a corner lot shall be oriented to face the more primary road, unless, upon proper application, it is otherwise determined by the Design Review and Historic Preservation Board that this does not meet the intent of this section or is otherwise out of character with the neighborhood. In cases where there is no clear distinction which street is the more primary road, the property owner may elect which direction the house will face.



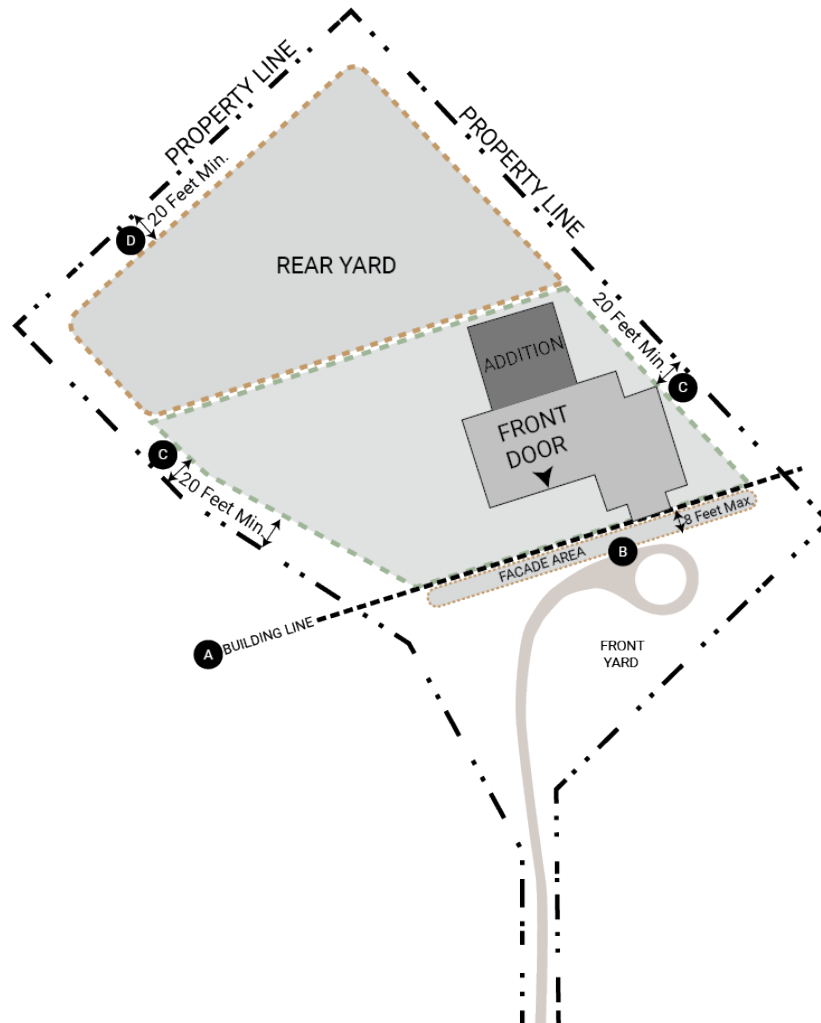
Figure 4. Corner Lots



M. Flag lots: A flag lot is a lot with access that is provided to the bulk of the lot by means of anarrow corridor. Flag lots that front on or are immediately at the end of a private road or common driveway shall have the same requirements as regular lots. Flag lots which do not front on or are immediately at the end of a private road or common driveway shall be subject to the following modifications and/or additional requirements:

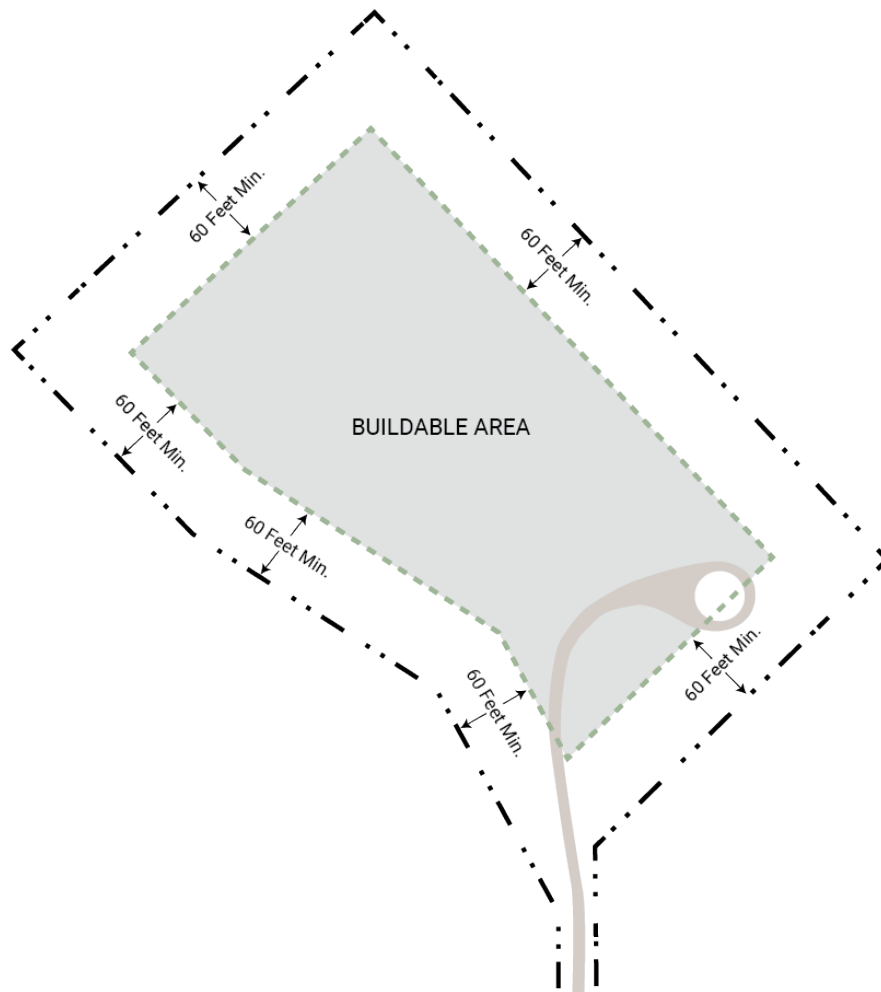
- (1) Flag lots (Created prior to October 22, 2012): Lot and bulk requirements shall be as follows:

Figure 5. Flag Lots (Created prior to October 22, 2012)



- (a) The building line ("A" in Figure 5) shall be determined as a line running parallel with the front facade of the existing house along its frontmost face. Upon proper application, the Design Review and Historic Preservation Board shall make a determination as to the location of the building line, if it is not readily apparent due to the unusual shape or orientation of the house.
  - (b) The depth of the facade area shall, in all flag lots, be eight feet ("B" in Figure 5).
  - (c) The side setbacks ("C" in Figure 5) and rear setback ("D" in Figure 5) shall have a depth of 20 feet.
- (2) Flag lots (Created after October 22, 2012). The lot and bulk requirements shall be as follows:

Figure 6. Flag Lots (Created after October 22, 2012)

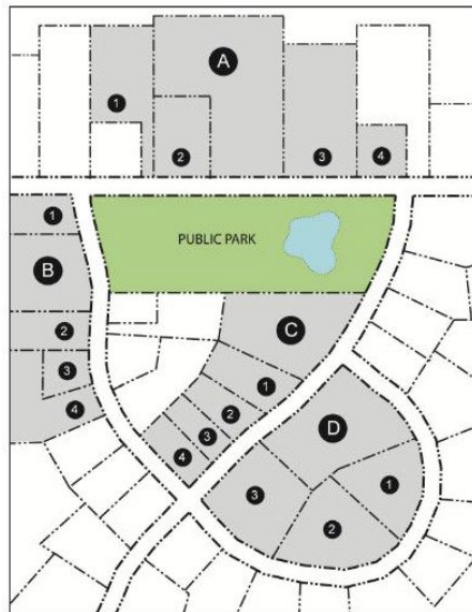


- (a) The front yard, side yards, and rear buffer shall all have a depth of 60 feet (Figure 6).
  - (b) Upon proper application, the Design Review and Historic Preservation Board shall determine and set the building line.
  - (c) The depth of the facade area shall be eight feet.
- N. All accessory structures shall conform to §185-113.
- O. Building height: The maximum permitted height for structures or additions is 30 feet, except that chimneys attached to such structures may extend five feet above the highest point of the structure. However, upon proper application, the Design Review and Historic Preservation Board may permit additional height, provided that it finds that such height is appropriate within the context of the neighborhood, to a maximum of 40 feet.

**§ 185-18. Subdivision of existing lots without creation of new road.**

- A. Determining context. The subdivision potential of a lot without the creation of a new public or private road shall be determined based on its context to its adjacent lots, which shall be chosen as follows:
- (1) The adjacent lots must be on the same side of the street as the subject lot, with lot frontage on the same public or private road.
  - (2) The adjacent lots must be residential lands. Other land use types, such as recreational, institutional, commercial or public lands (schools, golf courses, ball fields, parks, playgrounds or utilities), shall not be counted as adjacent lots.
  - (3) The adjacent lots must be immediately next to and contiguous to the subject lot and to each other.
    - (a) The two adjacent lots on either side of the subject parcel should be used whenever possible ("Lot A" in Figure 8). If it is not possible to use two lots on either side, then the closest similar combination should be used, such as one to the left and three to the right ("Lot B" in Figure 8), or all four to the same side if necessary ("Lot C" in Figure 8).

**Figure 8. Determining Adjacent Lots**

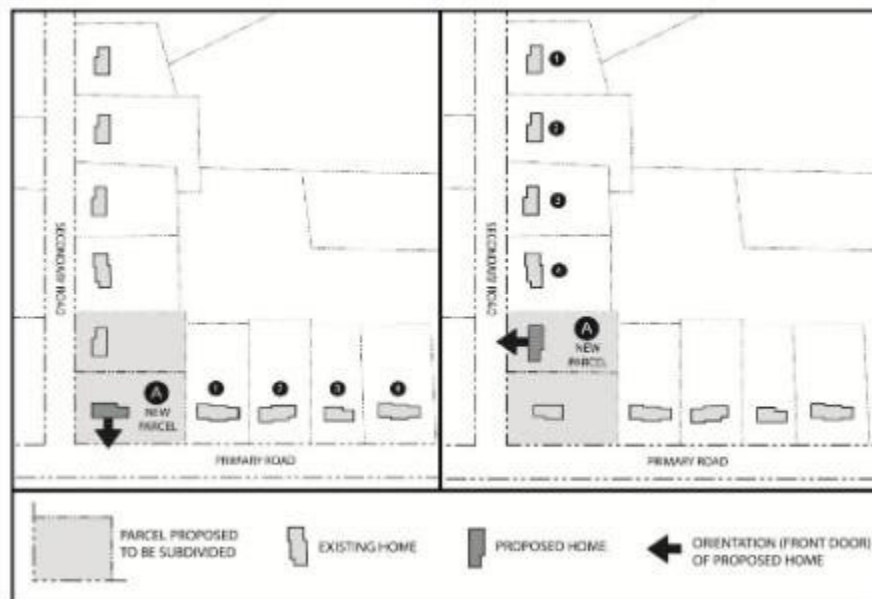


- (b) If it is not possible to find four adjacent lots which are contiguous with the subject lot and to each other, then three lots may be used ("Lot D" in Figure 8).
- (c) Adjacent and contiguous lots do not include those on the other side of a street.
- (d) In cases where it is not possible to find three adjacent lots for consideration, upon proper application, the Planning Board shall determine which surrounding lots are to be considered adjacent lots, including lots further removed or on the

opposite side of the public or private road.

- (e) On lots which are on or adjacent to corners, the orientation of the proposed primary structure shall dictate which lots shall be counted as the adjacent lots. In the example on the left in Figure 9, the proposed primary structure is oriented toward the primary road, so that the four lots along the primary road would be considered the adjacent lots, because they are oriented in the same direction. In the example on the right, the four lots on the secondary road would be considered the adjacent lots, while the lot on the corner would not be considered an adjacent lot since its primary structure is oriented toward a different street.

**Figure 9. Determining Adjacent Lots by Orientation**



- B. Lot requirements. The lot requirements for a subdivision that does not include the creation of a new public or private road shall be calculated based on the average dimensions of the adjacent lots and shall be determined as follows:
  - (1) Average lot area. The average lot area is the average of the adjacent lots. If this average exceeds two acres, then two acres shall be used as the minimum lot size of the newly created lot(s).
  - (2) Average lot width. The average lot width is the average of the adjacent lots. If this average exceeds 100 feet, then 100 feet shall be used as the minimum lot width for the newly created lot(s).
  - (3) Average lot depth. The average lot depth is the average of the adjacent lots. The depth shall be measured from the midpoint of the front property line to the furthest part of the rear property line. If this average exceeds 200 feet, then 200 feet shall be used as the minimum lot depth for the newly created lot(s).

- (4) Example calculation. In the example below, the average lot area of the four adjacent lots is 1.40 acres. The subject lot may use this average lot area or a default lot area of two acres, whichever is lower, as the minimum lot area for any new lots. (In this example, 1.4 acres is the minimum lot area.) The average lot width of the four adjacent lots is 205 feet. The subject lot may use this average lot width of 205 feet or a default lot width of 100 feet, whichever is lower, as the minimum lot width for any new lots. (In this example, the default lot width of 100 feet is the minimum lot width.) This calculation is repeated for lot depth to determine the final minimum dimensional requirement for any new lots created from the subject lot.

**Example A. Context-Based Subdivision: Example Calculation**

Context Criteria	Adjacent Lots				May Use Smaller Dimension of Average or Default		Minimum Required for New Lots
	1	2	3	4	Average	Default	
Lot area	0.98	1.16	1.65	1.84	1.40 acres	2.0 acres	1.4 acres
Lot width	175	215	240	190	205 feet	100 feet	100 feet
Lot depth	285	350	315	256	301 feet	200 feet	200 feet

- C. Reduction for unbuildable land. In determining the lot area of the subject lot and of the adjacent lots, the site capacity calculation worksheet referred to in the Town's Subdivision Regulations shall be used to calculate the buildable area.
- D. Building line. As part of the subdivision process, the Planning Board shall determine the building line for each new lot, based on the context of the adjacent lots.

**§ 185-19. Subdivision of lots that include creation of new road.**

- A. Subdivision context and lot requirements. New subdivision lots that include the creation of a new public or private road should be arranged in a fashion which is in keeping with the surrounding neighborhood context and in a manner that respects abutting lots in terms of lot area width and depth, as well as yard orientation and street orientation. In general, the subdivision layout shall achieve the following design principles to the extent practical:
  - (1) As part of the subdivision approval process, the Planning Board shall determine the appropriate number of allowable lots, as well as the building line, lot area, lot width and lot depth for each new lot, based on the context of the new lots to adjacent existing lots and to one another.
  - (2) Rear yards of new lots should face the rear yards of existing adjacent lots.

- (3) Front yards of new lots should not face into the rear or side yards of existing adjacent lots unless there is a significant distance, as determined by the Planning Board, between the front of the new home and the rear or side yard of the adjacent lot.
- (4) Front yards of new lots should not face into the rear or side yards of new lots unless there is a significant distance, as determined by the Planning Board, between the front of the new primary structure and the rear or side yard of the other new lots.
- (5) A vegetated buffer may also be required by the Planning Board to create appropriate screening.
- (6) Front yards should face the front yards of lots across the street, and side yards should face into the side yards of adjacent lots.
- (7) The examples in Figure 10 illustrate and describe how the subdivision context and lot requirements in this subsection can be used to evaluate proposed subdivision layouts. In these examples the proposed layouts are not acceptable.

Figure 10. Sample Subdivision Layouts (Unacceptable)



<p><b>Poor</b> - This proposed layout creates awkward relationships where front yards are facing side or rear yards of adjacent properties. Removing one of the proposed lots could allow for a redesign that would provide adequate separation and make this type of layout more acceptable.</p>	<p><b>Poor</b> - This proposed layout does a better job of having the rear yards of proposed new lots face the rear yards of existing properties to the right; however, it creates a street directly abutting the rear yards of the existing properties to the left.</p>
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- (8) The examples in Figure 11 illustrate and describe how the subdivision context and lot requirements in this subsection can be used to evaluate proposed subdivision layouts. In these examples the proposed layouts are acceptable.



Figure 11. Sample Subdivision Layouts (Acceptable)



<p><b>Better</b> - This proposed layout keeps rear yards facing rear yards and also provides a vegetated buffer along the new road to shield it from the rear yards of the existing properties to the left.</p>	<p><b>Preferred</b> - This proposed layout keeps the rear yards of proposed lots facing the rear yards of existing properties to the left and the right. It also creates a front-yard-to-front-yard relationship across the street for the new homes in the subdivision.</p>
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**§ 185-20. Lot consolidation.**

Proposals to merge two or more lots, or lot line adjustments resulting in a net increase of 10,000 square feet or more to one lot, shall be reviewed by the Planning Board as if it were a subdivision. As part of its review, the Planning Board shall consider the potential impact of the proposed consolidation on neighborhood context and, in particular, the potential size of a primary structure on the larger lot in relation to existing primary structures in the neighborhood. Based on its review, the Planning Board may approve the consolidation or lot line adjustment, grant approval with specific conditions limiting the potential size of primary structures on the modified lots, or disapprove the application.

**Article V. (Reserved)**

**§ 185-21. (Reserved)**

**§ 185-22. (Reserved)**

**Article VI. (Reserved)**

**§ 185-23. (Reserved)**

# Article VII.                    **B Residential District**

## **§ 185-24. Purpose.**

The B Residential District is established to provide and maintain land area for residential neighborhoods of both single- and multifamily dwellings.

## **§ 185-25. Permitted uses.**

The following uses are permitted:

- A. Single-family dwelling, attached or detached.
- B. Two-family dwelling.
- C. Apartment house.
- D. Senior housing, subject to approval by the Town Board and provisions of Article XXXVIII, incentive zoning regulations.
- E. Accessory structures and uses, subject to § 185-113.

## **§ 185-26. Specially permitted uses.**

The following uses may be permitted pursuant to a special use permit issued by the Planning Board:

- A. Place of worship, subject to § 185-124.
- B. School, subject to § 185-131.

## **§ 185-27. Lot and bulk requirements.**

- A. Lot size. Each single-family or two-family dwelling shall be located on a lot in compliance with the following:

**Lot and Bulk Requirements**

<b>MINIMUM</b>	
<i>Area</i>	<b>16,000 square feet</b>
<i>Width</i>	<b>100 feet</b>
<i>Front Setback</i>	<b>50 feet</b>
<i>Side Setback</i>	<b>15 feet</b>
<i>Rear Setback</i>	<b>10 feet</b>
<b>MAXIMUM</b>	
<i>Height, building or structure</i>	<b>30 feet <sup>1</sup></b>
<i>Lot Coverage</i>	<b>33%</b>

NOTE: 1) Except that chimneys attached to such structure may extend five feet above the highest point of the structure.

- B. No more than one residential building shall be erected on any one lot.
- C. Apartment house regulations. Each apartment house shall comply with the following additional regulations and shall be subject to site plan review and approval in accordance with Article XXIX of Town Code:
  - (1) Location. No apartment house shall be erected on any lot or premises less than one acre in size.
  - (2) Lot area for dwelling unit. No apartment house may be erected which has less than 2,850 square feet of lot area for each dwelling unit in said apartment house.
  - (3) Number of dwelling units. No apartment house shall have more than eight dwelling units.
  - (4) Dwelling unit size. No dwelling unit shall have less than 700 square feet of livable floor space and not less than one separate bathroom. Any dwelling unit having more than one bedroom shall have, in addition to the 700 square feet of livable floor space specified herein, 150 square feet of livable floor space for each bedroom over one.
  - (5) Setbacks. Subject to the supplemental setback requirements of § 185-120, the minimum setbacks for apartment houses and their garages shall be as follows:
    - (a) Front setback: 50 feet.
    - (b) Side setbacks: 15 feet.
    - (c) Rear setback: 20 feet.
    - (d) There shall be at least 40 feet between the nearest points of any two apartment

houses.

- (6) Water, storm and sanitary sewers. No apartment house shall be erected unless serviced by public water, storm and sanitary sewers.
- (7) Rental office. One office for rental or management purposes or for a caretaker unit may be established as part of an apartment development, provided that it is limited in size to one apartment unit or its equivalent and it is integrated into the development.

# Article VIII. Rural Residential (RRAA) District

## § 185-28. Purpose.

The purpose of the Rural Residential (RRAA) District is to support ongoing golf course uses, while creating medium to low-density development regulations, with emphasis on creating rural conservation areas consistent with the Town of Pittsford's Greenprint program and the goals of the Town of Pittsford Comprehensive Plan.

## § 185-28.1. Definitions.

For purposes of this article, the following term shall have the meaning indicated:

PARCEL — Any tax parcel, contiguous tax parcels under single ownership or contiguous tax parcels proposed to be developed as a unit. For the purpose of this section, each tax parcel shall be identified by the Tax Map of the Town of Pittsford dated January 13, 1986, and single ownership shall be determined by deed filed as of January 13, 1986. It is the express intent of this article that no parcel as defined herein may be changed or reconfigured after January 13, 1986, for the purposes of applying or avoiding the restrictions of this article.

## § 185-29. Permitted uses.

The following uses are permitted:

- A. Single-family dwelling, detached.
- B. Single-family dwelling, attached; provided there are no more than four attached units per building and no more than one dwelling unit per lot.
- C. Agriculture.
- D. Rural Conservation.
- E. Accessory structures and uses, subject to § 185-113.
- F. Accessory structures and/or facilities, owned and maintained by a homeowners' association, and located on homeowners' association lands. Such amenities are subject to review and approval by the Planning Board as part of a subdivision application process or site plan application.
- G. Senior housing development, subject to approval by the Town Board and provisions of Article XXXVIII, incentive zoning regulations.

**§ 185-30. Specially permitted uses.**

The following uses may be permitted pursuant to a special permit issued by the Planning Board:

- A. Place of worship, subject to § 185-124.
- B. Golf course.
- C. School, subject to § 185-131.

**§ 185-31. Development of less than 10 acres.**

A parcel, as defined herein, consisting of less than 10 acres may be developed at a density of 1.0 residential dwelling units per acre. The following lot and bulk requirements shall apply:

**Lot and Bulk Requirements**

<b>MINIMUM</b>	
<i>Area</i>	<b>32,000 square feet</b>
<i>Width</i>	<b>125 feet</b>
<i>Front Setback</i>	<b>70 feet</b>
<i>Side Setback</i>	<b>20 feet</b>
<i>Rear Setback</i>	<b>10 feet</b>
<b>MAXIMUM</b>	
<i>Lot Coverage</i>	<b>33%</b>
<i>Building Height</i>	<b>40 feet <sup>1</sup></b>

NOTE: 1) Except that chimneys attached to a primary structure may extend up to five feet above the highest point of the structure.

**§ 185-32. Development of 10 acres or more.**

A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres. In lieu of development at said density, such parcel may be developed with a cluster development at a density of 1.0 residential dwelling units per acre, provided that the following conditions and limitations are met:

- A. Application of Town Law § 278. “Cluster Development,” all development applications shall be processed by the Planning Board pursuant to the provisions of § 278 of the Town Law. As part of that process, the Planning Board shall, at a minimum, apply the limitations and conditions of this article. Resulting lots of cluster development shall have a maximum lot coverage of 40%.



- B. Development site. Residential dwelling units shall be developed on a maximum of 35% of the base site area, as defined in § 175-5, within the parcel.
- C. Site capacity. The maximum allowable dwelling units that may be built on said development site shall be determined by the Site Capacity Calculation Worksheet, as required by the Town's Subdivision Regulations.<sup>[1]</sup>

[1] *Editor's Note: Said worksheet is included as an attachment to Ch. 175, Subdivision of Land.*

- D. Permanent rural conservation site. A minimum of 65% of the base site area within the parcel shall be permanently designated as rural conservation and shall be so designated on the Official Zoning Map.

(1) The selection of land within a parcel to be designated as rural conservation shall be made by the applicant and subject to the approval of the Planning Board based on the following criteria:

- (a) Preservation of existing farms or the “Greenprint for Pittsford’s Future,” mapped in 1996.
- (b) Appropriateness of land for agricultural use.
- (c) Appropriateness of land for recreational use, including but not limited to trails or passive parklands.
- (d) Establishment or preservation of blueways and/or greenways.
- (e) Preservation of environmentally sensitive lands.
- (f) Inappropriateness of land for development.
- (g) Location and availability of roads, utilities, and other services.
- (h) Location of other rural conservation land.
- (i) Location of historic or significant properties and/or other developments.
- (j) Establishment of major roadway corridor buffer(s).
- (k) Establishment of landscape buffers between neighborhoods.

(2) Rural conservation lands may be held in private ownership or, if proposed for public ownership, shall be dedicated to the Town of Pittsford.

(3) Land designated as rural conservation shall be limited to the following uses:

- (a) Agriculture, to include the growing of crops and accessory agricultural uses. No livestock farming shall be permitted, but nothing contained herein shall prevent the keeping of horses in privately owned rural conservation land in accordance with § 185-116 of this chapter, including pasturage, but no structures other than

fences as permitted by this chapter may be erected thereon.

- (b) Dedicated park and recreation area.
- (c) Open space.

**§ 185-33. Rural conservation sites in private ownership.**

- A. Where rural conservation sites result from the application of RRAA zoning requirements, or are otherwise existing, and which are not dedicated to the Town, they shall be described in a conservation easement executed by the owner and delivered to the Town. The Department of Public Works may not grant final approval to any development plans until the conservation easement is received by the Town.
- B. The conservation easement shall describe the rural conservation site in metes and bounds and shall include the statement: "This tract or parcel of land is a rural conservation site subject to the provisions of the Town of Pittsford Zoning Law substantially restricting its use."
- C. The conservation easement shall be recorded by the Town in the Monroe County Clerk's office.

# Article VIIIA. Rural Residential South Pittsford (RRSP) District

## § 185-33.1. Establishment of district.

- A. Purpose. The purpose of the Rural Residential South Pittsford (RRSP) Zone is to support creative, low-impact development patterns and land uses that conserve resources and lands identified in a public planning process for an update to the Comprehensive Plan which focused on the area in Town south of the New York State Thruway. The district is established to provide and maintain land area to promote and support ongoing agricultural uses and activities that complement the rural character of the residential and Mendon Ponds Park setting and encourage farms to remain in farm production, while providing reasonable land area for neighborhoods of single-family dwellings at a medium to low density on a range of lot sizes using conservation-sensitive design. The resources, lands and values identified by the community as important to conserve include: rural character, agriculture, highly visible open space lands, and visual and wildlife buffer area adjacent to Mendon Ponds Park lands.
- B. Pursuant to § 185-5, the Official Zoning Map of the Town of Pittsford is amended and revised to establish and include the Rural Residential South Pittsford Zoning District, as described in Exhibit A.<sup>[1]</sup>

[1] *Editor's Note: Exhibit A is on file in the Town offices.*

## § 185-33.2. Definitions.

PARCEL — Any tax parcel or contiguous tax parcels under single ownership. For the purpose of this article, each tax parcel shall be identified by the Tax Map of the Town of Pittsford dated March 16, 2004, and single ownership shall be determined by deed filed as of March 16, 2004. No parcel as defined herein may be changed or reconfigured after March 16, 2004, for the purposes of applying or avoiding the restrictions of this article.

## § 185-33.3. Permitted uses.

The following uses are permitted as principal uses within the RRSP District:

- A. Single-family dwelling, detached.
- B. Private stable; keeping of horses, subject to § 185-116.
- C. Farm operations, provided that such operations are consistent with §§ 150 and 308 of the Agriculture and Markets Law of the State of New York.

- D. Farm stand, subject to the provisions of § 185-114.
- E. Rural Conservation.
- F. Accessory structures and uses, subject to § 185-113.

**§ 185-33.4. Specially permitted uses.**

The following uses may be permitted on parcels of five acres or more pursuant to a special use permit issued by the Planning Board:

- A. Commercial stable.
- B. Farm market, within an enclosed structure of no more than 1,200 square feet in size.
- C. Country store.
- D. Veterinary clinic.
- E. Tack shop.
- F. Place of worship, subject to § 185-124.
- G. School, subject to § 185-131.
- H. Golf course.

**§ 185-33.5. Residential development of less than 20 acres.**

- A. Site capacity. A parcel of less than 20 acres may be developed at a maximum density of one residential unit per five acres. A parcel which is less than five acres but larger than 16,000 square feet may be developed with one dwelling unit as a preexisting nonconforming lot. No more than one residential building shall be erected on any one lot. Approval of subdivisions under § 278 of the Town Law for parcels of less than 20 acres is prohibited.
- B. The following minimum standards shall apply to parcels of five acres or more:
  - (1) The minimum lot size shall be five acres.
  - (2) Front property line width shall be 200 feet as measured parallel with the highway.
  - (3) Front setbacks shall be 70 feet as measured from the front property line.
  - (4) Side setbacks shall be 20 feet from the property line.
  - (5) Rear setbacks shall be 50 feet from the rear property line.
  - (6) Minimum floor area shall be 1,800 square feet.

(7) The maximum permitted height of any structure is 40 feet, except that chimneys attached to such structure may extend five feet above the highest point of the structure.

C. Lot coverage. Max 15%.

D. A parcel which is less than five acres but larger than 16,000 square feet may be developed with one dwelling unit. The following minimum standards shall apply:

(1) Each lot shall have a minimum lot width of 125 feet.

(2) Front setbacks shall be 70 feet.

(3) Side setbacks shall be 20 feet.

(4) Rear setbacks shall be 10 feet.

(5) Minimum floor space shall be 1,800 square feet.

**§ 185-33.6. Residential development of 20 acres or more.**

A parcel of 20 acres or more may be developed at a density of one residential unit per five acres. Said development shall comply with the provisions of § 185-33.5B. In lieu of development at said density, such parcel of 20 acres or greater may be developed at a density of up to one residential unit per acre, provided that development meets the following conditions and limitations:

A. Application of Town Law § 278. "Cluster Development," all development applications shall be processed by the Planning Board pursuant to the provisions of § 278 of the Town Law. As part of that process, the Planning Board shall, at a minimum, apply the limitations and conditions of this section.

B. Site capacity. The maximum allowable dwelling units that may be built on said development site shall be determined by the site capacity calculation worksheet, as required by the Town's Subdivision Regulations.

C. The development shall demonstrate significant application and incorporation of the community values and guiding principles for community amenities for the area south of the New York State Thruway as presented in the South of the Thruway Update to the Town of Pittsford Comprehensive Plan. The guiding principles for community amenities outlined below as specific criteria are listed in order of priority, Preservation of agricultural lands being the highest priority:

(1) Preservation of agricultural lands and uses.

(2) Permanent protection of larger contiguous areas of significant open space resources which are visible to the general public, including farmlands and natural wildlife habitats and corridors.

- (3) Buffering of new development from existing residences and public views.
- (4) Restoration and adaptive reuse of mined landscapes.
- (5) Provision of trail connections through the neighborhood.
- (6) Provision of public sewers.
- (7) Adaptive reuse of farm structures that preserves the agricultural setting and uses such as the farmstead and barns and surrounding fields.
- (8) Creative site planning that maintains residential and pastures and rural character (i.e., not "cookie-cutter" design), allowing for direct visual access to open land, woodlots, horse farms, scenic views, etc.
- (9) Design that respects and buffers Mendon Ponds Park.
- (10) Protection of dark night skies through limited lighting and appropriate placement, design and construction standards.

D. Dimensional requirements for development on parcels of 20 acres or more:

<b>Responsiveness to Criteria</b>	<b>Permanent Rural Conservation Area <sup>1</sup></b>	<b>Dwelling Units <sup>2</sup></b>	<b>Lot Size</b>	<b>Lot Width <sup>3</sup></b>	<b>Front Property Line Width</b>	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Side Setback</b>	<b>Impervious Coverage</b>
Minimum standard for all projects: Apply conservation-based design	0%	0.20 per Acre	5.0 Acres MIN	200 ft MIN	200 ft MIN	70 ft MIN	50 ft MIN	20 ft MIN	15% MAX
Project responds significantly to at least four (4) criteria	40% MIN	0.5 per Acre	1.0 Acre MIN	125 ft MIN	125 ft MIN	40 ft MIN	40 ft MIN	20 ft MIN	25% MAX
Project responds significantly to at least six (6) criteria	50% MIN	0.75 per Acre	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	33% MAX
Project responds significantly to at least eight (8) criteria	65% MIN	1.0 per Acre	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	40% MAX

- NOTES: (1) Measured as amount of total project area set aside.  
 (2) Calculation to be based on dwelling units per developable acre.  
 (3) At front building line.

- E. Permanent rural conservation site. The open space within the parcel shall be permanently designated as rural conservation and shall be so designated on the Official Zoning Map.
- F. The selection of land within a parcel to be designated as rural conservation shall be made by the applicant and subject to the approval of the Planning Board.
- G. Rural conservation lands may be held in private ownership or, if proposed for public ownership, shall be dedicated to the Town of Pittsford.
- H. Land designated as rural conservation shall be limited to the following uses:
  - (1) Farming operations.
  - (2) Dedicated park and recreation area.
  - (3) Open space.

**§ 185-33.7. Rural conservation sites in private ownership.**

- A. Where rural conservation sites result from the application of RRSP zoning requirements, or are otherwise existing, and which are not dedicated to the Town, they shall be described in a conservation easement executed by the owner and delivered to the Town. The Department of Public Works may not grant final approval to any development plans until the conservation easement is received by the Town.
- B. The conservation easement shall describe the rural conservation site in metes and bounds and shall include the statement: "This tract or parcel of land is a rural conservation site subject to the provisions of the Town of Pittsford Zoning Law substantially restricting its use."
- C. The conservation easement shall be recorded by the Town in the Monroe County Clerk's office.



# Article IX. Suburban Residential (SRAA) District

## § 185-34. Purpose

The purpose of the Suburban Residential (SRAA) District is to support ongoing educational uses while creating medium-density development regulations that meet the vision and goals of the Town of Pittsford Comprehensive Plan.

## § 185-34.1 Definitions.

For purposes of this article, the following terms shall have the meanings indicated:

PARCEL — Any tax parcel, contiguous tax parcels under single ownership or contiguous tax parcels proposed to be developed as a unit. For the purpose of this section, each tax parcel shall be identified by the Tax Map of the Town of Pittsford dated January 13, 1986, and single ownership shall be determined by deeds filed as of January 13, 1986. It is the express intent of this article that no parcel as defined herein may be changed or reconfigured after January 13, 1986, for the purposes of applying or avoiding the restrictions of this article.

## § 185-34.2. Permitted uses.

The following uses are permitted:

- A. Single-family dwelling, detached
- B. Single-family dwelling, attached; provided there are no more than four attached units per building and no more than one dwelling unit per lot.
- C. Agricultural uses.
- D. Rural Conservation.
- E. Accessory structures and uses, subject to § 185-113.

## § 185-35. Specially permitted uses.

The following uses may be permitted pursuant to a special use permit issued by the Planning Board:

- A. Place of worship, subject to § 185-124.
- B. School, subject to § 185-131.

C. Golf Courses.

**§ 185-36. Maximum height restrictions.**

The maximum permitted height of any structure is 30 feet, except that chimneys attached to such structure may extend five feet above the highest point of the structure.

**§ 185-37. Cluster development.**

All residential development applications shall be processed by the Planning Board pursuant to the provisions of § 278 of the Town Law. As part of that process, the Planning Board shall, at a minimum, apply the limitations and conditions of this article.

**§ 185-38. Density.**

Each parcel may be developed at a density of 1.7 residential dwelling units per acre, subject to the following limitations and conditions:

- A. Development site. Residential dwelling units shall be developed on a maximum of 70% of the land within the parcel.
- B. Site capacity. The maximum allowable dwelling units that may be built on said development site shall be determined by the site capacity calculation worksheet, as required by the Town's Subdivision Regulations.
- C. Permanent rural conservation site. A minimum of 30% of the land within the base site area shall be permanently designated as rural conservation and shall be so designated on the Official Zoning Map.
  - (1) The selection of land within a parcel to be designated as rural conservation shall be made by the applicant and subject to the approval of the Planning Board based on the following criteria:
    - (a) Preservation of existing farms.
    - (b) Appropriateness of land for agricultural use.
    - (c) Appropriateness of land for recreational use.
    - (d) Preservation of environmentally sensitive lands.
    - (e) Inappropriateness of land for development.
    - (f) Location and availability of roads, utilities and other services.
    - (g) Location of other rural conservation land.
    - (h) Location of other development sites.

- (2) Rural conservation lands may be held in private ownership or dedicated to the Town.
- (3) Land designated as rural conservation shall be limited to the following uses:
  - (a) Agriculture, to include the growing of crops, and accessory agricultural uses. No livestock farming shall be permitted, but nothing contained herein shall prevent the keeping of horses in privately owned rural conservation land in accordance with § 185-116 as permitted by this chapter, including pasturage, but no structures other than fences, as permitted by this chapter, may be erected thereon.
  - (b) Dedicated park and recreation area.
  - (c) Open space.

**§ 185-39. Rural conservation sites in private ownership.**

- A. Where rural conservation sites result from the application or SRAA zoning requirements, or are otherwise existing, and which are not dedicated to the Town, they shall be described in a conservation easement executed by the owner and delivered to the Town. The Department of Public Works may not grant final approval to any development plans until the conservation easement is received by the Town.
- B. The conservation easement shall describe the rural conservation site in metes and bounds and shall include the statement: "This tract or parcel of land is a rural conservation site subject to the provisions of the Town of Pittsford Zoning Law substantially restricting its use."
- C. The conservation easement shall be recorded by the Town in the Monroe County Clerk's office.

# Article IXA. **Monroe Avenue Transitional Zone (MATZ)**

## **§ 185-39.1. Findings.**

The Town Board finds that special action is required to address the unique problems and concerns for this area, including but not limited to concerns regarding the existing and potential disinvestment in the residential properties located in this area, the high volume of traffic experienced by properties adjacent to Monroe Avenue, the proposed demolition of architecturally significant structures and recent zoning variances granted which are not conducive to supporting the expressed community desire to maintain and protect the residential quality of this area. In order to support and protect the health, safety and welfare of the residents of this corridor, and the Town as a whole, this article is adopted.

## **§ 185-39.2. Purpose.**

The Monroe Avenue Transitional Zone (MATZ) is created as a separate zoning district to encourage the continued residential uses associated with this district, to protect the established residential character and inherent natural features of the district and to offer incentives for property owners to maintain and improve their properties in a manner that protects the residential quality of the district. This article is designed specifically to retain, strengthen and enhance the attractive and harmonious residential neighborhood and natural communities existing within the boundaries of the district.

## **§ 185-39.3. Applicability.**

The MATZ District generally extends northwesterly along Monroe Avenue from the bridge over the canal at the village/Town boundary through French Road and the beginning, immediately past that intersection, of a commercial zone.

## **§ 185-39.4. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**EXISTING USES** — Those residences and their accessory uses, accessory buildings and structures appurtenant thereto, including additions, which were present on a site, existing and complete as of January 1, 2000.

## **§ 185-39.5. Permitted uses.**

The following uses are permitted:

- A. Single-family dwelling, detached.
- B. Accessory structures and uses, subject to § 185-113.
- C. Home occupation, as an accessory use, provided such use is in conformance with the requirements of § 185-113. However, such home occupation may include one nonresident employee.

**§ 185-39.6. Specially permitted uses.**

- A. Intent. In order to advance the purposes of this District, certain uses will be allowed through a special use permit process by the Planning Board. In addition to the general special use permit requirements of the Zoning Code, a special use permit is only appropriate under this section for those circumstances where the applicant can demonstrate that the residential character and scale of the district are conserved through the proposed project. Special use permits may be granted only for the following uses:
  - (1) The adaptive reuse of a residential structure existing prior to January 1, 2000, for small-scale offices for a business, professional organization, administrative sales, insurance, the design and graphic arts, art studio, photo studio, licensed therapy or similar organization having only limited contact with the general public.
  - (2) Multi-resident senior or retirement housing.
  - (3) Bed-and-breakfast overnight facilities.
  - (4) Place of worship, subject to § 185-124.
  - (5) School, subject to § 185-131.
  - (6) Single-family dwelling, attached.
- B. Change of use. No specially permitted use may be changed to any other use without review of such change by the Code Enforcement Officer. Such review shall determine that the proposed new use would be allowed as a specially permitted use and to what extent, if any, mitigation of the impact of such use would be necessary. The Code Enforcement Officer may counsel with and receive guidance from the Planning Board to make these determinations.

**§ 185-39.7. Prohibited uses and limitations to permitted uses.**

The following uses are prohibited or limited:

- A. Any use not expressly permitted under § 185-39.5 or § 185-39.6 is prohibited.
- B. Any new single-family dwelling or any demolition or alteration of an existing residential structure which will either continue as a single-family dwelling or which is subject to a special use permit under § 185-39.6 shall be subject to the requirements of § 185-39.8.

- C. Retail sales other than by mail, general medical, dental, or related offices, or similar high-volume traffic generators (i.e., more than 20 vehicle trips per day) and any other use not expressly permitted herein.

**§ 185-39.8. Additional requirements for MATZ properties.**

The following provisions are applicable to all properties within the district, except for those provisions which are identified as applicable only to those properties seeking special use permit approval for a change in use. To the extent that any property does not comply with these requirements as of the effective date of this article, it shall be considered a preexisting nonconforming use or condition, subject to the limitations applicable to such uses or conditions as are contained in this Code or otherwise under law.

- A. Appearance of buildings and grounds. The architectural and general appearance of all buildings and grounds shall be in keeping with the character of the neighborhood, and such is not to be detrimental to the public health, safety and general welfare of the community in which such use or uses are located. All extra building facade and site modifications shall conform to the Monroe Avenue Design Guidelines, dated April 2, 2002, as amended and supplemented.<sup>[1]</sup>

[1] *Editor's Note: The Monroe Avenue Design Guidelines are on file in the Town Clerk's office.*

- B. Lot and bulk requirements. The following shall be applicable to all lots and use conversions/site modifications in the MATZ Zone:
  - (1) Lot size. Each shall be located on a lot in compliance with the following:
    - (a) Each lot shall have a minimum area of 45,000 square feet.
    - (b) Each lot shall have a minimum lot width and road frontage of 150 feet.
    - (c) No more than one primary structure shall be erected on any one lot.
  - (2) Required setbacks. Subject to the supplemental setback provisions of § 185-120, the minimum required setbacks for each structure are:
    - (a) Front setback: 70 feet.
    - (b) Rear setback: 35 feet.
    - (c) Side setback: 15 feet.
  - (3) Height. The maximum permitted height of any structure or dwelling is 30 feet, except that chimneys attached to such structures may extend five feet above the highest point of the building.
  - (4) Lot coverage. Max 20%.

- (5) Other performance standards.
- (6) Wooded landscape buffer.
  - (a) With the exception of routine, seasonal maintenance or minimal clearing for utility connections, no trees and/or shrubs shall be trimmed or removed from the area within the wooded landscape buffer on any parcel prior to the issuance of a Landscape Alteration Permit (Article XXVII, § 185-183 et seq., Code of the Town of Pittsford). The dimensions of the buffer are as follows:
    - [1] Front yard buffer: 35 feet. The construction of a walk and driveway are excluded.
    - [2] Side yard buffer: 15 feet.
    - [3] Rear yard buffer: 20 feet.
  - (b) Notwithstanding the foregoing, however, the Planning Board may, during the site plan review process, require the replacement, preservation and/or planting of larger wooded landscape buffer areas to screen parking, refuse storage or similar uses from abutting properties to advance the purposes of this Code.
  - (c) Nothing contained herein shall affect the applicability of Article XXVII, Landscape Alteration Permits (§ 185-183 et seq., Code of the Town of Pittsford), as it relates generally to lots located within the MATZ Zone.
- (7) Where Design Review and Historic Preservation Board review is required by this chapter, such Board, in addition to any other general or specific standards it would apply in any other application, shall consider and apply the following specific considerations:
  - (a) The project shall respect the existing architectural and landscape design of the existing residential setting, considering the overall context of the site and building in terms of its history, surroundings and the aesthetic sense of its original designer and builder.
  - (b) Any improvements shall be completed in a residential style and shall be compatible with the adjacent structures and neighborhood.
  - (c) The project, including landscaping, shall feature elements of a residential scale, proportion and landscaping.
  - (d) For those projects seeking a special use permit, no conversions/site modifications shall result in more than a total five-percent increase in nonresidential square footage of any structure on any lot within the MATZ Zone.
  - (e) New construction of a residence shall be designed to complement the

architectural and landscape design of the district.

C. Parking. The parking requirements of §185-96 in Article XVA shall apply.



# Article X. **Mixed Use - Commercial (MU-C) District**

## **§ 185-40. Purpose.**

The purpose of the Mixed Use - Commercial District is to support the vision and goals of the Town's Comprehensive Plan, Active Transportation Plan, and other supporting plans and studies. Specifically, this District is intended to foster the redevelopment of the auto-oriented Monroe Avenue corridor (from the Brighton Town line to French Road) into an attractive, multi-modal commercial corridor that serves as the Town's primary activity center. The Mixed Use - Commercial District regulates the location, design and use of structures and land to emphasize and redefine the streetscape in a manner reminiscent of the traditional character, walkability, and human-scale environment exemplified within Pittsford Village center. Future investment in the Mixed Use - Commercial District should:

- A. Continue to develop the corridor as a destination center for the Town, providing a variety of goods, services, and experiences for residents and the travelling public.
- B. Incorporate residential living options to increase local housing choice for residents.
- C. Support the mixing of uses, both vertically and horizontally, to maximize the use of land and increase economic opportunity.
- D. Enhance non-motorist access and connectivity both along the Monroe Avenue corridor as well as within and between development sites, neighborhoods, the Auburn Trail, and the Canal Path.
- E. Capitalize on existing infrastructure and employ sustainable development practices that mitigate potential negative environmental effects.

## **§ 185-41. Permitted uses.**

- A. The following uses are permitted in the MU-C District:
  - (1) Animal Care Facility, operated wholly within a building and not including cremation, subject to § 185-105.
  - (2) Business or Professional Office, includes financial institution.
  - (3) Personal Service Establishment (see definitions §185-8).
  - (4) Recreation Facility, Indoor.
  - (5) Retail Store.

- (6) Health Club.
- (7) Community, Cultural, or Instructional Facility.
- (8) Park or Playground.
- (9) Mix of Uses in a Single Building or Lot.
- (10) Residential Dwelling Units, as part of a mixed use development in accordance with §185-43 (H).
- (11) Accessory structures and uses, customarily associated with and incidental to a principal use.

**§ 185-42. Specially permitted uses.**

- A. The following uses may be permitted in the MU-C District pursuant to a special use permit issued by the Planning Board:
  - (1) Animal Care Facility, with outdoor animal area, subject to § 185-105.
  - (2) Day Care Center, Child or Adult, subject to § 185-106.
  - (3) Micro-brewery or Micro-distillery, subject to § 185-103.
  - (4) Boutique Hotel or Inn.
  - (5) Restaurant or Bar, with inside and/or outside seating, subject to § 185-107. (See also restaurant definition in § 185-8).
  - (6) Solar Energy System, as accessory use only.

**§ 185-43. Use limitations.**

- A. Appearance of buildings and grounds. The architectural and general appearance of all commercial and residential buildings and grounds shall be in keeping with the character of the neighborhood, and such is not to be detrimental to the public health, safety and general welfare of the community in which such use or uses are located. All extra building facade and site modifications shall conform to the Monroe Avenue Design Guidelines, dated April 2, 2002, as amended and supplemented.
- B. Noise. All speaker systems, public address systems or other equipment used as a source for the production or reproduction of voice, music or other types of sound, whether for advertisement, entertainment or other usage, must be confined to the interior of structures or the outdoor sales/service area.
- C. Storage of materials. No materials of any kind shall be stored outside of any structure except such storage of materials as is specifically provided in § 185-115.

- D. Hours of operation. No trucks shall operate on the premises between the hours of 8:00 p.m. and 6:00 a.m. local time. Trash removal and similar services shall be carried out between 7:00 a.m. and 7:00 p.m. local time.
- E. Restriction on sales. Unless otherwise specifically authorized in this chapter, no sales shall be conducted except from a permanent enclosed structure.
- F. Unless otherwise specifically authorized in this chapter, each use shall be conducted from a structure used or constructed as an established place of business for the conduct of such use.
- G. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is, or may become, hazardous, obnoxious or offensive owing to emission of odor, dust, smoke, cinders, gas fumes, noise vibration, refuse matter or water-carried waste.
- H. A mixed use building or lot may include residential units provided the following conditions are met:
  - (1) Each unit shall not be less than 500 square feet for a one bedroom and 140 additional square feet for each bedroom thereafter with not less than one separate bathroom.
  - (2) Where such building is within 100 feet of Monroe Avenue, all residential units shall be located above the ground floor level.
  - (3) At least 20% of the development must be dedicated for commercial use.
  - (4) Minimum parking requirements for residential units shall be determined by §185-95 (F).

**§ 185-44. Dimensional requirements.**

<b>MU-C DISTRICT. Dimensional Requirements</b>	
<b>Minimum Lot Size</b>	
Mixed Use	<b>30,000 sf + 4,000 sf/du<sup>1</sup> over 5 units</b>
Nonresidential Use	<b>30,000 sf</b>
<b>Minimum Lot Width</b>	
<b>150 ft</b>	
<b>Front Setbacks</b>	
Minimum Front Setback	<b>15 ft<sup>2</sup></b>
Maximum Front Setback	<b>50 ft<sup>2</sup></b>
<b>Minimum Side Setback</b>	
<b>20 ft</b>	
<b>Minimum Rear Setback</b>	
<b>30 ft</b>	

- NOTES: (1) The notation “sf / du” indicates additional square feet of lot area to be provided per dwelling unit.  
 (2) As measured from the nearest edge of the sidewalk or public right-of-way, whichever is furthest from the centerline of the roadway.

**§ 185-45. Bulk requirements.**

<b>MU-C DISTRICT. Bulk Requirements</b>	
<b>Minimum Building Height</b>	<b>30 ft</b>
<b>Maximum Building Height <sup>1</sup></b>	<b>45 ft</b>
<b>Maximum Building Size (buildings fronting Monroe Avenue only) <sup>2</sup></b>	
Building Footprint	<b>15,000 sf per building section <sup>3</sup></b>
Building Width, front façade	<b>100 ft</b>
<b>Minimum Open Space or Landscaped Area</b>	
Share of Lot Area	<b>20%</b>

- NOTES: (1) Chimneys may extend five feet above top of structure.  
 (2) Buildings existing at the time of enactment of this section shall be exempt.  
 (3) An individual building section shall be considered a structure built to stand alone and/or connect to adjacent buildings such as a wing or addition adjoined via a fire wall, breezeway, or other structural element providing for the articulation of the principal structure(s) to appear as a smaller scale.

**§ 185-46. Performance standards.**

- A. Parking. All parking areas shall be in accordance with the provisions of Article XVA (Off-Street Parking Regulations) of this Chapter.
- B. Lighting. All exterior lighting shall be in accordance with the provisions of Article XV (Exterior Lighting Regulations) of this Chapter.
- C. Signs. All signs shall be in accordance with the provisions of Article XVIII (Sign Regulations) of this Chapter.

# Article XA.                      **General Commercial (GC) District**

## **§ 185-46.1. Purpose.**

The purpose of the General Commercial District is to provide for flexibility of commercial and light industrial uses. Although higher intensity commercial and industrial uses may be permitted in the General Commercial District, effective landscaping, screening, and site design elements will be required to mitigate potentially negative impacts to the desired character of the streetscape and nearby neighborhoods. Review of future development in the General Commercial District should also consider multi-modal connectivity through elements such as parking lot location and design, incorporation of pedestrian-scale design elements, multi-use trail connections, and pedestrian-friendly building design and scale.

## **§ 185-46.2. Permitted uses.**

A. The following uses are permitted in the GC District:

- (1) Animal Care Facility, operated wholly within a building and not including cremation, subject to § 185-105.
- (2) Business or Professional Office, includes financial institution.
- (3) Personal Service Establishment (see definitions §185-8).
- (4) Recreation Facility, Indoor.
- (5) Retail Store.
- (6) Health Club.
- (7) Community, Cultural, or Instructional Facility.
- (8) Vehicle Sales, Service, or Repair Shop, subject to § 185-104.
- (9) Park or Playground.
- (10) Accessory structures and uses, customarily associated with and incidental to a principal use.

## **§ 185-46.3. Specially permitted uses.**

A. The following use may be permitted in the GC District pursuant to a special use permit

issued by the Planning Board:

- (1) Animal Care Facility, with outdoor animal area, subject to § 185-105.
- (2) Boutique Hotel or Inn.
- (3) Day Care Center, Child or Adult, subject to § 185-106.
- (4) Micro-brewery or Micro-distillery, subject to § 185-103.
- (5) Restaurant or Bar, with inside and/or outside seating, subject to § 185-107. (See also restaurant definition in § 185-8).
- (6) Solar Energy System, as accessory use only.

**§ 185-46.4. Use limitations.**

- A. Appearance of buildings and grounds. The architectural and general appearance of all commercial buildings and grounds shall be in keeping with the character of the neighborhood, and shall not be detrimental to the public health, safety and general welfare of the community in which such buildings and grounds are located.
- B. Noise. All speaker systems, public address systems or other equipment used as a source for the production or reproduction of voice, music or other types of sound, whether for advertisement, entertainment or other usage, must be confined to the interior of structures or the outdoor sales/service area.
- C. Storage of materials. No materials of any kind shall be stored outside of any structure, except storage of materials as is specifically allowed by § 185-115.
- D. Hours of operation. No trucks shall operate on the premises between the hours of 8:00 p.m. and 6:00 a.m. local time. Trash removal and similar services shall be carried out between 7:00 a.m. and 7:00 p.m. local time.
- E. All uses shall be conducted from a permanent enclosed structure.
- F. No use shall be conducted or maintained which by reason of its nature or manner of operation is hazardous, obnoxious or offensive owing to emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

**§ 185-46.5. Dimensional requirements.**

<b>GC DISTRICT. Dimensional Requirements</b>	
<b>Minimum Lot Size</b>	<b>25,000 sf</b>
<b>Minimum Lot Width</b>	<b>80 ft</b>
<b>Minimum Front Setback</b>	<b>30 ft</b>
<b>Minimum Side Setback</b>	<b>20 ft</b>
<b>Minimum Rear Setback</b>	<b>30 ft</b>

**§ 185-46.6. Bulk requirements.**

<b>GC DISTRICT. Bulk Requirements</b>	
<b>Maximum Building Height</b>	<b>45 ft</b>
<b>Maximum Lot Coverage</b>	
Gross Impervious Surface	<b>75%</b>
<b>Minimum Open Space or Landscaped Area</b>	
Share of Lot Area	<b>20%</b>

**§ 185-46.7. Performance standards.**

- A. Visual buffering.
  - (1) Landscaped front lawns shall be provided from the edge of road pavement or curbing to the edge of the building front.
  - (2) Landscaped visual buffering of main site buildings, parking areas, walkways, internal roads and appurtenant structures is required and is subject to Planning Board approval prior to the issuance of a permit of occupancy or operation.
  - (3) HVAC units and dumpsters shall be kept to the rear of the front line of the main structure and shall be vegetatively or otherwise unobtrusively screened from view and are subject to Planning Board approval prior to the issuance of a permit of occupancy or operation.
- B. Accessory structures. Accessory structures shall be constructed to the rear of the front line of the primary structure.
- C. Loading docks. All loading docks shall be located to the rear of the front line of the primary structure. Loading dock(s) shall not be placed in a manner that impedes traffic.
- D. Parking. All parking areas shall be in accordance with the provisions of Article XVA (Off-Street Parking Regulations) of this Chapter.
- E. Lighting. All exterior lighting shall be in accordance with the provisions of Article XV (Exterior Lighting Regulations) of this Chapter.

- F. Signs. All signs shall be in accordance with the provisions of Article XVIII (Sign Regulations) of this Chapter.



# Article XI. Light Industrial (LI) District

## § 185-47. Purpose.

The purpose of the LI District is to support the development of existing industrial land use areas into vibrant, stable economic centers. While traditional industrial operations may continue to serve the Pittsford economy, the viability of large-scale manufacturing operations may be affected by current market shifts and advances in technology. This District is intended to support the vision and recommendations of the Town's Comprehensive Plan by fostering a limited commercial/light-industrial mixed use environment that increases local investment and employment opportunities. Future development in the LI District should seek to achieve the following objectives:

- A. Contribute to the local economy by increasing the tax base and local job opportunities, as well as providing for the production and availability of goods, services, and utilities to the region.
- B. Foster an innovative, viable center for industry within the Town, allowing for specific commercial uses, including uses that serve or support office and industrial operations.
- C. Continue to support light industrial development provided that such uses operate in a manner that protects and maintains the health, safety, welfare, and quality of life of nearby neighborhoods.
- D. Promote high-quality site design and landscaping that contribute to the aesthetic appeal of the streetscape and minimize potential negative impacts of industrial and commercial operations on adjacent land uses.

## § 185-48. (Reserved).

## § 185-49. Permitted uses.

- A. The following uses are permitted in the LI District:
  - (1) Animal Care Facility, operated wholly within a building and not including cremation, subject to § 185-105.
  - (2) Ammunition/Firearms Sales.
  - (3) Animal Care Facility, operated wholly within a building, and not including cremation
  - (4) Business or Professional Office.

- (5) Indoor active recreation.
- (6) Self-Storage Facility.
- (7) Manufacturing, Processing, or Fabrication of Goods.
- (8) Research and Development or Laboratory.
- (9) Packaging or Assembly of Products.
- (10) Printing or Publishing Operations.
- (11) Warehouse, Distribution, or Storage Facility.
- (12) Wholesale Operations.
- (13) Vehicle Sales, Service, or Repair Shop, subject to § 185-104.

**§ 185-50. Specially permitted uses.**

- A. The following uses may be permitted in the LI District pursuant to a special use permit issued by the Planning Board:
  - (1) Animal Care Facility, with outdoor animal area, subject to § 185-105.
  - (2) Micro-brewery or Micro-distillery, subject to § 185-103.
  - (3) Energy Storage Facility.
  - (4) Solar Energy System, as accessory use only.
- B. An otherwise permitted light industrial use may include input, output, operations and/or storage outside of an enclosed building, pursuant to a special use permit issued by the Planning Board.
- C. Small-scale retail sales ancillary to the primary light industrial use. For the purposes of this section, "small-scale" is defined as less than 10% of the floor area of the principal use.
- D. Any permitted use where the handling or storage of hazardous material is ancillary to the core business function.
- E. Recreational vehicle storage. Recreational vehicles, which shall include any vehicle used for recreational purposes, including boats, boat trailers, motor homes, camper trailers, pickup campers, pop-up trailers, all-terrain vehicles, jet skis, motorcycles, and snowmobiles, may be stored on parcels that meet the following requirements:
  - (1) The parcel shall contain a minimum of 10 acres.
  - (2) The storage area shall be set back a minimum of 500 feet from any and all road rights-

of-way.

- (3) The storage area shall be reasonably screened from view with fencing and/or vegetative material to reduce the visual impact of the storage to adjacent parcels and road rights-of-way.

**§ 185-51. Use limitations.**

- A. Environmental protection. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, obnoxious or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or waterborne waste.
- B. Material handling. All material handling owing to processing, manufacturing, remanufacturing, repair, salvaging, storage or other similar activities will be fully contained within enclosed buildings. Transfer of materials between buildings and storage facilities is permitted during normal business hours, provided that said materials are moved directly from one enclosed building to another.

**§ 185-52. Dimensional requirements.**

<b>LI DISTRICT. Dimensional Requirements</b>	
<b>Minimum Lot Size</b>	<b>30,000 sf</b>
<b>Minimum Lot Width</b>	<b>100 ft</b>
<b>Minimum Front Setback</b>	<b>30 ft</b>
<b>Minimum Side Setback</b>	<b>25 ft</b>
<b>Minimum Rear Setback</b>	<b>25 ft / 50 ft <sup>1</sup></b>

NOTE: (1) The smaller requirement shall apply to lots adjacent to the railroad.

**§ 185-53. Bulk requirements.**

<b>LI DISTRICT. Bulk Requirements</b>	
<b>Maximum Building Height</b>	<b>40 ft <sup>1</sup></b>
<b>Maximum Lot Coverage</b>	
Gross Impervious Surface	<b>75%</b>
<b>Minimum Open Space or Landscaped Area</b>	
Share of Lot Area	<b>25%</b>

NOTE: (1) Chimneys may extend 10 feet above top of structure.

**§ 185-53.1. Performance standards.**

- A. Visual buffering.
  - (1) Landscaped visual buffering of principal structures, accessory structures, loading docks, parking areas, walkways, internal roads and appurtenant structures is required.

- (2) Landscaped front lawns shall be provided from the edge of the road pavement or curbing to the edge of the building front, but cars for sale may be displayed on hard-surface lots between the road and the building front.
- (3) HVAC units and dumpsters shall be kept to the rear of the front line of the principal structure and shall be vegetatively or otherwise unobtrusively screened from view.

**B. Accessory structures.**

- (1) All accessory structures shall be not less than 30 feet from any other structure on the premises.
- (2) Accessory structures shall be constructed to the rear of the front façade line of the principal structure.

**C. Loading docks.** All loading docks shall be located to the rear of the front line of the principal structure. Loading dock(s) shall not be placed in a manner that impedes traffic.

**D. Parking.** All parking areas shall be in accordance with the provisions of Article XVA (Off-Street Parking Regulations) of this Chapter.

**E. Lighting.** All exterior lighting shall be in accordance with the provisions of Article XV (Exterior Lighting Regulations) of this Chapter.

**F. Signs.** All signs shall be in accordance with the provisions of Article XVIII (Sign Regulations) of this Chapter.

# Article XII. High Technology and Office Park (HTOP) District

## § 185-54. Purpose.

Based on the goals and objectives identified in the Town's adopted plans and studies, the purpose of the High Technology and Office Park District is to achieve a favorable balance of office, medical, and supporting limited nonresidential uses. The regulations herein are designed to limit and restrict permitted and special use permit uses to those that will be compatible and have a minimal adverse effect upon residential and commercial areas in close proximity and that have a high job-development potential. Development within the HTOP District should include internal vehicular and pedestrian connections between buildings, parking lots, and open spaces to support safe, efficient navigation by employees and visitors traveling to and throughout the site.

## § 185-55. Permitted uses.

- A. The following uses are permitted in the HTOP District:
  - (1) Business or Professional Office.
  - (2) Office or Clinic, Administrative or Medical.

## § 185-56. Specially permitted uses.

- A. The following uses may be permitted in the HTOP District pursuant to a special use permit by the Planning Board:
  - (1) Day Care Center, Occupying no more than 10,000 square feet of interior building space.
  - (2) Research and Development Facilities.

## § 185-57. Use limitations.

The following limitations and conditions apply to and must be complied with by all permitted and special use permit uses:

- A. Storage of materials. No materials of any kind shall be stored outside of any structure except such storage of materials as is specifically provided in § 185-115.
- B. Loading and unloading operations shall take place entirely within the site, shall be so

located as not to interfere with pedestrian routes and shall be so designed or screened as not to be visible from any point less than eight feet above grade within any residential district.

- C. No permitted or special use permit use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- D. Unless a perimeter landscaped open space is provided, a durable and well-maintained solid wall, fence, compact evergreen hedge or other screening device, not less than four feet nor more than six feet in height, shall be provided along every lot line shared in common by a parking lot and a lot devoted to any residential use.
- E. The Code Enforcement Officer shall be authorized to revoke a parking lot approval or the principal use of a parcel in the event of the failure to comply with the provisions of this district.

**§ 185-58. Bulk and dimensional requirements.**

<b>HTOP DISTRICT. Dimensional Requirements</b>	
<b>Minimum Lot Size</b>	<b>30,000 sf</b>
<b>Minimum Lot Width</b>	<b>150 ft</b>
<b>Minimum Front Setback</b>	<b>70 ft<sup>1</sup></b>
<b>Minimum Side Setback</b>	<b>25 ft<sup>1</sup></b>
<b>Minimum Rear Setback</b>	<b>50 ft<sup>1</sup></b>

NOTE: (1) Or 100 feet from any residential district boundary.

<b>HTOP DISTRICT. Bulk Requirements</b>	
<b>Maximum Building Height</b>	<b>40 ft<sup>1</sup></b>
<b>Maximum Lot Coverage</b>	
Gross Impervious Surface	<b>50%</b>
<b>Minimum Open Space or Landscaped Area</b>	
Share of Lot Area	<b>50%</b>

NOTE: (1) Chimneys may extend 10 feet above top of structure.

**§ 185-59. Parking, loading space area requirements.**

All parking areas shall be in accordance with the provisions of Article XVA (Off-Street Parking Regulations) of this Chapter.

**Article XIII. (Reserved)**

**§ 185-60. (Reserved)**

**§ 185-61. (Reserved)**

**§ 185-62. (Reserved)**

**§ 185-63. (Reserved)**

**§ 185-64. (Reserved)**

**§ 185-65. (Reserved)**

# Article XIV. **Planned Unit Development District**

## **§ 185-66. Intent and objectives.**

### A. Intent.

- (1) It is the intent of this Planned Unit Development (PUD) District to provide flexible land use and design regulations through the use of performance criteria so that small- to large-scale neighborhoods or portions thereof may be developed within the Town that incorporate a variety of residential and nonresidential uses, and contain individual building sites and common property which are planned and developed as a unit. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This article specifically encourages innovations in development and more efficient use of land in such developments.
- (2) This article recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of pre-regulation, regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned unit development concept. Further, this article recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept. Thus, where PUD techniques are deemed appropriate through the rezoning of land to a planned unit development district by the Town Board, the set of use and dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

### B. Objectives. In order to carry out the intent of this article, a PUD shall achieve the following objectives:

- (1) A greater choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, leasing), types of housing, lot sizes and community facilities available to existing and potential Town residents at all economic levels.
- (2) More usable open space and recreation areas.



- (3) The preservation of trees, outstanding natural topography and geologic features and prevention of soil erosion.
- (4) A creative use of land and related physical development which allows an orderly transition of land from rural to urban uses.
- (5) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower costs.
- (6) A development pattern in harmony with the objectives of the Comprehensive Plan.
- (7) A more desirable environment than would be possible through the strict application of other articles of this chapter.

**§ 185-67. Minimum area.**

Under normal circumstances, the minimum area requirements to qualify for a planned unit development district shall be 40 contiguous acres of land. Where the applicant can demonstrate that the characteristics of the applicant's holdings will meet the objectives of this article, the Town Board may consider projects with less acreage.

**§ 185-68. Single ownership.**

The tract of land for a project may be owned, issued or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

**§ 185-69. Location.**

The PUD District shall be applicable to any area of the Town where the applicant can demonstrate that the characteristics of the applicant's holdings will meet the objectives of this article.

**§ 185-70. Permitted uses.**

All uses within an area designated as a PUD district are determined by the provisions of this section and the approval of the project concerned.

- A. Residential uses. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with this article.
- B. Commercial, service and other nonresidential uses that are properly scaled to the area of the application. Consideration shall be given to the project as it exists in its larger setting in determining the appropriateness of such uses.
- C. Customary accessory or associated uses. Accessory uses such as private groups, storage spaces, recreational and community activities, places of worship and schools

shall also be permitted as appropriate to the PUD.

**§ 185-71. Intensity of land use.**

Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater land use intensity and/or number of dwelling units per gross building area than usually permitted in traditionally zoned districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity and/or dwelling unit densities shall be completely documented, including all facts, opinions and judgments justifying the selection of the intensity and/or density.

**§ 185-72. Common property.**

Common property in a PUD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service and parking areas and recreational and open space areas.

**§ 185-73. Signs, awnings and canopies.**

The Town Board shall establish the requirements for signs, awnings and canopies for each area designated as a PUD district, utilizing, as a guide, the provisions of Article XVIII of this chapter.

**§ 185-74. Maximum height limitations.**

The Town Board shall establish maximum height limitations, so as to be reasonable and appropriate given the location of the development, the terrain involved and the nature of the development.

**§ 185-75. Application procedure; zoning approval process.**

Whenever any planned unit development is proposed, before any permit for the erection of a permanent building in such planned unit development shall be granted, and before any subdivision plat of any part thereof may be filed in the office of the Monroe County Clerk, the applicant shall apply for and secure approval of such planned unit development by the Town Board, in accordance with the following procedures.

A. Application requirements.

- (1) The applicant shall submit a sketch plan of the application to the Town Board. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and shall clearly show the following information:

- (a) The location of the various uses and their areas in acres.
  - (b) The general outlines of the interior roadway system and all existing rights-of-way and easements, whether public or private.
  - (c) Delineation of the various areas indicating for each such area its general extent, size and composition in terms of type of use; in the case of nonresidential uses, the nature of the proposed use and its intensity; in the case of residential use, total number of dwelling units, approximate percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, apartments); and general description of the intended market structure for each such area.
  - (d) The interior open space system.
  - (e) The overall drainage system.
  - (f) If grades exceed 3% or portions of the site have a moderate to high susceptibility to erosion, flooding and/or ponding, a topographic map showing contour intervals of not more than five feet of elevation, along with an overlay outlining the above susceptible soil areas, if any.
  - (g) Principal ties to the community at large with respect to transportation; water supply and sewage disposal.
  - (h) General description of the provision of other community facilities, such as schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
  - (i) A location map showing uses and ownership of abutting lands.
- (2) In addition, the following documentation shall accompany the sketch plan:
- (a) Evidence of how the applicant's particular mix of land uses meets existing community demands to include area-wide as well as local considerations.
  - (b) Evidence that the application is compatible with the goals of local and area-wide Comprehensive Plans, if any.
  - (c) A general statement as to how common open space is to be owned and maintained.
  - (d) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project.
  - (e) Evidence of the applicant's competence to carry out the plan and the applicant's awareness of the scope of the application, both physical and financial.

B. Advisory referral to the Planning Board.

- (1) The Town Board shall submit the application to the Planning Board for its nonbinding advisory report to the Town Board. The review at this stage is intended to obtain the input of the Planning Board on the application. It is not intended to serve as a site plan or subdivision review, which would only occur after a decision by the Town Board on the PUD request.
- (2) The Planning Board will schedule a public workshop on the application, which may be conducted as part of its regularly scheduled meeting. The intent of the workshop is to share information between the applicant, the Planning Board and interested members of the public. The workshop will not supplant the formal hearing which will be conducted by the Town Board later in the review process.
- (3) Within 45 days of receipt of the application from the Town Board, the Planning Board will prepare an advisory report to the applicant and the Town Board. The Planning Board's report will describe the beneficial aspects of the proposal and make recommendations for the amelioration of any adverse aspects of the proposal. The Planning Board's report and the application will then be transferred back to the Town Board for its final decision on the application.

C. Public hearing and action on application.

- (1) Upon receipt of the advisory report from the Planning Board, the Town Board shall set a date for and conduct a public hearing, in accordance with the provisions of applicable law, for the purpose of considering establishing a PUD district for the applicant's plan.
- (2) The Town Board shall refer the application to the Monroe County Planning Department for its analysis and recommendations pursuant to the provisions of § 239-m of the General Municipal Law, and the Town Board shall also refer the application to the Commissioner of Public Works for his review.
- (3) The Commissioner of Public Works shall submit a report to the Town Board within 30 days of the referral, commenting on and making appropriate recommendations as to the feasibility and adequacy of the design elements of the application.
- (4) Within 45 days after the public hearing, the Town Board shall render its decision on the application. If the Town Board grants the PUD districting, the Zoning Map shall be so noted. The Town Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its zoning resolution any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening; land use mixes; order of construction and/or occupancy; circulation systems, both vehicular and pedestrian; necessity of sites within the area for necessary public services such as schools, firehouses and libraries; protection of natural and/or historic sites; and other such physical or social

demands.

**§ 185-76. Site plan approval process.**

Site plan approval for all planned unit developments shall be obtained in accordance with Article XXIX, Site Plan Approval.

**§ 185-77. Financial security.**

No building permits shall be issued for construction within a PUD district until improvements are installed or a performance bond or letter of credit posted in accordance with the same procedures as provided for in § 277 of the Town Law relating to subdivisions. Other such requirements may also be established from time to time by the Town Board.

**§ 185-78. (Reserved)**

# Article XIVA. Local Waterfront Overlay District

## § 185-78.1. Establishment of district.

- A. The purpose of the Local Waterfront Overlay District (LWOD) is to provide special controls to guide land use and development within the waterfront areas of the Town. The regulations are designed to protect the sensitive waterfront areas and to maintain consistent land use with the Town and Village of Pittsford's Local Waterfront Revitalization Program (LWRP). The LWOD regulations are not intended to be substituted for other zoning district provisions. The overlay district is superimposed on the principal zoning district provisions and should be considered as additional requirements to be met in establishing a use within the respective principal zoning district.
- B. Pursuant to § 185-5, the Official Zoning Map is amended and revised to establish and include the Local Waterfront Overlay District.

## § 185-78.2. Permitted uses.

- A. Those uses otherwise permitted in the underlying districts shall be permitted in accordance with the regulations applicable thereto.
- B. In addition to any other provisions of this chapter applying to them, lots, lands and structures in the Local Waterfront Overlay District shall be subject to the policy standards, conditions and design guidelines contained in the Town and Village of Pittsford's Local Waterfront Revitalization Program as such document may be amended from time to time, as well as the provisions of this article.

## § 185-78.3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

### ACTIONS —

- A. Either Type I or unlisted actions as defined in the State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617) which are undertaken by an agency and which may include:
  - (1) Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

- (a) Are directly undertaken by an agency; or
  - (b) Involve funding by an agency; or
  - (c) Require one or more new or modified approvals from an agency or agencies;
- (2) Agency, planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
  - (3) Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions, that may affect the environment;
  - (4) Any proposed action within the Town's jurisdiction relative to the Local Waterfront Revitalization Program - Town and Village of Pittsford boundary that requires site plan review and approval by the Town of Pittsford Planning Board; or
  - (5) Any combination of the above.
- B. This article does not apply to Type II, excluded or exempt actions as defined in the State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617).

AGENCY — Any board, agency, department, office, other body, or officer of the Town.

COASTAL AREA — That portion of the New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law of the State of New York which is located within the boundaries of the Town, as shown on the Coastal Area Map on file in the office of the New York State Secretary of State and as delineated in the Local Waterfront Revitalization Program - Town and Village of Pittsford.

COASTAL ASSESSMENT FORM — The form used by an agency to assist it in determining the consistency of an action within the limits of the Local Waterfront Revitalization Program - Town and Village of Pittsford.

CONSISTENT — That an action will fully comply with the policy standards and conditions contained in Section III of the LWRP and, whenever practicable, advance one or more of them and will consider the design guidelines contained in Section V of the LWRP.

DIRECT ACTIONS — Actions planned and proposed for implementation by an agency, such as but not limited to a capital project, rule-making, procedure-making and policy-making.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) — The Local Waterfront

Revitalization Program - Town and Village of Pittsford, approved by the New York State Secretary

of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the office of the Town Clerk.

PLANNING BOARD — The Planning Board of the Town of Pittsford.

**§ 185-78.4. Authority of Planning Board.**

The Planning Board is hereby authorized to review and make all determinations regarding the consistency of proposed actions with the Local Waterfront Revitalization Program - Town and Village of Pittsford policy standards and conditions and the LWRP design guidelines.

**§ 185-78.5. Review of actions.**

- A. Whenever a proposed action is located, in whole or in part, within the LWOD, an agency shall, prior to approving, funding or undertaking the action, refer to and receive a determination from the Planning Board that the action is consistent with the LWRP policy standards and conditions set forth in Subsection J herein (unless a determination from the Planning Board is not forthcoming as stipulated in Subsection G).
- B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in whole or in part in the LWOD, the applicant or, in the case of a direct action, the agency shall prepare a CAF to assist with the consistency review of the proposed action.
- C. The agency shall refer a copy of the completed CAF to the Planning Board for review within 10 days of its submission.
- D. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions as set forth in Subsection J herein. The Planning Board shall require the applicant to submit all completed applications, CAFs and any other information deemed necessary for its consistency review and determination.
- E. The Planning Board shall render its determination, in writing, to the agency within 30 days following referral of the CAF from the agency, unless extended by the mutual agreement of the Planning Board and the applicant or, in the case of a direct action, the agency. The consistency determination shall indicate whether, in the opinion of the Planning Board, the proposed action is inconsistent with one or more of the LWRP policy standards and conditions or design guidelines and shall elaborate, in writing, the basis for its determination.
- F. The Planning Board shall, along with its consistency determination, make any suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions and design guidelines or to greater advance them.



- G. In the event that the Planning Board's consistency determination is not forthcoming within the specified time, the referring agency shall provide written notification to the Planning Board regarding assumption of the consistency review and make its own consistency decision without the benefit of the Planning Board's determination.
- H. The Planning Board (or agency, in a case when the Planning Board's determination is not forthcoming within the time period specified in Subsection E) shall make the determination of consistency based on the CAF and such other information as deemed necessary to make its determination.
- I. The Planning Board (or agency, in a case when the Planning Board's determination is not forthcoming within the time period specified in Subsection E) shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.
- J. Actions to be undertaken within the LWOD shall be evaluated for consistency with the following policy standards and conditions and design guidelines, which are derived from and further explained and described in Sections III and V of the Local Waterfront Revitalization Program - Town and Village of Pittsford. Agencies that undertake direct actions shall also consult Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
  - (1) Foster a pattern of development in the LWRP area that incorporates the design guidelines contained in Section V of the LWRP and which enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of the waterfront location, and minimizes the adverse effects of development (LWRP Policy 1).
  - (2) Take advantage of the community's location on the canal to provide amenities for residents and visitors; and guide future development so that it complements, not competes with or detracts from, the historic village.
  - (3) Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations and support efficient harbor operation (LWRP Policy 2).
  - (4) Protect existing agricultural lands within the LWRP area (LWRP Policy 3).
  - (5) Promote sustainable uses of living marine resources in coastal waters (LWRP Policy 4).
  - (6) Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities (LWRP Policy 5).
  - (7) Protect and improve water resources (LWRP Policy 6).
  - (8) Minimize loss of life, structures, and natural resources from flooding and erosion (LWRP Policy 7).

- (9) Protect and improve air quality in the LWRP area (LWRP Policy 8).
- (10) Minimize environmental degradation in the LWRP area from solid waste and hazardous substances (LWRP Policy 10).
- (11) Provide for public access to, and recreational use of, the coastal waters, public lands, and public resources of the LWRP area (LWRP Policy 11).
- (12) Enhance visual quality and protect outstanding scenic resources (LWRP Policy 12).
- (13) Preserve historic resources of the LWRP area (LWRP Policy 13).
- (14) All actions must conform to the State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617).
- (15) All actions must adhere to Town protective measures for environmental resource preservation (the Pittsford Environmental Guidebook and the Greenprint for Pittsford's Future).
- (16) Perform dredging and disposal of dredge spoil materials in a manner that is protective of natural resources.

K. Written finding by Planning Board.

- (1) If the Planning Board (or agency, in a case when the Planning Board's determination is not forthcoming within the time period specified in Subsection E), determines that the action would not be consistent with one or more of the LWRP policy standards and conditions and design guidelines, such action shall not be undertaken unless the Planning Board or agency makes a written finding with respect to the proposed action that:
  - (a) No reasonable alternatives exist which would permit the action to be undertaken in a manner that will not substantially hinder the achievement of such LWRP policy standards and conditions and design guidelines;
  - (b) The action would be undertaken in a manner that will minimize all adverse effects on such LWRP policy standards and conditions and design guidelines;
  - (c) The action will advance one or more of the other LWRP policy standards and conditions and design guidelines; and
  - (d) The action will result in an overriding Town, regional or statewide public benefit.
- (2) Such a finding shall constitute a determination that the action is consistent with the LWRP policy standards and conditions and design guidelines.

L. The Planning Board and, if applicable, each agency shall maintain a file for each

action made the subject of a consistency determination. Such files shall be made available for public inspection upon request.

**§ 185-78.6. Enforcement; stop-work orders.**

The Commissioner of Public Works shall be responsible for the enforcement of this article. No work or activity on any project in the LWOD which is subject to review under this article shall be commenced or undertaken until the Commissioner of Public Works has been presented with a written determination from the Planning Board or agency that the action is consistent with the LWRP policy standards and conditions and design guidelines. In the event that an activity is not being performed in accordance with this article or any conditions imposed thereunder, the Commissioner of Public Works shall issue a stop-work order, and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as the stop-work order is in effect.

# Article XV. Exterior Lighting Regulations

## § 185-79. Intent and purpose.

The purpose of these regulations is to provide regulations for outdoor illumination that follow International Dark Sky Association and the Illuminating Engineering Society of North America recommended practices for safety, utility, security, productivity, enjoyment, and commerce. Furthermore, these regulations are intended to minimize adverse impacts of lighting such as light trespass, obtrusive light and or glare, light pollution, and skyglow, while also conserving energy and reducing instances of excessive or unnecessary illumination.

## § 185-80. Applicability.

- A. This article shall apply to the installment of new exterior lighting fixtures, the expansion and alteration of existing fixtures, as well as the replacement of fixtures associated with all uses in all zoning districts. This shall include, but is not limited to, all exterior lighting fixtures intended for the illumination of buildings, landscaping, signage, parking, walkways, yards, and recreation facilities.
- B. Notwithstanding the above, this article applies to any existing obtrusive light and or glare that is impacting residential property. Nonconforming properties shall be required to come into conformance within 60 days of the effective date of this Article.

## § 185-81. Non-Single-Family Residential lighting plan submittal and approval.

All new or replacement non single family-residential exterior lighting is subject to review and approval by the Department of Public Works or the Planning Board through a Site Plan application. All applications subject to site plan review, with exterior lighting components shall include a lighting plan. Such lighting plan shall indicate the location, fixture design, type of lamp, luminaire, mounting height, source lumens, illuminance, and glare control options, if any, for each light source and area. Illuminance may be plotted by using manufacturer's photometric charts or the Planning Board may require ISO footcandle drawings to examine the interaction of all lighting on the site. Additional documentation maybe requested as necessary to show conformance to the standards set forth in this article.

## § 185-82. Light trespass.

- A. Exterior illumination greater than one (1) foot candle shall not encroach or trespass upon adjacent properties in a manner that exceeds the limitations set herein and shall be so arranged so as to prevent direct glare (view of, or reflected view of the light source) onto any adjacent property or public right-of-way.

- B. Residential Districts. All outdoor lighting shall be shielded or otherwise contained so as not to exceed one (1) foot-candle from the property line on which the light originates.
- C. Nonresidential Districts. All outdoor lighting shall be shielded or otherwise contained so as not to exceed two (2) foot-candles from the property line on which the light originates.
- D. Exterior lighting fixtures on commercial, industrial, institutional, and otherwise nonresidential properties, except as required for security, shall be extinguished during non-operating hours to minimize the indiscriminate use of illumination.
- E. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting.

**§ 185-83. Lighting fixture design.**

- A. Lighting Levels shall be minimized to a level appropriate for the use and are subject to approval by the Department of Public Works and or the Planning Board as part of Site Plan approval.
- B. Fixture Design. Fixtures shall be fully shielded, pointing downward, to minimize skyglow, glare, and light trespass. The use of lighting fixtures compliant with International Dark Sky Association standards is required. Examples of acceptable and unacceptable lighting fixtures per the International Dark Sky Association are provided in §185-87.
- C. Fixture Height.
  - (1) Freestanding lighting fixtures for non-residential uses throughout residential districts should be distinctive and pedestrian-scaled at no more than 15 feet in height. All other freestanding lighting throughout residential districts are limited to 10 feet in height.
  - (2) Parking area light fixtures in non-residential districts shall not exceed 25 feet in height.
  - (3) Spot or flood type lighting attached to a structure shall not be placed at a height greater than 20 feet above grade.
- D. Canopy and Roof Overhang. Lights installed on canopies or roof overhangs shall be recessed so that the lens cover is flush with the bottom surface of the canopy or overhang, ensuring light sources are shielded. Lights shall not be mounted on the sides or top of the canopy or overhang.
- E. Outdoor Signs. Lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign and shall be shielded or directed in such a way that the light illuminates the sign only. Internal illumination of a sign shall be concealed behind opaque, translucent, or other similar types of glass or plastic.

- F. Bottom-Mounted or Up-lighting. To minimize unnecessary lighting, up-lighting shall be allowed for approved flagpoles, landscaping, and signage only. Illumination shall be directed solely onto the object for which it is intended.

**§ 185-84. Color temperature.**

- A. Bulb types should be selected to reduce blue light emissions, which may be hazardous to human health and wildlife. No exterior lighting shall have a color temperature exceeding 3000 Kelvin.
- B. The following lamps are listed in order of preference: Light Emitting Diode (LED), metal halide, high pressure sodium, and low pressure sodium.

**§ 185-85. Exemptions.**

The following types of lighting are exempt from this regulation unless otherwise specified:

- A. Street lighting installed by the Town, Monroe County, or the NYS DOT.
- B. Temporary holiday lighting decorations.
- C. Temporary lighting associated with Town sponsored events or events with an approved temporary activities permit.
- D. Temporary construction and emergency lighting needed by police, emergency, or highway crews, provided the light is extinguished upon completion of the work.
- E. Hazard warning lights required by a federal or state regulatory agency, except that all fixtures used must be as close as possible to the federally required minimum output.
- F. Lighting associated with farm or agricultural operations. However, farm or agricultural operations within 100 feet of an adjacent residential dwelling shall be shielded to prevent light trespass onto the adjoining property.

**§ 185-86. Prohibited lighting.**

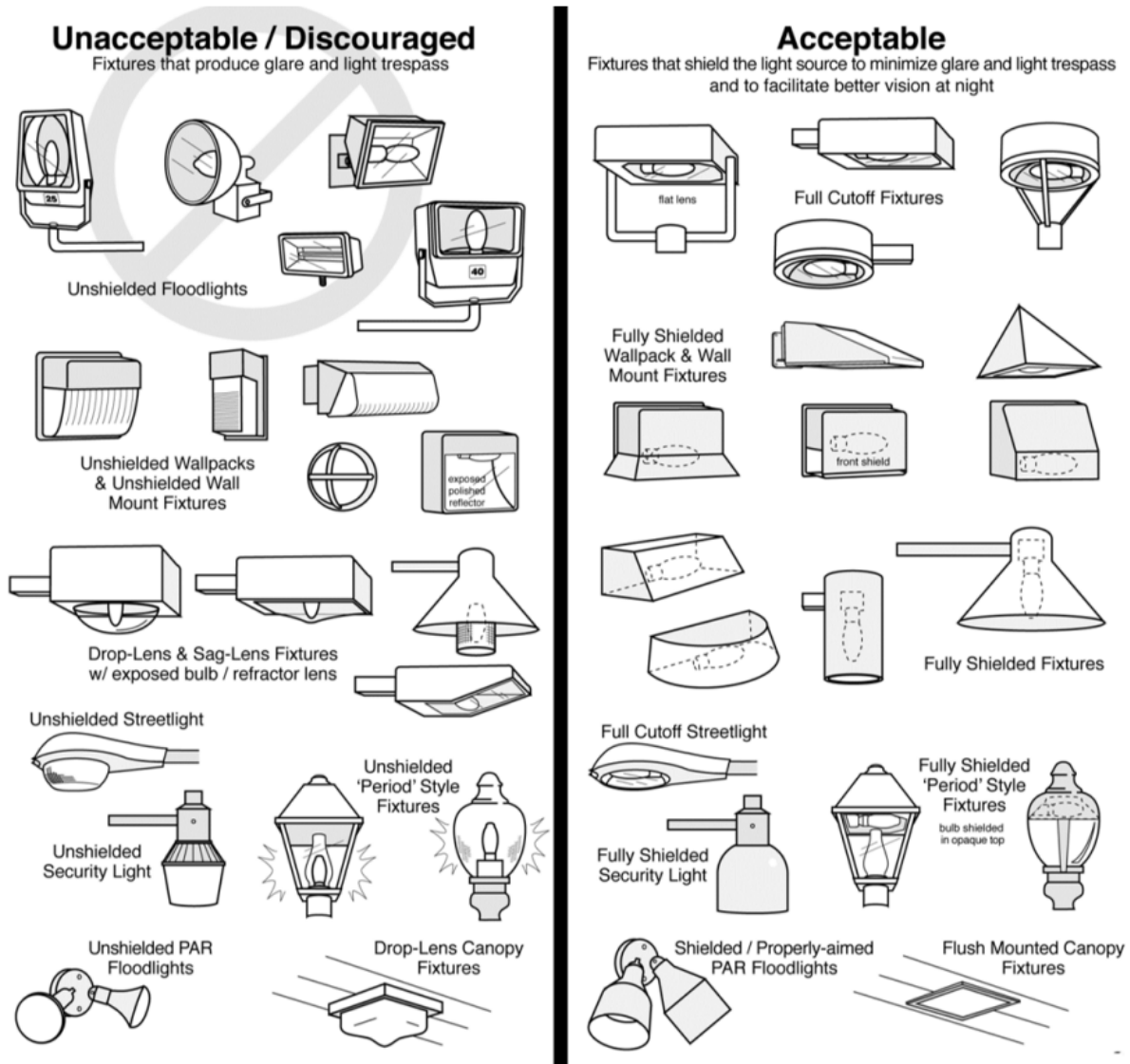
The following types of lighting shall be prohibited, unless otherwise specified:

- A. Blinking, flashing, strobe, or search lights.
- B. Strip lighting used to illuminate building facades, rooflines, or signs.
- C. Any light that may be confused with or construed as a traffic control device.
- D. Roof-mounted lighting.
- E. Mercury vapor lighting.

§ 185-87. Dark sky compliant light fixtures.

Figure 1 below is intended to provide examples of acceptable and unacceptable light fixture designs as identified by the International Dark Sky Association.

FIGURE 1. Dark Sky Compliant Light Fixtures



ILLUSTRATIONS BY BOB CRELIN©. RENDERED FOR THE TOWN OF SOUTHAMPTON, NY. COURTESY OF INTERNATIONAL DARK-SKY ASSOCIATION.

§ 185-88. (Reserved).

§ 185-89. (Reserved).

§ 185-90. (Reserved).

**§ 185-91. (Reserved).**

**§ 185-92. (Reserved).**

**§ 185-93. (Reserved).**



# Article XVA. Parking Regulations

## § 185-94. Purpose and applicability.

A. Purpose. The purpose of this Article and intent of its regulations is to achieve the following objectives:

- (1) Ensure that any site is designed to provide proper circulation, reduce hazards to people travelling on foot or by another active transportation mode, and protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles;
- (2) Ensure there are adequate amounts of parking and loading spaces to serve the use(s) and users of the property;
- (3) Encourage alternative parking designs and modes of transportation to reduce dependence on single-occupancy vehicular trips and improve efficiency during travel;
- (4) Ensure safe, comfortable, and well-planned multi-modal access can be made to all commercial and residential properties within the Town while minimizing potential conflicts; and
- (5) Improve the Town’s resiliency to significant weather events caused by climate change through the implementation of green infrastructure and adherence to sustainable design principles.

B. Applicability. The application of general requirements and district based regulations of this Article shall apply to all nonresidential uses as well as multi-family uses as indicated in the following table:

District / Use	General Requirements	District Based Regulations
<i>Monroe Avenue Transitional Zone (MATZ)</i>	N/A	§185-96
<i>Mixed Use – Commercial (MU-C)</i>	§185-95 (All Sections)	§185-97
<i>General Commercial (GC)</i>	§185-95 (All Sections)	§185-98
<i>Light Industrial (LI)</i>	§185-95, except for Subsections D & L	§185-99
<i>High Technology Office Park (HTOP)</i>	N/A	§185-100
<i>Multi-Family Dwellings (regardless of district)</i>	§185-95, except for Subsection E	N/A

**§ 185-95. General requirements.**

A. Site Plan Review. All development shall require the submittal of a parking site plan to the Planning Board for review and approval.

B. Flexibility.

(1) Recognizing that the rigidity of these regulations may limit the extent to which development proposals may be sensitive of context and unique site conditions, the standards herein may be modified as part of site plan review. In this regard, a written finding must be made by the Planning Board that the modification is in conformance with the following criteria:

- (a) Maintains compliance with these regulations to the greatest extent practicable;
- (b) Offers an innovative development/design solution for the site in question;
- (c) Will not result in a detrimental effect on the public health, safety, or general welfare; and
- (d) Is compatible with the stated vision and goals of the Town’s Comprehensive Plan and other relevant plans and studies.

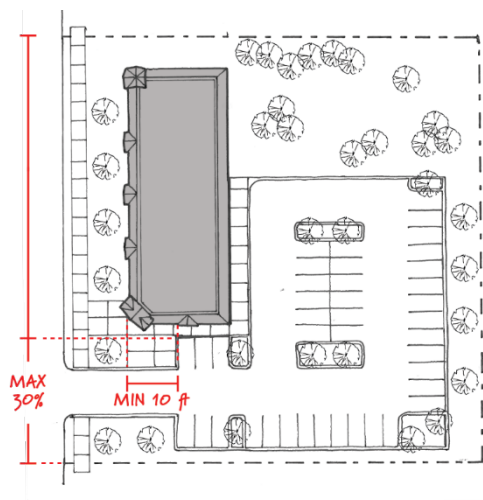
(2) No modification may be permitted that wholly waives compliance with the applicable standard or requirement.

(3) It shall be the responsibility of the applicant to demonstrate that the above criteria are met for the requested waiver or modification.

C. Nonconformity. Nonconforming sites may not be required to bring the entirety of such site into conformance, if, in the opinion of the Planning Board, the scope of the proposed project or improvements are not substantial enough to require full compliance. Proposed improvements to the property, however, may still be required to increase the level of conformity of the site to maintain consistency with the intent of this section.

D. Location. No parking area shall be located in the front yard area between any building and Monroe Avenue or at the corner of any street. Parking may be permitted in the side yard when in compliance with the following standards:

- (1) The overall width of the parking area frontage does not exceed 30% of the lot width (see figure at right).
- (2) The parking area is at least 10 feet behind the front building line.



E. Number of Spaces. All premises shall be provided with a parking area on a site of sufficient size to accommodate the motor vehicles of all employees and business guests. The goal is to provide adequate, but not excessive parking spaces and paving. Parking requirements shall be submitted by the applicant with a parking plan. Where no specific standards exist, the Planning Board will determine the appropriate parking count. To aid in this determination, the Planning Board may require that the applicant complete a Parking Demand Analysis. This may include, but is not limited to:

- (1) The names and addresses of the owner(s) and tenant(s) that will be using the parking;
- (2) An estimate of the number of spaces needed to accommodate the proposed use(s);
- (3) A summary and map of the proposed location and configuration of spaces (on-site, public lots, on-street, joint, shared, etc.);
- (4) A market study and/or other supporting information and rationale behind the requested number of parking spaces; and
- (5) An analysis of existing parking conditions in the surrounding area, to include a radius of at least 1,000 feet.

F. Multi-Family Parking.

- (1) Regardless of the district in which it is located, parking areas for multi-family uses shall conform to the requirements of this Section, except for Subsection E above (Number of Spaces).
- (2) The number of parking spaces for multi-family developments in any district shall be provided at a minimum rate of 1.75 spaces per dwelling unit, unless otherwise approved as part of site plan review.

G. Paving.

- (1) All parking areas shall be hard-surfaced, such as asphalt or concrete, and have a dust-free surface, capable of being kept free of snow and debris, maintained in a smooth and well-graded condition.
- (2) The use of pervious paving material is highly encouraged. Where such material is used, only 50% of the paved area shall be counted toward the maximum lot coverage requirement.

H. Lighting. The outdoor lighting of parking lots shall be in conformance with the provisions of Article XV (Exterior Lighting Regulations).

I. Snow Storage. All parking lots must include a dedicated area for the placement and storage of snow.

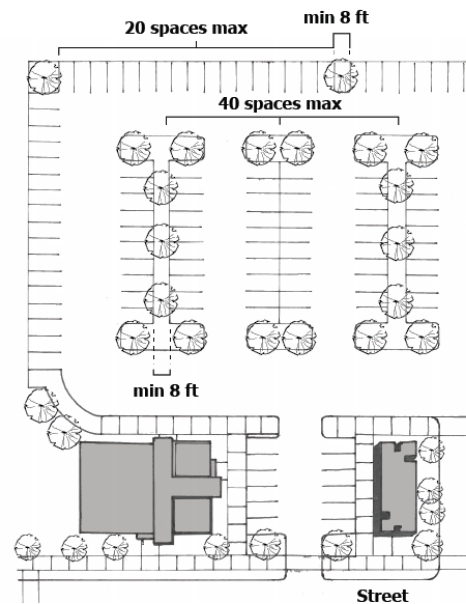
J. ADA Compliance. All new or reconstructed off-street parking areas must comply with Americans with Disabilities Act standards.

K. Screening.

- (1) Where an off-street parking area abuts a property line, including a public right-of-way, the perimeter shall include a landscaped buffer of at least eight feet in width.
- (2) The landscaped buffer may be provided in the minimum setback area.
- (3) Buffering measures shall include ground cover and low shrubs or flowering plants. At least one shade tree shall be provided per 25 feet of the perimeter, planted at intervals of not more than 25 feet.
- (4) Where, in the opinion of the Planning Board, a landscaped buffer alone does not provide adequate screening, fencing may also be required.
- (5) Landscaped visual buffering loading docks is also required.

L. Landscaped Islands and Medians. Parking areas containing 10 or more spaces shall include landscaped islands and/or medians in accordance with the following:

- (1) Landscaped islands shall be utilized in parking areas to separate parking stalls into groupings of not more than 20 spaces between islands (see figure at right).
- (2) Parking areas shall be broken up into “rooms” of no more than 40 spaces, separated by landscaped medians or pedestrian accessways (see figure at right).
- (3) The dimensions of all islands and medians shall be a minimum of eight feet wide to protect plant materials and ensure proper growth (see figure at right).



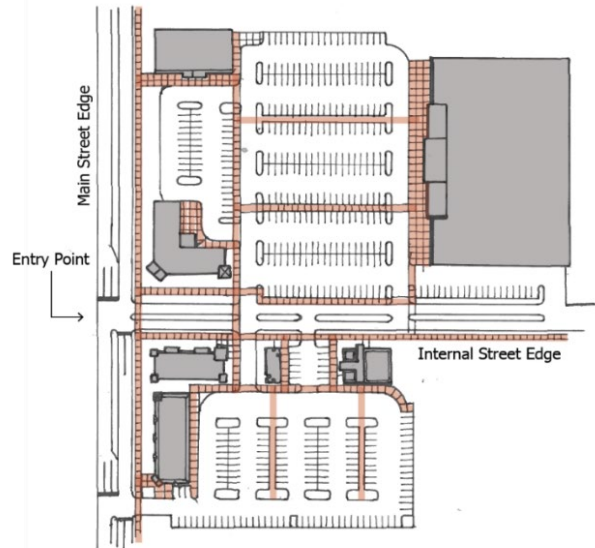
- (4) Each island and median shall include at least one tree. Low shrubs and ground covers will be required in the remainder of the area.
- (5) Trees shall be provided at a rate of one shade tree per eight (8) spaces. Trees shall be no smaller than two-inch caliper (trunk diameter at four-foot height) at the time of planting and shall reach at least eight (8) feet in height at maturity.
- (6) Trees and other plantings in parking area islands and medians shall be tolerant of salt, cold temperatures, and be physically strong enough to support a load of snow without additional protection. Due to heat and drought stress and vision clearances,

ornamental and evergreen trees are not recommended.

- (7) Islands and medians shall be protected with concrete curbing. Curbing shall be so designed to allow for the flow of water to the stormwater management system.

M. Pedestrian Connectivity. Off-street parking areas of five (5) or more spaces shall include a clearly identified pedestrian pathway from the parking spaces to building entrances and uses on site. Pedestrian connections to the public sidewalk shall also be required, where applicable.

- (1) Pedestrian paths shall be a minimum of six feet wide. Pedestrian paths shall be delineated with landscaping, curbing, raised or decorative pavement, or other protective device that is identifiable during all seasons.



- (2) Abutting land uses and buildings on a site shall be connected by a pedestrian path.

- (3) Pedestrian paths connecting off-street parking spaces to a building or use entrance shall be provided at a ratio of one pedestrian path for every four parking rows or 140 feet of parking lot width, whichever is greater.

N. Parking Aisles. Off-street parking aisles shall be at least 12 feet, but no more than 24 feet in width.

O. Access Management.

- (1) Access from streets to parking shall be clearly defined. All curbcuts shall be delineated with raised curbing.
- (2) To minimize the number of curb cuts, shared access drives and the development of rear service lanes for access to parking areas may be required by the Planning Board.
- (3) No access driveway shall be located closer than 50 feet to the intersection of public streets or another driveway, unless otherwise approved as part of site plan review.

P. Joint or Shared Parking Spaces. Where two or more uses are located on the same lot the Code Enforcement Officer may consider joint or shared parking spaces in aggregate to assess the adequacy of parking for all uses on the site.

Q. Charging Stations. The following requirements shall apply to charging stations and electric vehicle supply equipment (EVSE) established as part of an approved accessory off-street parking area. Private charging stations and EVSE installed as an accessory use to single- or two-family dwellings are exempt from these provisions.

- (1) Battery charging station outlets and connector devices shall be mounted to comply with local and state building and energy codes and must comply with all relevant ADA requirements.
- (2) Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
- (3) Cords shall be retractable or have a place to hang the connector and cord at least three feet off the ground. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- (4) EVSE pedestals shall be designed to minimize potential damage by accidents, vandalism and to be safe for use in inclement weather.
- (5) EVSE shall not encroach into the required dimensions of a parking space (length, width, and height clearances).
- (6) EVSE shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.
- (7) Advertising signage, lighting, amplification devices or audio systems, colors to attract attention, or other attention getting devices shall be prohibited.
- (8) Where parking spaces are served by EVSE, those spaces shall not count towards the maximum lot coverage requirement.

R. Grading & Stormwater.

- (1) All parking areas shall provide proper drainage and stormwater management infrastructure and be appropriately graded to provide for the proper mitigation and direction of runoff.
- (2) Wherever possible, stormwater runoff generated on parking areas shall be directed according to the following infrastructure, in order of preference:
  - (a) Bioswale, rain garden, or similar green infrastructure system
  - (b) Storm sewer system

S. Bicycle Parking. Bicycle parking infrastructure shall be provided for parking lots being

redeveloped or built new as part of the Planning Board's Site Plan approval process. The Planning Board will require bicycle parking infrastructure commensurate with the size and scope of the project.

**§ 185-96. Monroe Avenue Transition Zone (MATZ).**

- A. **Applicability.** The regulations of this section shall apply to all projects seeking a special use permit in the MATZ District, as well as home occupation uses.
- B. **Location.** All parking areas shall be located behind the front building line.
- C. **Number of spaces.** Parking areas shall have a maximum number of eight (8) parking spaces per parcel.
- D. **Paving.**
  - (1) All parking areas shall have a dust-free surface, capable of being kept free of snow and debris, maintained in a smooth and well-graded condition.
  - (2) The use of pervious paving material is highly encouraged. Where such material is used, only 50% of the paved area shall be counted toward the maximum lot coverage requirement.
- E. **Snow Storage.** All parking lots must include a dedicated area for the placement and storage of snow.
- F. **ADA Compliance.** All new or reconstructed off-street parking areas must comply with Americans with Disabilities Act standards.
- G. **Screening.** The perimeter shall be suitably screened with plantings and/or fencing.
- H. **Pedestrian Connectivity.** Off-street parking areas of five (5) or more spaces shall include a clearly identified pedestrian pathway from the parking spaces to building entrances and uses on site. Pedestrian connections to the public sidewalk shall also be required, where applicable.
- I. **Traffic generation.**
  - (1) For those projects seeking a special use permit, no use shall exceed an average daily traffic generation of 20 vehicle trips per day.
  - (2) Trip generation shall be determined by the Planning Board using published professional manuals and other reliable sources.
  - (3) The Planning Board may require vehicle or pedestrian interconnections between properties, subject to a special permit review, in order to protect the safety of the public and to reduce congestion on Monroe Avenue.



- J. Lighting. The outdoor lighting of parking lots shall be in conformance with the provisions of Article XV (Exterior Lighting).

**§ 185-97. Mixed Use – Commercial (MU-C) District.**

- A. All off-street parking areas in the MU-C District shall conform to the general parking requirements of §185-95.
- B. Monroe Avenue Design. The design of all parking areas in the MU-C District shall conform to the Monroe Avenue Design Guidelines, dated April 2, 2002, as amended and supplemented.

**§ 185-98. General Commercial (GC) District.**

- A. Parking. All off-street parking areas in the GC District shall conform to the general parking requirements of §185-95, in addition to the following:
  - (1) Parking in the front setback area is prohibited. Parking shall be placed to the side and rear of the front line of the primary structure.
  - (2) For corner properties, the Planning Board may allow parking in one of the setbacks.
  - (3) Landscaped front lawns shall be provided from the edge of road pavement or curbing to the edge of the building front.

**§ 185-99. Light Industrial (LI) District.**

- A. Parking. All off-street parking areas in the LI District shall conform to the general parking requirements of §185-95, except for the requirements of Subsection D (Location) and Subsection L (Landscaped Medians and Islands).
- B. LI District parking areas shall also be in accordance with the following:
  - (1) No off-street parking spaces shall be located in the front yard area, with the exception of a single row of parking spaces not less than 40 feet from the front property line.
  - (2) At least 50% of the parking area in the front yard shall be screened from the public right-of-way by buildings, walls, landscaping, or other visual buffer.
  - (3) All visitor parking areas shall be hard surface (asphalt or concrete); shall be not less than 40 feet from the front property line; and if located in front of the main structure, shall be screened with appropriate landscaping to buffer the visual impact of the parking area.
  - (4) All exit and entrance lines to parking and service lanes shall be clearly marked and maintained.



**§ 185-100. High Technology Office Park (HTOP) District.**

- A. Each use shall have adequate parking appropriate to the size, location and nature of the use.
- B. Turnaround area. All parking areas shall be arranged to permit vehicles to exit without backing onto any street or sidewalk.
- C. Backup area. Except for attendant-operated parking lots, each parking space shall be provided with a sufficient backup area to permit egress in one maneuver, consisting of one backward and one forward movement.
- D. Access. Every parking lot containing 25 or more spaces shall be provided with a two-way driveway at least 24 feet in width or two one-way driveways, each at least 15 feet in width.
- E. Surface. Off-street parking lot shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public sewer system. Individual stalls shall be clearly identified by markings four inches to six inches in width.
- F. Car stops. Suitable devices shall be provided, located and designed to protect required screening devices and landscaping from damage by vehicles.
- G. Tree pits. Trees designated for preservation in paved areas shall be provided with adequate tree pits to permit proper watering.
- H. Slope. No area of any parking lot, excluding access ramps, shall have a slope in excess of 5%.

# Article XVI. Additional Use Regulations

## § 185-101. Purpose and intent.

- A. Purpose. This article provides additional regulations for uses that are generally considered to have a higher potential for incompatibility with existing or desired land use patterns, including, but not limited to, green spaces, neighborhood context, and residential or low impact commercial uses, without proper mitigation measures. The purpose of the regulations contained herein is to promote the health, safety, and general welfare of the public, while also protecting property values and the character of the immediate neighborhood and Town of Pittsford community.
- B. Intent. These regulations are intended to mitigate the potentially undesirable impacts of certain uses, which by reason of nature or manner of operation, are or may become hazardous, obnoxious, or offensive owing to excessive and undue increases in the production and presence of odors, dust, smoke, fumes, noise, vibrations, refuse matter, vehicular traffic, excessive lighting, diminished aesthetics, or human activity.

## § 185-102. Applicability.

- A. The following requirements are applicable to all uses, permitted and specially permitted, as noted in the district use lists of this Chapter.
- B. Specially permitted uses must obtain a special use permit in accordance with Article XXV. Site plan review and design review may also be required as noted herein and in Articles XXIX and XXXI, respectively.
- C. Should the additional use regulations of this article conflict with other requirements of this chapter, the regulations contained herein shall take precedence.
- D. No authorization for a special use permit, building permit, or certificate of occupancy shall be granted for any use listed in this article unless it is determined that the proposed use also meets the additional regulations herein.

## § 185-103. Micro-breweries or micro-distilleries.

- A. When adjacent to residential uses or districts, such uses shall be buffered to minimize visual and auditory impacts in a method approved during site plan review. Such buffering may include but is not limited to landscaping, screening, and fencing.
- B. All such uses dealing with the importation, manufacture, distribution, or sale of alcohol shall obtain a license(s) as required by the NYS Liquor Authority and operate in accordance of the regulations therein.

- C. Micro-breweries and micro-distilleries shall provide access to the public through the inclusion of a tasting room or other such designated area for the service of patrons.
- D. A waste management plan shall be required to provide for proper upkeep of the site and disposal of refuse. All refuse containers shall be located in the rear yard and maintain a setback of at least five feet from all property lines.
- E. Where the provision of on-site refuse containers is infeasible, a shared waste management agreement may be established between adjacent uses. Under no circumstance shall any shared refuse container be located outside of a 200 foot radius of a single use.

**§ 185-104. Vehicle sales, service, or repair shops.**

- A. A curbed landscaped area shall be maintained at least eight (8) feet in depth along all street frontage space not used as driveway. The required landscaping and screening treatments of such area shall be determined through site plan review.
- B. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work or automobile maintenance is to be performed outside a building.
- C. No automotive use area shall be used for auto wrecking or for the storage of wrecked, partially dismantled or junked vehicles, or equipment or motor vehicles which do not qualify for New York State vehicle registration.
- D. Where adjacent to a residential district or use, the hours of operation shall be limited to the period from 6:00AM to 10:00PM.
- E. Fuel, oil and other materials which are environmentally hazardous, shall be stored, controlled and disposed of in accordance with the Rules and Regulations of the NYS Department of Environmental Conservation, and documentation shall be filed with the Town.
- F. No vehicle sales or service use shall include a publicly accessible gas station.

**§ 185-105. Animal care facilities.**

- A. All animal care services shall be provided within a completely enclosed building, unless otherwise allowed in accordance with Subsection B, below.
- B. Animal care facilities with outdoor animal exercise, play, or containment areas shall require the issuance of a special use permit.
- C. Adjacent properties shall be adequately protected from noise, odors, and unsightly appearances as determined appropriate by the reviewing board in site plan review.
- D. All buildings, structures, accessory use areas, and outdoor animal exercise, play, or

containment areas, except off-street parking areas, shall be located at least 50 feet from any property line abutting a residential use or district.

- E. Screening for outdoor animal exercise, play, or containment areas may be required along lot lines bordering residential uses or districts at the Planning Board's discretion.
- F. A waste management plan shall be required to ensure proper upkeep of the site and disposal of animal excrement and waste.

**§ 185-106. Day care centers, child or adult.**

- A. No day care shall be permitted without obtaining the proper license and registration, as required by NYS and Monroe County Law.
- B. A landscaped buffer or fence of at least five feet in height shall be provided at all side and rear property lines abutting a residential use or district.
- C. The regulations of this section shall not apply to home-based childcare providers licensed by the state.

**§ 185-107. Restaurants or bars.**

- A. All such uses dealing with the importation, distribution, or sale of alcohol shall obtain a license as required by the NYS Alcoholic Beverage Control Law and operate in accordance of the regulations therein.
- B. Restaurants must have a full kitchen and menu as required by the NYS Liquor Authority when the sale of beer, wine, and/or liquor is provided.
- C. No restaurant or bar shall have a dance floor greater than 50% of the gross floor area.
- D. A waste management plan shall be required to provide for proper upkeep of the site and disposal of refuse. All refuse containers shall be located in the rear yard.
- E. Where the provision of on-site refuse containers is infeasible, a shared waste management agreement may be established between adjacent uses. Under no circumstance shall any shared refuse container be located outside of a 200-foot radius of a single use.

**§ 185-108. Adult uses.**

- A. Applicability. The following special regulations shall apply to all adult bookstores and adult entertainment establishments.
- B. Definitions. As used in this article, the following terms shall have the meanings indicated:

**ADULT BOOKSTORE**

A business enterprise which has a substantial portion of its stock-in-trade printed, visual or audio material of any kind or other novelties which are characterized by their emphasis on specified anatomical areas or specified sexual activities, including any such establishment having a substantial area devoted to the sale and display of such material. For purposes of this definition, "substantial portion" or "substantial area" shall be 25% or more of any of the following:

- (1) The number of different titles or kinds of such merchandise;
- (2) The number of copies or pieces of such merchandise;
- (3) The amount of floor space devoted to the sale and display of such merchandise; or
- (4) The amount of advertising which is devoted to such merchandise either in print or otherwise promoted via the broadcast media.

#### **ADULT ENTERTAINMENT ESTABLISHMENT**

Any business enterprise which is other than an adult bookstore which has presentations characterized by emphasis on the description or depiction of specified anatomical areas or specified sexual activities during live shows, motion-picture films, videotapes or sound recordings presented to an audience of one or more individuals. Also included in this definition is any business enterprise, other than a bona fide medical or health service establishment, requiring a client or customer to display any specified anatomical area.

#### **SPECIFIED ANATOMICAL AREAS**

Includes:

- (1) Unless completely and opaquely covered, human genitals, pubic regions, buttocks or female breasts below a point immediately above the top of the areola.
- (2) Even if completely and opaquely covered, male genitals in a discernibly turgid state.

#### **SPECIFIED SEXUAL ACTIVITIES**

Any touching of the genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether clothed or unclothed, alone or between members of the same or opposite sex, or between humans or animals, in an act of apparent sexual stimulation or gratification.

#### **C. Restrictions.**

- (1) No more than one of the enumerated adult uses shall be permitted on any single lot in the Town.
- (2) The property line of a parcel where said adult uses are located shall not be within 500 feet of any residential zoning district, measured as a straight line between the

nearest points on the property lines.

- (3) The property line of a parcel where said adult uses are located shall not be within 500 feet of the boundary of any town or village, measured as a straight line between the nearest points on the property lines.
- (4) The property line of a parcel where said adult uses are located shall not be within 500 feet of the property lines of a school, place of worship, day-care center, park or playground or other lot containing another such use, measured as a straight line between the nearest points on the property lines.
- (5) The property line of a parcel where said adult uses are located shall not be within 1,000 feet of the property lines of a lot containing another such adult use, measured as a straight line between the nearest points on the property lines.
- (6) All adult bookstores and adult entertainment establishments shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by these provisions shall be able to visually see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.
- (7) No audio or video transmission of these adult uses, either by broadcast, telephone, satellite, microwave or other electronic transmission, to off-site locations shall be permitted.

**§ 185-109. (Reserved).**

## Article XVII. Supplemental Regulations

### § 185-110. Prohibited activities.

- A. Dumping. Dumping of refuse, garbage, vegetation, waste material or other substance is prohibited in all districts. Vegetation shall exclude the home composting, provided all compost waste is contained within an enclosed composting bin.
- B. Junk and discarded materials. The use of any premises in any district for the keeping, collection, sale or abandonment of junk and/or discarded materials, including wastepaper, rags, scrap materials, etc., is prohibited.
- C. Speaker systems. Speaker systems, public address systems or other sources for the production or reproduction of voice, music or other types of sound, whether for advertising, entertainment or other purpose, are hereby prohibited upon any public highway, except such vehicles as are authorized by the laws of the State of New York to be equipped with sirens.

### § 185-111. Multi-family dwellings and condominiums.

- A. Multi-family dwellings. The following special provisions shall apply to all multifamily developments, multifamily, townhouse, and other multi-residential unit structures or portions of a planned unit development in residential districts:
  - (1) Every development shall have within it suitable open space available for the use of the residents in a manner suitable to the prospective occupants of the development as determined by the Planning Board. Area devoted to swimming pools and other such formal recreation areas shall be considered in meeting this requirement. Yard areas may also be considered so long as access to them is not prohibited by fencing or other means; but parking areas shall not be included in such assessment.
  - (2) All living units shall have a storage area in the same building of at least 7% of the living unit. No storage area shall be less than four square feet.
  - (3) Sidewalks shall be provided and be integrally designed so as to provide safe and convenient access between buildings and between buildings and internal open space, recreation, parking, and service areas.
  - (4) Parking for multi-family uses shall be provided in accordance with § 185-95 H.
- B. All condominiums are expressly made subject to the provisions of Article 9-B of the Real Property Law of the State of New York as presently written and as hereafter amended. For such purposes, said article of the Real Property Law is incorporated by reference into this chapter at this point with the same force and effect as if the same were set forth at

length. Before any transfer occurs of any condominium as defined in said law, copies of all documents filed with the State of New York or any of its subdivisions, departments or bureaus as required by Article 9-B of the Real Property Law of the State of New York as presently written or as hereafter amended are to be filed with the Town Clerk of the Town of Pittsford.

**§ 185-112. Sewage disposal.**

- A. The drainage of all sewage from structures hereafter erected or altered must be conducted in piping of sufficient capacity to sewers maintained by a governmental agency in the street or highway adjacent to the lot upon which such structures are erected or altered. In the absence of a public sewer system to which sewage may be drained, septic tanks approved by the Monroe County Health Department and dry sewers shall be installed on the lot, conforming to this chapter and the rules and regulations established by the Town Board to effectuate the purpose of this section. At such time that a public sewer system becomes available to such lot, connection to the public system shall be made. Exceptions for the installation of dry sewers shall be governed by § 121-18 of Chapter 121, Sewers. The Town Board may promulgate, establish, revise and alter plans, rules and regulations for the construction and maintenance of sewage disposal systems for the protection of the health, safety and welfare of the occupants and of surrounding premises.
- B. The application for permits required by this chapter and the accompanying plan shall state or show the means adopted to dispose of such sewage and the location of a potable water supply installed or to be installed thereon, and such disposal system must be constructed in all its parts in strict conformity with the plans, rules, and regulations applicable thereto.

**§ 185-113. Accessory uses and structures.**

The following accessory uses and structures are permitted on the premises of single- and two-family dwellings, but only in connection with and incidental to a permitted principal use and in compliance with the restrictions of this section.

- A. Permitted accessory uses and structures shall be limited to the following, and any additional use or structure which the Commissioner of Public Works finds is similar to those listed in scope, size and impact, is customarily associated with residential dwellings and is otherwise in compliance with this chapter:
  - (1) A home occupation which:
    - (a) Has no employees other than the resident employee(s) reporting to the property for work, unless otherwise permitted by the district in which it is located;
    - (b) Shows no visible evidence from the exterior of the dwelling unit of the conduct of the occupation, except for signage that is required by law;
    - (c) Generates traffic and parking activity that is consistent with normal residential



use in the neighborhood, allowing for occasional short-term parking without creating congestion or safety concerns for the neighborhood; and

- (d) Is conducted entirely inside the dwelling unit.
  - (e) Home-based childcare providers licensed by the state shall be exempted from the provisions above.
- (2) Private greenhouse.
  - (3) Private tennis or outdoor recreational court, provided that back and side backstops shall not exceed 12 feet. Lighting of such courts is prohibited.
  - (4) Aboveground deck, patio, terrace, pergola, or gazebo.
  - (5) Treehouse, playground, or playhouse.
  - (6) Freestanding air-conditioning machinery, pool equipment.
  - (7) Freestanding backup electrical generators.
  - (8) Accessory suites. See §185-8 for the definition of an accessory suite.
  - (9) Storage structure, including a private garage, pool house, garden shed, or similar.
  - (10) Private swimming pool, subject to § 185-119.
  - (11) Fences, subject to § 185-121.
  - (12) Keeping of horses, subject to § 185-116.
  - (13) Keeping of animals, other than horses subject to § 185-118.
  - (14) Sale of produce, subject to § 185-114.
  - (15) Satellite antennas, subject to § 185-127.
  - (16) Retaining walls, subject to § 185-117.
  - (17) Flagpole, limited to one per lot.
  - (18) Electric vehicle charger, mounted interior, exterior or free standing
  - (19) Geothermal system for heating and or cooling. Subject to § 185-113 C (4).
  - (20) Ramp, lift, or other such structure intended to provide an increased level of accessibility for home occupants or visitors.
  - (21) Solar energy system, roof-mounted. Such use may be permitted provided the array:

- (a) Is located entirely on the roof of the structure;
  - (b) Matches the slope of the roof; and
  - (c) Does not cause the structure to exceed the maximum building height requirements of the district in which it is located.
- (22) Solar energy system, ground-mounted. Such use may be allowed with the issuance of a special use permit and site plan approval by the Planning Board on lots of at least five (5) acres, provided the array:
- (a) Is located with the least impact to neighbors and the public as determined by the Planning Board.
  - (b) Is set back at least 25 feet from the side and rear property lines and 100 feet from any public right-of-way; and
  - (c) Covers not more than two acres or 10% of the total area of the lot, whichever is less.

B. General regulations.

- (1) An accessory use or structure shall be located on the same lot as the principal use or structure served.
- (2) Accessory structures shall be included in the calculations required by this chapter for the purpose of complying with lot coverage regulations.

C. Size and location restrictions.

- (1) The total square footage of roofed or enclosed accessory structures, including pergolas, shall not exceed 320 square feet in area, with no one structure exceeding 225 square feet.
- (2) The height of an accessory structure shall not exceed 12 feet as measured from the average ground elevation at the front of the accessory structure to the highest point of the structure, except for flagpoles which shall not exceed 20 feet.
- (3) No accessory use or structure shall be permitted in the front or side yard areas, except for the following:
  - (a) Fences and geothermal systems may be located in any yard area.
  - (b) Interior and exterior mounted electric vehicle chargers may be located on any façade of the primary or accessory structure. Freestanding electric vehicle chargers shall not be located in the front yard.
  - (c) Freestanding air-conditioning machinery, backup electrical generators, and pool equipment may be located in the side yard.

- (d) Flagpoles and ramps or lifts for accessibility are exempt from any location restriction.
- (4) All accessory uses and structures shall follow the primary structure minimum setback requirements of the zoning district in which it is located, with the following exceptions:
  - (a) Fences shall be exempt from setback requirements.
  - (b) Sheds 120 square feet or less may be placed not closer than four feet from the rear and/or side property lines if the shed or a portion of, is located within the minimum rear setback.
  - (c) Geothermal systems must maintain a minimum setback of 10 feet from all property lines.

**§ 185-114. Sale of produce in residential districts.**

- A. Purpose. It has been the custom for farmers and gardeners in the Town to sell or offer for sale from their residential premises produce grown by them on their residential premises. This custom is beneficial both to those who sell and those who buy such produce, and the Town has no objection to such sales, subject to reasonable regulation. The Town Board finds that such sales of produce in residential areas are incidental to the primary use of the premises. The purpose of this section is to provide reasonable regulation of these sales, so as to make them compatible with the primary residential use of the premises.
- B. Definitions. As used herein, the following words and phrases shall have the meanings indicated:

PREMISES — The land owned and/or leased by a Town resident from which the sale or offer of sale is made.
- C. Regulations.
  - (1) Produce may be sold from premises, in a residential district in the Town by a resident of the Town, where such produce is grown on the same premises from which the sale or offer for sale is made.
  - (2) Such sales may take place only during the period of May 1 through November 30 each year, except that trees, apples, pumpkins, squash, honey, eggs, or other such products grown on the premises may be sold year-round.
  - (3) One temporary stand for the sale of such produce may be used in accordance with the following:
    - (a) The stand shall be limited to 200 square feet in floor area and eight feet in height.

- (b) The stand may be located in the front yard area, provided the frontmost edge of the stand is set back at least 10 feet from the front property line.
  - (c) The stand is not a fully enclosed structure. At least one wall of the stand shall be open to allow for free ingress/egress by the public.
- D. Agricultural uses exempt. Nothing herein contained shall be applicable to the sale of livestock or the bulk sale of produce grown on premises used as a farm.

**§ 185-115. Outdoor storage and temporary outdoor storage containers.**

- A. Storage of junk. Outdoor storage or maintenance of junk shall not be permitted on any lot in any district, unless otherwise permitted.
- B. No construction or building materials of any kind shall be stored outdoors in any zoning district except those used in the construction or alteration of a structure upon the lot or lots where such material is stored. Such material shall not be stored for a period in excess of one year. This section shall not apply to the storage of any products grown upon the premises, nor to nurseries, nor to machinery, equipment and supplies essential to the operation of a farm.
- C. The use of outdoor temporary storage containers shall:
  - (1) Not to exceed 90 days.
  - (2) Be entirely enclosed within a rodent proof container, not to exceed a total of 320 square feet in size.
  - (3) Be setback not less than 10 feet from the right-of way.

**§ 185-116. Keeping of horses.**

- A. Purpose. It is the purpose of this section to regulate the keeping of horses as an accessory use in residential districts within the Town and to prohibit the keeping of horses in such a manner or in such locations as to be offensive to occupants of adjoining property or persons residing in the vicinity.
- B. Regulations.
  - (1) There shall be no livery services provided on any parcel in the Town.
  - (2) Boarding of horses is allowable, but in no case shall the number of horses boarded exceed 1/2 of the total number of horses allowed.
  - (3) Minimum lot area.
    - (a) The minimum lot area necessary for parcels involving the stabling or keeping of horses shall be in accordance with the following schedule:

Number of Horses	Minimum Acreage
1 and 2	<b>3</b>
3 through 5	<b>5</b>
6 through 10, per horse	<b>10</b>
11 or more	<b>10, plus 1/2 per horse over 10</b>

- (b) Where more than one parcel of land is involved in computing the above minimum acreage, the parcels must be contiguous. If leased land is included for purposes of the calculation set forth in Subsection B(3)(a) above, the lessee must have sole and exclusive possession of the leased land, and the property owner and/or lessee to whom the calculation applies must obtain an annual permit from the Code Enforcement Officer. The permit will not be issued unless a valid lease is shown to the Code Enforcement Officer and all parcels are in compliance with setback requirements.
  
- (4) Setback. Any structure or building erected for the stabling or keeping of horses shall be set back at least 150 feet from all boundary lines of the premises.
  
- (5) Fencing.
  - (a) There shall be erected and maintained a fence around any paddock area, pasture area or any other area outside of the stable where a horse is allowed. Such fence shall be a minimum of four feet high, except an electrical fence which need be only three feet high, supported by wooden or steel posts at intervals of not more than 10 feet. Such fence shall be of sufficient strength and may be either a three- or four-board wooden rail fence or a wire fence, or a combination thereof, or a one-strand electrical fence and shall be strongly secured to each post. Any opening in such fence shall have a self-closing gate of sufficient strength.
  
  - (b) The barns, stalls, paddocks and any other grounds in the Town where horses are kept shall be maintained in a clean and sanitary condition so as not to create any condition or odor which would be objectionable to persons occupying adjoining property.

**§ 185-117. Retaining Walls**

- A. Purpose. It is the purpose of this section to regulate the size, location and engineering design of retaining walls to insure retaining walls are safe and do not negatively impact or threaten adjacent or nearby properties.
  
- B. Retaining walls are subject to the following requirements.
  - (1) All retaining walls shall be set back from property line(s) twice the total height of the wall(s).

- (2) Retaining walls greater than thirty (30) inches in height must apply for and receive a permit prior to the start of work. The permit for the retaining wall can be a separate building permit or associated with a project permit.
  - (a) The application must include an accurate site plan that identifies property lines and wall setbacks as well as detailed plans of the retaining wall with all associated drainage and grading work to be done.
  - (b) The Town can require that a licensed engineer stamp the plans and town engineering review charges will be billed back to the applicant at the rate identified on the Town's Fee schedule.
- (3) Retaining walls greater than four (4) feet in height are discouraged, terraced retaining walls must have a shelf width equal to one and a half times the height of the upper wall.
- (4) A safety fence may be required.
- (5) The height of a fence or safety fence, whether placed adjacent to or atop a retaining wall, will be measured from the base of the lowest wall. For fencing regulations, see § 185-121.

**§ 185-118. Keeping of animals, other than horses.**

- A. All livestock, poultry, birds, and the like, with the exception of chickens as provided for by Subsection D, shall be maintained in a permanent roofed and walled building which shall be located at a minimum setback of 150 feet from all boundary lines of the property.
- B. Residents housing no more than four (4) dogs, cats, birds, or other customary domesticated animals per dwelling unit shall be exempt from the provisions of this section.
- C. Swine. The keeping of swine or pigs is prohibited in all districts.
- D. Chickens. Chickens are only allowed if kept and maintained in accordance with the following requirements.
  - (1) Permit Required.
    - (a) The keeping of chickens shall be subject to inspection and issuance of a building permit by the Code Enforcement Officer. In reviewing such permit, the Code Enforcement Officer may seek an advisory opinion of the Animal Control Officer.
    - (b) All building permit applications for the keeping of chickens shall be submitted with the required fee as provided for by the Town of Pittsford Fee Schedule and approved by the Town Board.
    - (c) Access to the property must be allowed for inspection purposes.

(2) General Requirements.

- (a) Maximum number of chickens.

Lot Size	Max Number
Less than 3 Acres	6
3 or more Acres	12

- (b) Chickens shall not be permitted to be housed in the primary structure of the lot or any other accessory structure thereon, other than an approved coop and/or outdoor enclosure, as described in Subsection (3).
- (c) The keeping of roosters shall be prohibited.
- (d) No chickens shall be allowed in multi-family complexes, including duplexes and triplexes.
- (e) Chickens shall be kept for personal use only; no person shall sell chicken meat or engage in breeding or fertilizer production for commercial purposes. The sale of eggs may be permitted with a temporary stand in accordance with the regulations of § 185-114, Sale of produce in residential districts.
- (f) The slaughtering of chickens on the premises is prohibited.
- (g) Such animals shall be provided with a covered, predator-proof coop or outdoor enclosure that is well ventilated and designed to be easily accessed for cleaning.
- (h) Chickens must be kept in coops from dusk to dawn.
- (i) Chickens shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and to comply with applicable provisions of both the New York State and County sanitary codes.
- (j) Owners shall comply with all applicable regulations of NYS Department of Agriculture and Markets Law regarding the keeping of chickens. No animal may be kept in a manner that is injurious or unhealthful to itself or any other animals kept on the property.

(3) Coops and Outdoor Enclosures.

- (a) Chickens cannot be free range and must always be within a coop or fenced enclosure which contains them on the property and prohibits them from occupying any space within 50 feet of any property line.
- (b) Chickens shall be kept in rear yard areas.

- (c) Coops and enclosures must be screened from the neighbor's view, using an opaque fence and/or landscape screen.
  - (d) The coop may not be taller than six (6) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance.
  - (e) Chickens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from accessing the birds. Outdoor enclosures shall be a minimum of four (4) square feet per animal.
  - (f) Coops shall be limited to a footprint of no more than 50 square feet.
  - (g) The enclosure area must be well drained and clean at all times, offer access to living vegetation, be resistant to erosion by activities of the birds, and provide access to water, shelter, and feeding areas.
  - (h) The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Bedding must be kept in a dry, mold-free, friable condition, and replenished as necessary.
- (4) Feed. Chicken feed or other food used to feed the chickens shall be stored in a rat-proof, fastened container stored within a structure, which shall only be unfastened for the retrieval of food and immediately refastened thereafter.
  - (5) Manure Management. Waste must be managed through proper use and disposal of bedding materials and coop design.
  - (6) Running at-Large. Chickens are not permitted to run at-large in the Town of Pittsford. Where a chicken(s) is found off the premises of its owner and/or caretaker, the provisions for at-large impoundment of Chapter 58 of the Town of Pittsford Code may apply.
  - (7) Violations. Failure to adhere to the requirements of this section shall be considered a code violation subject to the provisions of § 1-17 Penalties for offenses of the Town of Pittsford Code.

E. Honeybees.

- (1) The keeping of honeybees is allowed on single family residential properties provided the following conditions are met.
  - (a) It shall be unlawful to keep more than two (2) colonies of bees, on a lot less than 1 acre: or more than 4 colonies on properties greater than 1 acre.
  - (b) All colonies must be kept in structures designed for the purpose of keeping bees and shall be of a design commonly used for the housing and keeping of bees.



- (c) Bee colonies must be located behind the rear wall of the home.
  - (d) Bee colonies must be located 20 feet from all property lines.
  - (e) Hives shall not be located within 50 feet of a swimming pool or a kenneled animal.
  - (f) Hives are not permitted within 10 feet of any adjacent buildings.
  - (g) To the extent possible, colonies shall be placed to minimize possible impacts to adjacent neighbors.
  - (h) A convenient on-site source of fresh water must be available and maintained at all times.
  - (i) In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation, the beekeeper must promptly re-queen the colony with another queen.
- (2) The keeping of honeybees on property in agricultural use greater than 4 acres is allowed up to 20 colonies, provided that no colony is located closer than 200 feet to any property line, unless permission has been granted by that adjacent property owner.

**§ 185-119. Swimming pools.**

- A. Private swimming pools. All swimming pools shall be installed and maintained in accordance with the regulations of the New York State Uniform Fire Prevention and Building Code, NYCRR Title 19, Appendix G and all other applicable code sections. No private swimming pool shall be constructed or maintained unless:
- (1) The water's edge of such pool is no closer to the lot or property lines than the minimum setback requirements for a residential structure in the residential district. Any heater or filter units or equipment must meet the minimum setback requirements of the property and if located on the side of the home must be screened with a solid fence that extends not less than 6 inches above the equipment.
  - (2) The proposed drainage of such pool is adequate and will not interfere with the public water supply system, with existing sewage and drainage facilities, with the property of others or with the public highways.
- B. Such swimming pool shall be deemed a building or structure under all applicable provisions of the Building and Plumbing Codes of the Town. No permit shall be granted for the construction of any such swimming pool unless and until the construction plans therefor, together with plumbing plans, location map and grading plan, in conformity with the above, have been filed with the Town Building Department.
- C. There shall be erected and maintained a close-type fence or other protective type of

enclosure in compliance with the New York State Building Code.

- D. Portable pools. Portable pools of a size capable of retaining water to a depth less than 24 inches and having a plain surface area of water not to exceed 120 square feet shall not be required to comply with the provisions of this section, provided that the following conditions are complied with in all respects:
- (1) The pool shall be located in the rear yard of the premises and as far removed from all property lines as is practicable.
  - (2) Provision shall be made on the premises for drainage of water from the pool.

**§ 185-120. Supplemental setback restrictions.**

Every structure hereinafter erected or altered shall comply with the setback restrictions of the district in which it is located, except when the following regulations apply:

- A. Upon the following streets and highways, the front setback shall be at least 70 feet, to wit: Clover Street, East Avenue, Mendon Road, Mendon Center Road, Fairport Road, Jefferson Road East, Jefferson Road West, Marsh Road, Palmyra Road, Washington Road, Allens Creek Road, Lehigh Station Road, Calkins Road, Willard Road, Knickerbocker Road, Thornell Road, Stone Road, Tobey Road, West Bloomfield Road and East Street.
- B. Upon corner lots, the setback from the lot line abutting on each street shall be the front setback required on that street or highway.

**§ 185-121. Fences and hedges.**

- A. On lots used for residential purposes, no fence shall exceed six feet in total height, and no fence more than three feet in total height shall be erected in front of a front setback. The total height of a fence shall include the height of any wall(s), retaining wall(s), berm(s), or the like. Decorative fence posts may extend above the foregoing height limitations by no more than six inches.
- B. On lots used for nonresidential purposes, Site Plan approval by the Planning Board is required prior to the erection of a fence or wall more than three feet in height. The Planning Board's review and approval of any such application shall be based upon safety, visual impact and other reasonable considerations.
- C. All fences shall be constructed so that the finished side faces outward from the premises with the backers and/or supports facing inward toward the property owner's side of the premises.
- D. At the intersection of two or more streets, no hedge, berm, fence, or wall (other than a single tree or post) which is higher than three feet above ground level, nor any obstruction to vision, including agricultural crops, shall be permitted in the triangular area formed by the intersecting street lines and a line joining each 50 feet distant from such

intersection measured along the edge of pavement.

- E. The provisions of this section relating to height limitations shall not apply to fences on premises used exclusively for farm purposes, except that the provisions of Subsection D hereof shall apply to premises used exclusively for farm purposes.

**§ 185-122. Private roads and common driveways.**

- A. For the purposes of this section, "private roads" are defined as paved driving surfaces, owned and maintained by one or more adjacent homeowners or a homeowners' association, which do not qualify as common driveways in accordance with the definition below.
- B. For the purposes of this section, "common driveways" are defined as privately owned driving surfaces which provide a means of access from a public or private road or common driveway to not more than a total of three residential lots and which do not connect to any other public or private road or common driveway.
- C. Private roads and common driveways are permitted in residential districts when approved by the Planning Board, subject to the provisions of this section. In determining the appropriateness of a private road or common driveway, the Planning Board shall consider whether it will minimize adverse environmental effects on the site, the length of the road, overall density, proposed offset of driveways, road grades and center line radius, present and future setback requirements and all other generally accepted planning standards.
- D. Compliance with requirements of the New York State Attorney General.
  - (1) The owner and/or developer must obtain and deliver to the Town verification of compliance with any and all requirements of the New York State Attorney General.
  - (2) No certificate of occupancy will be issued until such verification is in the Town's possession.
- E. Conditions relating to all private roads and/or common driveways.
  - (1) Certification of construction specifications. The owner and/or developer shall furnish the Town certification by a professional engineer that the private road has been constructed as required herein.
  - (2) Access easement.
    - (a) The owner shall grant to the Town a permanent easement allowing access at all times to Town vehicles, municipal fire vehicles and to such other emergency vehicles as the Town may designate.
    - (b) Such easement shall be of sufficient width, as determined by the Planning Board, to accommodate the aforesaid emergency vehicles, and the paved private road or common driveway shall be located wholly within said easement area.

- (c) Where feasible, the center line of the easement shall coincide with the center line of the private road or common driveway pavement.
- F. Conditions relating to all private roads.
- (1) Construction specifications. Private roads shall be built in accordance with Town specifications, except that the Planning Board may excuse the applicants/owners from the requirements relating to the installation of concrete gutters and/or drains as long as it finds that other means of adequate drainage are available and may allow a pavement width of not less than 20 feet.
  - (2) Turnarounds. A turnaround area or areas must be constructed and paved at such location or locations as the Planning Board may determine, such turnarounds to be of sufficient size to accommodate emergency vehicles.
  - (3) Signs. At the entrance to each private road there may be erected and maintained a sign not exceeding one foot by three feet in size bearing the words "Private Road" or "Private Drive."
  - (4) Setbacks. The setbacks for structures on private roads shall be measured from the edges of the easement for the private road.
- G. Conditions relating to all common driveways. Common driveways shall be built in accordance with appropriate specifications for their intended use, as determined by the Planning Board.

**§ 185-123. Driveways in public right-of-way.**

All driveways in the Town which pass over a portion of the unpaved public right-of-way must lie within and between the side lot lines, as extended to the paved public highway, of the premises served by such driveway.

**§ 185-124. Places of worship.**

In reviewing an application for a special use permit for places of worship, the Planning Board shall, at a minimum, require that the following criteria be met:

- A. Required setbacks. The minimum required setbacks for places of worship are:
  - (1) Front setback: 70 feet.
  - (2) Rear setback: 10 feet.
  - (3) Side setback: 20 feet.
- B. Lot size. Each place of worship shall be located on a lot with a minimum land area of three acres.

- C. Lot coverage. All buildings, structures and impervious surfaces shall not occupy in the aggregate more than 33% of the area of the parcel or parcels on which they are located.
- D. Parking.
  - (1) Off-street paved parking must be provided, with one parking space for every three seats within the structure. Where seating is bench-type, each 20 inches shall be counted as one seat.
  - (2) The general parking requirements of §185-95 in Article XVA shall also apply.
- E. Lighting. All exterior lighting shall be in accordance with the provisions of Article XV (Exterior Lighting Regulations) of this Chapter.
- F. Signs. All signs shall be in accordance with the provisions of Article XVIII (Sign Regulations) of this Chapter.
- G. Height. The maximum permitted height of places of worship and their related structures, not including a spire, shall be 30 feet, except that a chimney attached to a place of worship may extend 10 feet above the highest point of the structure.
- H. All other relevant requirements of this Code not inconsistent with these criteria shall be applicable to places of worship.
- I. Need and location. By New York decisional law, the applicant shall not be required to make an affirmative showing of the need for the proposed establishment or expansion of the place of worship, and the particular site chosen may not, in and of itself, be the basis for a denial of the special use permit.

**§ 185-125. Recreational land and open space required.**

- A. Statement of purpose and authority. This section is enacted in recognition of the need, in the continuing development of the Town, that adequate provision must continue to be made for open areas in residential districts for use as parks for playground or other recreational purposes. This section applies to all instances where residential development is proposed, whether such development occurs through the subdivision and plat review process as provided in Town Law §§ 276 and 277 or by the site plan process pursuant to Town Law § 274-a or is accomplished by local law or ordinance. The authority granted herein to require land for parks or a sum of money in lieu thereof relating to properties subject to site plan review instead of subdivision plat approval is intended to and does hereby supersede and/or supplement the provisions of Town Law § 274-a to the extent that said Town Law may be inconsistent or lacking in granting such authority.
- B. Recreation areas or recreation fees. The Planning Board, before the approval by it of a final detailed site plan or of a final site plan or the approval of a plat pursuant to Town Law Article 16, showing lots, blocks or sites with or without streets or highways, or an application for a building permit or plan for the erection of any residential structure or

structures, shall also show, in all proper cases and when required by the Planning Board, a park or parks located and to be developed for Town-wide recreational purposes. If the Planning Board determines that a suitable park or parks of adequate size and topographic quality cannot be properly located on the lands shown upon such plan or are otherwise not practical, the Planning Board shall require, as a condition to the approval of any such plan or application, a payment to the Town in the amount approved by the Town Board for each dwelling unit in any residential structure or structures. Said sums of money shall be paid at the time a building permit is issued for each such dwelling unit and shall constitute a trust fund to be used by the Town exclusively for parks, playgrounds or other recreational purposes, including the acquisition of property.

- C. Placing of monuments; size and quality of parks. In approving such plans or applications, the Planning Board shall require that suitable monuments be placed by the developer at such block corners or other relevant or necessary points as may be required by the said Board to delineate such park areas, and the locations thereof are to be shown on the map of such property. The park shall be of reasonable size and topographic quality for playgrounds or other recreational purposes.

**§ 185-126. Telecommunications towers.**

- A. Intent. The purpose of this section is to allow for telecommunications installations while providing for the health, safety and aesthetic character of the Town consistent with applicable federal and state law, in accordance with the Town's Comprehensive Plan, with particular regard to scenic vista protection. This section is intended to comply with the Federal Telecommunications Act of 1996.
- B. (Reserved).
- C. Approval of telecommunications facilities.
  - (1) No telecommunications tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after the granting of a special use permit by the Town Planning Board and in conformity with the provisions of this section. No existing structure shall be modified to serve as a telecommunications tower unless in conformity with this section.
  - (2) Telecommunications towers and accessory facilities shall be permitted in any zoning district upon the issuance of a special use permit as provided in Article XXV and the granting of preliminary and final site plan approval, in accordance with Article XXIX.
  - (3) In reviewing an application for a special use permit for a telecommunications tower, the Planning Board shall, at a minimum, require that the following criteria be met:
    - (a) Site location. A proposed location shall receive approval from the Planning Board following satisfaction of the following requirements:

- [1] Documentation of the need for the use of the site proposed.
- [2] A completed visual environmental assessment form (visual EAF), including a simulated photographic visualization of the site, with particular attention to visibility from key view points identified on the visual EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF.
- [3] Preference shall be given that the proposed facility be located in a higher use district or on higher-intensity-use property. Such preference, from most favorable to least favorable, is as follows:
  - [a] Property with an existing suitable structure.
  - [b] Industrial districts.
  - [c] Commercial or Mixed-Use districts.
  - [d] Office park districts.
  - [e] Municipal or government-owned property.
  - [f] Residential districts.
  - [g] Viewshed areas.

(b) Height.

- [1] The Planning Board shall approve, subject to the limitations set forth in Subsection C(3)(b)[2] below, the height of each proposed telecommunications tower. In reviewing such issue, the Planning Board shall consider the minimum height necessary for the applicant's needs and may also take into consideration the potential for co-location in approving or requiring additional height above the minimum necessary for the applicant's needs.
- [2] The maximum height for telecommunications towers permitted under this section, including any antennas, extensions or other devices extending above the tower, measured from the ground surface immediately surrounding the site, shall be 100 feet.

(c) Co-location and use of preexisting structures.

- [1] Applicants are encouraged to provide their towers for use by other carriers at a reasonable fair market value. Additionally, where such co-location is unavailable, location of antennas on preexisting structures shall be considered by the applicant. An applicant shall be required to present an adequate report inventorying existing towers within a reasonable distance

of the proposed site and outlining opportunities for co-location with existing facilities and the use of other preexisting structures as an alternative to a new construction.

- [2] An applicant intending to co-locate with an existing tower shall be required to document intent from an existing tower owner to co-locate.
- [3] In the case of new towers, the applicant shall be required to submit a report demonstrating good faith efforts to secure co-location with existing towers as well as documenting capacity for future co-location for the proposed tower. Written requests and responses for co-location shall be provided.
- [4] The applicant must examine the feasibility of designing a proposed telecommunications tower to accommodate future demand for additional facilities. This requirement may be waived by the Planning Board, provided that the applicant demonstrates that future shared usage of the proposed facility is not feasible and an unnecessary burden, based upon:
  - [a] The number of Federal Communications Commission (FCC) licenses foreseeably available for the area.
  - [b] The number of existing and potential licenses without tower spaces/sites.
  - [c] Available spaces on existing and approved towers.
  - [d] Potential adverse visual impact by a tower designed for co-location.
- (d) Setbacks. Telecommunications towers and antennas shall comply with all existing setbacks within the affected zone. Additional setbacks may be required by the Planning Board to contain on site substantially all icefall or debris from tower failure. Setbacks shall apply to all tower parts, including guy-wire anchors, and to any accessory facilities.
- (e) Visibility and aesthetics.
  - [1] Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA). Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
  - [2] Accessory facilities shall maximize use of location, building materials, colors and textures designed to blend with the natural surroundings.
  - [3] No telecommunications tower, antennas or accessory facility shall contain any signs or advertising devices.
- (f) Existing vegetation. Existing on-site vegetation shall be preserved to the



maximum extent possible. Clear-cutting of all trees in a single contiguous area shall be minimized to the maximum extent possible.

- (g) Screening. Deciduous or evergreen tree planting may be required to screen portions of the tower and accessory facilities from nearby residential property as well as from public sites. Where the site abuts residential or public property, including streets, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival, with the plant height to include the height of the berm.
  - (h) Access.
    - [1] Access may be required to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be sufficient to accommodate the intended use. Construction of pervious roadways (crushed stone, gravel, etc.) is preferred. At all times, road construction shall minimize ground disturbance and vegetation-cutting to within the bottom of fill, the top of cut or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards must be waived in meeting the objectives of this subsection.
    - [2] All telecommunications towers and accessory facilities and guy anchors, if applicable, shall be enclosed by a fence not less than six feet in height or otherwise sufficiently protected from trespassing and vandalism.
  - (i) Radio frequency effects. It is recognized that the Telecommunications Act of 1996, Public Law 104-104, Section 704, prohibits the regulation of cellular and personal communications towers based on the environmental effects of radio frequency emissions where those emissions comply with the FCC standards for those emissions. The Planning Board may, however, impose a condition on the applicant that the communications antennas be operated only at FCC-designated frequencies and power levels.
- (4) The Planning Board shall have the authority to require appropriate camouflaging and to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunications tower special use permit and/or site plan.
- D. Reimbursement for expenses. Each application shall include application fees and engineering review fees, as outlined in the Town of Pittsford fee schedule.
- E. Removal of facilities; bond.

- (1) Any applicant installing a telecommunications tower within the Town shall remove any and all such structures immediately upon the discontinuance of use, shall reasonably restore the site and shall incur all expenses therefor.
- (2) As security for the performance of the requirements set forth above, the applicant shall, upon the granting of approval under this section and prior to the installation of any facilities, execute and file with the Town Clerk of the Town of Pittsford a bond or other undertaking which shall be approved as to form, manner of execution and sufficiency for surety by the Town Board and shall be with a solvent surety corporation. Such bond or undertaking shall be conditioned upon the faithful performance of the provisions of subsections above, and in the event of default, the bond or undertaking shall be forfeited to the Town of Pittsford, which shall be entitled to maintain an action thereon. The bond or undertaking shall remain in full force and effect until the removal of the telecommunications tower and site restoration. The value of the bond shall be equal to the cost of demolition and restoration of the site.

F. Applicant build-out plan.

- (1) As part of any application in accordance with this section, the applicant shall submit to the Planning Board a build-out plan setting forth the applicant's current facilities within the Town, together with the applicant's intentions for additional facilities within the Town for the ensuing 24 months, and shall also certify whether any and all existing facilities of the applicant are in active use and are necessary for its telecommunications operations.
- (2) The aforesaid build-out plan shall include a statement as to how the proposed facility will supplement, detract from or coordinate with existing telecommunications towers in the Town and contiguous jurisdiction: any changes proposed within the following twenty-four-month period, including a build-out plan for new locations and the discontinuance or relocation of existing facilities.
- (3) A similar build-out plan and certification of use of existing facilities shall be thereafter submitted by such applicant on or before January 31 of each year, as well as upon any further application for any additional facilities.
- (4) The Planning Board shall impose the provisions of Subsection F(3) above as a condition of the issuance of any special use permit granted in accordance with this section.

G. Exceptions. The provisions of this section shall not apply to the following:

- (1) Individual, scientific and medical equipment as regulated by the FCC in 47 CFR 18.
- (2) Military and government radar antennas and associated communication towers for navigational purposes as regulated by 47 CFR 87.

- (3) Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or watercraft.
- (4) A radio frequency machine which is designed and marketed as a consumer product, such as a microwave oven and radio-controlled toys.
- (5) Lawful or approved uses existing prior to the effective date of these regulations, including the repair and maintenance of existing communications towers and antennas.
- (6) Antennas used solely for the residential household television and radio reception in accordance with § 185-127 of the Town Code.
- (7) Satellite antennas one meter or less in diameter and building-mounted in commercial districts and ground-mounted in residential districts, regardless of the zoning district in which it is located.
- (8) Satellite antennas measuring two meters or less in diameter and located in the following districts:
  - (a) Mixed Use – Commercial District.
  - (b) General Commercial District.
  - (c) Light Industrial District.
  - (d) High Technology and Office Park District.
- (9) Amateur radio antennas owned and used by amateur radio operators licensed by the Federal Communications Commission. Such uses shall be regulated by §185-128.

**§ 185-127. Satellite antennas.**

- A. Findings and purpose. The Town Board has become concerned about the appearance and impact of satellite antennas. The Town Board finds that unless regulated, such antennas can be installed in an aesthetically unpleasant manner with an adverse impact on surrounding properties. The intent and purpose of this section is to establish a procedure and criteria to avoid the adverse impacts of the installation of such antennas and to preserve the character, beauty and general welfare of the municipality, while complying with the restrictions imposed by the federal government in 47 CFR 104.
- B. (Reserved).
- C. Satellite dish considered structure; requirements. No person shall cause, suffer or permit the erection and/or maintenance of any satellite antenna or device, except as set forth herein:
  - (1) Any such antenna shall be considered a structure for which a building permit is

required.

- (2) Except as provided in Subsection F hereof, in residential districts, such antennas shall be ground-mounted only and be located in the rear yard area. In nonresidential districts, such antennas may be ground-mounted or roof-mounted. In all districts, such antennas must comply with applicable setback requirements.
- D. Applications; permits. Applications for building permits shall be made to the Code Enforcement Officer. Plans and sketches shall be submitted by the owner of the premises only. Said plans shall show the location of all physical improvements on the subject premises and the proposed location of the antenna. Proposed new landscaping shall be depicted.
- (1) No installations shall be allowed over or upon an easement.
  - (2) The diameter of such dish shall not exceed 12 feet. The height of such device and its installation shall not exceed 15 feet above ground level at its maximum height for ground-mounted antennas. Roof-mounted antennas extending more than three feet above the roofline shall be concealed from ground-level view by a parapet wall or by exterior architectural material.
  - (3) The color of such installation shall be in solid earth tones, and said color tones shall be maintained in such character during the usage of said satellite antenna under this permit.
  - (4) All ground-mounted antennas shall be effectively screened on all sides that do not create an adverse picture reception by a solid fence, compact evergreen hedge, planting screen or principal structure. Satellite antennas shall be located and designed to reduce or eliminate visibility from surrounding properties at street level and from public streets.
  - (5) All installations shall be in compliance with the manufacturer's instructions and erected in a good and workmanlike manner.
  - (6) All antennas and the construction and installation thereof shall conform to applicable electrical, fire prevention and building codes.
  - (7) Antennas shall meet manufacturer specifications, be of noncombustible and corrosive-resistant material and be erected in a secure, wind-resistant manner.
  - (8) Every antenna must be adequately grounded for protection against a direct strike of lightning.
  - (9) The Code Enforcement Officer, when he deems it necessary, may require the owner to provide certification by a licensed architect or professional engineer as to the safety of the installation and, in the case of roof-mounted antennas, as to the appropriate load-bearing capacity of the roof.

- E. Permit fee. An application for a building permit pursuant to this section shall be accompanied by such fee as is specified for same by resolution of the Town Board.
- F. Exemption for small antennas. A satellite antenna which is 40 inches or less in diameter may be installed without the necessity of obtaining a building permit and not subject to the requirements of Subsection C(2) hereof, provided that such antenna is installed behind the front facade of the main structure, does not extend above the roofline of the main structure and complies with the provisions of Subsection D(3) through and including (9) of this section.

**§ 185-128. Amateur radio communications antennas.**

- A. Special use permit. A special use permit must be obtained from the Zoning Board of Appeals before a building permit may be issued for amateur radio communications antennas which exceed the applicable district height restrictions.
- B. Preexisting antennas. These are exempt from the provisions of this section.
- C. Applications. An application for such special use permits shall be as generally provided for in §§ 185-171 through 185-173 of this chapter, except that § 185-171A through H are hereby replaced with the following requirements:
  - (1) A scaled plan or drawing of the proposed antenna, with design data, certified by a professional engineer or the manufacturer.
  - (2) Satisfactory evidence that such antenna will withstand the wind load requirements for structures as established in the New York State Fire Prevention and Building Code and the regulations promulgated thereunder.
  - (3) A diagram or plan showing the lot or parcel and its dimensions on which the antenna is to be located and showing the location of all structures on the lot or parcel and the location of the proposed antenna.
  - (4) A list of all property owners and their addresses within 500 feet of the applicant's lot or parcel.
  - (5) The required application fee established by the Town Board.
  - (6) An environmental assessment form (EAF).
  - (7) Such additional maps, plans and specifications or other information as may reasonably be required by the Zoning Board of Appeals.
  - (8) Proof that the applicant is an amateur radio operator licensed by the Federal Communications Commission.
- D. Determination. In making its determination upon each application, the Board shall, in lieu of the provisions of § 185-174, be guided by the following standards:

- (1) The proposed antenna meets good and accepted engineering standards for such antennas;
  - (2) The proposed antenna meets the wind load requirements for structures as established by New York State law;
  - (3) The proposed antenna shall be to the rear of the rear line of the principal structure on the lot or parcel, provided that an antenna consisting of a single strand of wire, or portion thereof, is permitted in the front of the rear line of the principal structure if it is screened or arranged such that it is not visible from the public right-of-way;
  - (4) The proposed antenna shall not exceed a height of 100 feet above the ground;
  - (5) No more than one antenna structure shall be located on the lot or parcel;
  - (6) No part of the proposed antenna, including stays and guy or supporting wires, shall be in violation of the relevant district setbacks;
  - (7) If the base of a ground-based antenna is visible from any public right-of-way or from adjacent property, then appropriate screening of the base shall be required;
  - (8) Antennas may not be located on conservation easements, drainage easements, public utility easements or on any reserved open space;
  - (9) Reasonable conditions regarding maintenance and safety may be imposed on the special use permit; and
  - (10) The special use permit shall contain the condition that the Code Enforcement Officer, or his designee, may enter the premises at any reasonable time, accompanied by the owner, to inspect the antenna installation for its construction, stability and maintenance.
- E. Decision. The federal government has determined that amateur radio communications antennas and activities are beneficial to the public health, safety, morals and general welfare of the community. If the proposed antenna meets the requirements of Subsections C and D of this section, then the special use permit shall be issued, with such reasonable conditions as the Board may impose in accordance with the provisions of Subsection D herein.
- F. Sections 185-175 through 185-177 are not applicable to this antenna special use permit process.

**§ 185-129. Mining and excavations.**

- A. Purpose and findings.
- (1) In order that land may be mined and excavated in the Town in an orderly and reasonable manner while protecting the value of property, protecting the health,

safety and general welfare of the public, as well as protecting the natural beauty and aesthetic values in affected areas, this section is enacted.

- (2) The New York State Mined Land Reclamation Law (Environmental Conservation Law § 23-2701 et seq.) reserves to the state permit-granting authority, reclamation standards and certain other authority over the extractive mining industry in the state which exceed a certain volume of production. That state law allows for the exercise of certain powers by local governments over mining and excavational activities.
- (3) The Town Board finds that the only extractive mining industries within the Town are two sand and gravel operations, both of which are preexisting, nonconforming uses, and further finds that the volume of production of those operations is such as to bring them within the state regulatory authority.
- (4) This section is enacted to supplement the provisions of state law governing those sand and gravel operations.

B. Expansion of existing mining operations prohibited.

- (1) The sand and gravel operations existing within the Town are Tax Account No. 191.020-001-027 (commonly called the "Lehman Farm"), which comprises about 94.7 acres of land as shown on the Town of Pittsford Tax Map, and Tax Account No. 191.010-01-018 (commonly called the "Youngs Farm"), which comprises about 66.4 acres of land as shown on the Town of Pittsford Tax Map. These two operations are preexisting, nonconforming uses and are the only mining and excavation activities in the Town.
- (2) These sand and gravel operations may not expand onto adjacent or other parcels of land.
- (3) In the event that these tax account numbers are amended or altered to include additional land, then mining or extractive activity is prohibited on such additional land.

C. Referral of permit application to Town by state.

- (1) The state is required by state law to refer to the Town for comment all permit applications for mining activities within the Town over which the state has jurisdiction. The Town is required to comment, if it decides to do so, within 30 days.
- (2) The Town Supervisor is required by state law to make the comments on behalf of the Town. The Supervisor shall consult with the Town Board before making such comments, except that if mining activities are prohibited by Town law at the proposed site, the Supervisor shall promptly so notify the state in writing.
- (3) State law permits comments by the Town as to appropriate setbacks from property boundaries or public rights-of-way, man-made or natural barriers to restrict access,

control of dust and hours of operation. The Town Board finds, based on past experience and previous Town Board legislative standards, that the following are reasonable and necessary minimum requirements that ought to attach to any such permit granted by the state in this Town:

- (a) Setbacks: at least 75 feet from property boundaries or public rights-of-way.
- (b) Barriers to restrict access: a four-strand barbed wire fence adjacent to any portion of the excavation face reasonably accessible to the public, whether the excavation face is active or inactive; the fence shall be at least 10 feet back from the excavation face or, if the excavation face is less than 10 feet from the property line, the fence shall be of equal distance from the excavation face and the property line; the four strands of barbed wire shall be at one-foot-horizontal intervals with the lowest being one foot above the ground; and poles or stakes supporting such barbed wire shall be at intervals not greater than 10 feet.
- (c) Dust control. A vegetative buffer zone shall exist between all excavation faces and adjacent property lines, unless the existing topography provides a natural buffer.
- (d) Hours of operation: from 7:00 a.m. to 6:00 p.m. local time.

D. Inspection and enforcement.

- (1) The Commissioner of Public Works, or his designee, including all Town Code Enforcement Officers, shall have the authority and responsibility for inspection of all mining operations in the Town and shall report to the Town Board any violations of state or Town laws regulating the same, including violations of any conditions attached to state permits.
- (2) Violations of state law or state permit conditions shall also be promptly communicated to the appropriate state authority.
- (3) The Town Board may take such legal action as it deems appropriate to enforce state and Town law and permit violations.

**§ 185-130. Ponds.**

- A. Purpose. It is the purpose of this section to define and regulate all ponds in residential zoning districts in the Town in order to protect the environment, protect the rights of others to natural water flows and to prevent health and safety hazards that may occur by reason of the existence of ponds.
- B. Definitions. As used herein, the following terms shall have the meanings indicated:
- C. Exemptions.
  - (1) Ponds constructed as part of active agricultural operations are exempt from this



section.

- (2) Retention and detention ponds mandated and/or owned by the Town are exempt from this section.
- (3) Natural ponds left in their natural state are exempt from this section.

D. Regulations.

(1) General.

- (a) All ponds must be maintained so as to assure that they do not become offensive to neighboring properties by reason of stagnation, algae, mosquito-breeding and similar conditions.
  - (b) No pond can interfere with or impede the natural flow of water nor adversely impact any floodplain or wetland area.
  - (c) All ponds shall have a maximum depth of 24 inches within eight feet of the water's edge.
- (2) Garden ponds may be constructed on any residential property subject to the applicable setback requirements and without the necessity of obtaining a building permit or landscape alteration permit.
- (3) Open water ponds. No open water pond may be constructed on any residential property unless:
- (a) The property on which the pond is to be constructed is five acres or more in size;
  - (b) The pond is at least 100 feet from all property lines on the premises where it is to be located;
  - (c) The pond shall conform to the requirements of and be approved by the Soil Conservation Service of the United States Department of Agriculture or its successor agency; and
  - (d) A landscape alteration permit has been issued therefor, except that such permit shall not be required where the Planning Board has approved such pond as part of the subdivision approval process.

**§ 185-131. Schools.**

In reviewing an application for a special use permit for a school or college, the Planning Board shall, at a minimum, require that the following criteria be followed:

- A. Required setbacks. The minimum required setbacks for school and college structures and parking areas are as follows:

- (1) Front setback: 70 feet.
  - (2) Rear setback: 10 feet.
  - (3) Side setback: 20 feet.
- B. Lot coverage. All buildings, structures and impervious surfaces shall not occupy in the aggregate more than 50% of the area of the parcel or parcels on which such building, structures and impervious surfaces are to be located.
- C. Parking. The general parking requirements of §185-95 in Article XVA shall apply.
- D. Lighting. All exterior lighting shall be in accordance with the provisions of Article XV (Exterior Lighting Regulations) of this Chapter.
- E. Signs. All signs shall be in accordance with the provisions of Article XVIII (Sign Regulations) of this Chapter.
- F. Height. The maximum permitted height of a school or college and its related structures shall be 30 feet, except that a chimney attached to a school may extend 10 feet above the highest point of the structure.
- G. All other relevant requirements of the Town Code not inconsistent with these criteria shall be applicable to schools and colleges.
- H. Need and location. By New York decisional law, the applicant shall not be required to make an affirmative showing of the need for the proposed establishment or expansion of the school, and the particular site chosen may not, in and of itself, be the basis for a denial of the special use permit.

**§ 185-132. Trash and recycling removal in residential zones.**

Trash and/or recycling removal services shall be carried out between 6:00 a.m. and 7:00 p.m. local time.

**§ 185-133. (Reserved).**

# Article XVIII.       **Signs, Awnings, and Canopies**

## **§ 185-134. (Reserved).**

### **§ 185-134.1. Purpose.**

- A. Purpose. The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed signs which are visible from streets or other public areas or from one property to another. These regulations are designed to balance the development and promotion of business and industry with the provision of signage in a manner that is not a detriment to the public.
- B. Objectives. The intent of this Article is to achieve the following objectives:
  - (1) Establish a consistent process for those seeking to install signs;
  - (2) Protect property values and create a more attractive economic and business climate;
  - (3) Reduce the adverse effects of signage on the desired Town character and foster a visually pleasing community environment;
  - (4) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
  - (5) Reduce visual distractions and obstructions that may impact traffic safety, and reduce hazards that may be caused by signs overhanging or projecting above public rights-of-way; and
  - (6) Enforce and encourage the objectives and goals of the Town of Pittsford Comprehensive Plan and other supporting plans and studies.

### **§ 185-134.2. Applicability.**

- A. Signs Under Regulation. The requirements of this Article shall govern and control all signs within the Town of Pittsford legible from any street, sidewalk, public right- of-way, public space, or from one property to another property.
- B. Prohibited Signs. Attention Getting Device, Digital Sign, Obsolete Sign, Off-Premise Sign, Projecting Sign, Roof Sign, and Window Sign.
- C. Exempt Signs. The provisions of this Article shall not apply to:

- (1) Signs erected and maintained pursuant to the following requirements and/or in discharge of any governmental function, including safety signs, road signs, historical markers, highway directional signs, or signs otherwise required by any local, state, or federal law, ordinance, or regulation.
- (2) Signs not applicable to §185-134.2 (A) are exempt from all regulations in this section.

D. Customary Decorations Permitted. This Article shall in no event be construed to prohibit the temporary decoration of premises in any district during religious, patriotic or holiday seasons in a customary manner.

**§ 185-134.3. (Reserved).**

**§ 185-134.4. Building Permit.**

- A. Permit Required. Prior to the erection, alteration, reconstruction, or relocation of a freestanding sign, wall sign, pole sign, and awning or canopy sign, a building permit shall first be obtained by the Code Enforcement Officer (CEO) in accordance with below. Where a permit is not required, such sign must still comply with the regulations of this Article.
- B. Exempt Actions. Normal maintenance and repair of a sign not involving structure changes, including, but not limited to, repainting in kind, repairing, changing of parts, or cleaning shall not require the issuance of building permit.

**§ 185-134.5. Building Permit Applications.**

- A. Application Submittal.
  - (1) Building permit applications shall be submitted to the CEO on the appropriate forms provided by the Town of Pittsford.
  - (2) Incomplete applications will not be processed. The CEO shall provide written or electronic notice of application deficiencies to applicants. If such deficiencies are not corrected within 30 days of notice, the application will be considered withdrawn.
- B. Application Requirements. The following shall be provided in all building permit sign applications. The CEO may require application materials to be prepared by a licensed engineer or sign professional if deemed necessary for adequate review of the proposed sign and its structure.
  - (1) Name, address, contact information, and signature of the applicant.
  - (2) Name, address, and signature of the building and/or property owner (if not the applicant), and a statement of consent for the applicant to seek such building permit.

- (3) The interior square footage of the business or organization.
- (4) Dimensions and drawings indicating the size, shape, construction, materials, and layout of the proposed sign(s).
- (5) Indicate on drawings the size measurement required by section 185-134.6 herein.
- (6) Site plan and elevations indicating the proposed location and size of the sign(s) drawn to scale.
- (7) Color illustrations and/or photographs of the proposed sign and sign area.
- (8) Proposed illumination system, if any, and the type of and intensity of the lighting to be used. Underwriters Laboratories (UL) certification of the electrical components shall be provided to the CEO.
- (9) Any additional site and/or sign information deemed necessary by the CEO for the proper review of such application.
- (10) All applicable permit fee(s).

C. Review Criteria. The approval of building permit applications shall be based upon the following criteria:

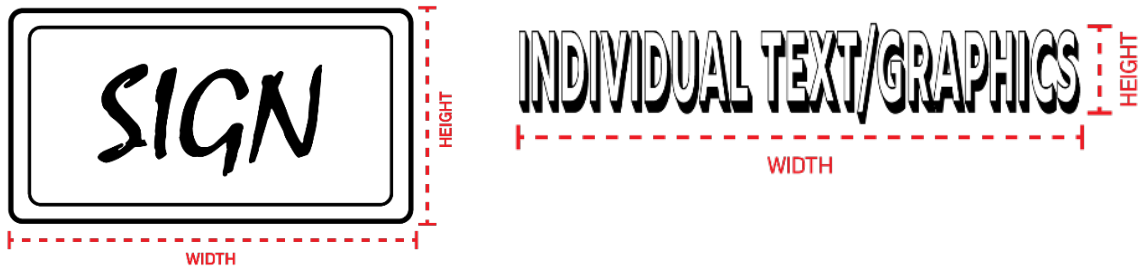
- (1) The sign follows the design guidelines outlined in §185-134.10 to the greatest extent practicable.
- (2) The sign is otherwise compliant with this Article and all other applicable local, state, and federal laws and regulations.
- (3) The CEO shall refer all sign applications to the Design Review and Historic Preservation Board for review and approval. Signage replaced in kind shall not require Design Review and Historic Preservation Board review and approval, unless otherwise determined by the CEO. Such review will occur at a regularly scheduled Design Review and Historic Preservation Board meeting. Upon referral, the Design Review and Historic Preservation Board shall assume final decision authority within Zoning limitations.

### **§ 185-134.6. Measurement.**

A. Sign Area.

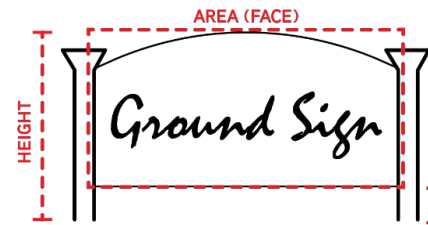
- (1) One-Sided Sign. The area of a sign shall be computed by means of the smallest three (3) rectangles or less, that will encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any backdrop, material, or structure on which it is placed. Letters and graphics affixed directly on a building façade shall be considered to have no backdrop. See figures below.

- (2) Two-Sided Sign. In the case of a two-sided sign only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45 degrees or less. No sign shall be permitted to have more than two sides.



B. Sign Height.

- (1) Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. See figure at right.



- (2) Other Signs. The height of all other signs shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottom most edge of the sign face or structure.

**§ 185-134.7. Safety Provisions.**

- A. No sign shall obstruct free egress from a window, door or fire escape, interfere with any opening required for ventilation, or otherwise become a hazard to life or property.
- B. The sign is not confusing or distracting, nor will it create a traffic hazard or otherwise adversely impact public safety. Signs shall not include a phone number, email and or website address.
- C. No sign shall interfere with vehicular, pedestrian, or bicycle access or visibility, including public view of any traffic or street sign, signal, or device.
- D. No sign shall be permitted that may be confused with a traffic control sign, signal or device or emergency light. This includes signs with beams and illumination directed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- E. All lighting fixtures and light sources shall be dark sky compliant, shielded to prevent glare and be in conformance with the requirements of Article XV, Exterior Lighting Regulations.

**§ 185-134.8. Design, Construction and Maintenance.**

- A. All signs and its illumination shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Article. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, replacement of copy, and other acts required for proper upkeep of such sign.
- B. The Town shall not be responsible for the maintenance of any signs, or the structures or vegetation in connection therewith.
- C. Signage associated with a business, group, or entity may be removed by the Town of Pittsford and charged to the property owner following the abandonment or vacancy of the associated space for six months or more. This provision shall be enforceable six months after its adoption.

**§ 185-134.9. Location.**

- A. No sign shall be erected in any public right-of-way or on public property, including on trees, fences, utility poles, bridges, fire hydrants, or traffic signs, unless written consent of the governmental unit having jurisdiction of the location is obtained.
- B. No sign shall obscure, alter, or cover the architectural features of any building.
- C. No sign attached to a building façade shall extend beyond the ends of the wall surface.
- D. All free-standing signs shall maintain at least a 10-foot setback from all property lines, unless otherwise noted within this Article.

**§ 185-134.10. Sign Design Guidelines.**

The following sign design guidelines are intended to provide applicants, the CEO, and Design Review and Historic Preservation Board with guidance for best practices in addressing issues related to sign compatibility, legibility, placement, and color.

- A. Compatibility.
  - (1) Signs should be constructed of high-quality materials compatible with the building form and desired character of the area in which they are located.
  - (2) Signs should be appropriately scaled for the building or site upon which they are located, so as not to dominate the façade or streetscape.
  - (3) Signs on buildings that have a monolithic or plain façade should be used to create visual interest through appropriate sign design features, scale, and proportions.
  - (4) Signs should be designed to include relief in the lettering or sign face to create shadows and provide depth and visual interest.

- B. Placement. Signs should be so located to respect and compliment a building's façade, utilizing logical signage areas created by existing architectural details or ornamentation.
- C. Color.
  - (1) Use of color and color combinations utilized for signs should be limited. Generally, a sign should not utilize more than three colors, including accent colors.
  - (2) Day-glo or florescent colors are prohibited.
  - (3) Buildings or their architectural treatment shall not be so garish in line, color, or effect, so as to constitute a sign in themselves. Painting, striping, lighting, or other graphic or attention getting device, is considered a sign and is regulated by town zoning and these guidelines. Therefore, no structure shall be so striped or painted, so as to make the structure or building a sign.
- D. Monroe Avenue Design Guidelines. Where located along the Monroe Avenue corridor, all signs shall be in conformance with the regulations of the Town of Pittsford Monroe Avenue Design Guidelines.

**§ 185-134.11. Signs in residential districts.**

Permanent signs in the Agricultural Zone, RN Residential, B Residential, RRAA Rural Residential, Rural Residential South Pittsford, Suburban Residential and Monroe Avenue Transitional Zone Districts shall be limited to the following:

- A. Where a permitted home occupation is maintained, and where signage for such home occupation is required by law, such signage may be maintained, only to the extent required by law. Lighting is not permitted.
- B. Where a permitted commercial stable, farm market, country store, veterinary clinic or tack shop is maintained, one freestanding sign may be erected on the premises, not exceeding 16 square feet in size. One additional business identification sign may be erected on the building facade, not exceeding six square feet in size. Lighting of such sign is permitted by direct illumination (no backlit or internally illuminated signs permitted), provided that the lighting is source dark sky compliant and is entirely screened from view.
- C. In the Monroe Avenue Transitional Zone, for any permitted home occupation or special use permit use, one small pole sign, made of wood or nonglare finish material, may be erected. Such sign may not exceed three square feet in area, nor exceed four feet in length in one dimension. Lighting of such sign is permitted by direct illumination (no backlit, or internally illuminated signs permitted), provided that the lighting source is dark sky compliant and entirely screened from view. The pole sign may not exceed five feet in height.
- D. Permanent signs and/or structures identifying subdivisions:



- (1) Signs shall be limited to one one-sided sign or structure on each side of each entrance.
  - (2) Signs shall require approval of the location and structural design details from the Commissioner of Public Works.
  - (3) The sign shall be located on the private subdivision, apartment house or other residential property, unless the proponent requests and the Commissioner of Public Works determines that it may appropriately be located in the highway right-of-way. In determining whether to permit a sign in the right-of-way, the Commissioner shall consider highway safety, sight distance, snow removal and storage, proximity to properties not in the subdivision and the need to have the sign located in said right-of-way.
  - (4) If the sign is on a post or pole, the sign shall not exceed six square feet, and the post or pole shall not extend more than six feet above the ground on which it is located.
  - (5) If the sign is part of a stone, brick or other permanent wall or structure, the sign shall not exceed six square feet in size, and the structure on which it is located shall not exceed four feet in height.
  - (6) Such signs and structures located in a highway right-of way may be removed by the Town if they become damaged or are in an unsightly condition.
  - (7) Any lighting of such sign is permitted by direct illumination (no backlit or internally illuminated signs permitted), provided that the lighting source is dark sky compliant and entirely screened from view. Such illumination may not be of the flashing, intermittent or interrupted type.
- E. Permanent signs and/or structures identifying non-residential uses in residential districts:
- (1) Signs can be placed at each entrance, as a one-sided sign on each side of the entrance; or one, two-sided sign visible from the street; or one sign mounted to the building.
  - (2) Signs are not to exceed 20 square feet in size per side. If such sign is freestanding, or is part of a stone, brick or other permanent wall or structure, the structure on which it is located shall not exceed five feet in height above grade.
  - (3) The sign shall be located on the private property unless the proponent requests and the Commissioner of Public Works determines that it may appropriately be located in the highway right-of-way. In determining whether to permit a sign in the right-of-way, the Commissioner shall consider highway safety, sight distance, snow removal and storage, proximity to properties and the need to have the sign located in said right-of-way.
  - (4) Such signs and structures located in a highway right-of way may be removed by the Town if they become damaged or are in an unsightly condition.

- (5) Any Lighting of such sign is permitted by direct illumination (no backlit or internally illuminated signs permitted), provided that the lighting source is dark sky compliant and entirely screened from view. Such illumination may not be of the flashing, intermittent or interrupted type.

**§ 185-134.12. Signs in the Light Industrial District.**

Permanent signs in the Light Industrial District shall be limited to the following:

A. Freestanding signs.

- (1) One two-sided freestanding sign per property is permitted stating the street address number and/or the building name or, in the case of a single occupant, the business name. Sign may be externally lit with shielded lighting to prevent glare.
- (2) The sign shall be located adjacent to the main vehicular entrance and not closer to the edge of road pavement than 20 feet.
- (3) Signage shall be limited to eight square feet per side and a maximum height of 40 inches measured from average grade.

B. Business directory signs.

- (1) For properties with multiple tenants, a single one-sided freestanding directory sign identifying the businesses on site is permitted. The directory sign shall be situated in an unobtrusive, interior location.
- (2) Dimensional requirements regarding the directory sign shall conform to the following:
  - (a) A maximum size of two square feet per tenant is allowed.
  - (b) The maximum size of any directory sign may not exceed 10 square feet, regardless of the number of tenants.
  - (c) The height of any directory sign may not exceed six feet, including the mounting poles or structure.

C. Business identification signs.

- (1) Signs identifying the business operated on the premises shall be allowed as provided herein.
- (2) All business identification signs shall be affixed to the building and shall not project above the facade.
- (3) Dimensional and lighting requirements regarding signage shall conform to the following:
  - (a) For a single-tenant structure, no such sign shall be more than 100 square feet in

area. Two signs are permitted when there are multiple elevations facing the abutting highway if in the aggregate, they do not exceed 100 square feet in area.

- (b) For a structure with multiple tenants, no such sign shall be more than 50 square feet in area. Additional signs are permitted if in the aggregate they do not exceed 100 square feet in area.
- (c) Signage may be internally or externally illuminated, provided it is dark sky compliant and does not create glare.

**§ 185-134.13. Signs in High Technology and Office Park District.**

No sign shall be erected except entrance signage, consistent with the existing monument signage on Linden Oaks Drive. Monument base shall not to exceed 52 square feet, and the sign placed on top of the base can be no greater than 15 square feet per side.

**§ 185-134.14. Signs in Mixed Use – Commercial (MU-C) and General Commercial (GC) Districts.**

Permanent signs in the MU-C and GC Districts shall be limited to the following:

- A. Identification signs. Signs identifying businesses or service establishments shall be allowed as provided herein.
  - (1) No sign shall be erected in any Mixed Use - Commercial (MU-C) District unless such sign so erected is attached to a building. No such sign shall extend above the roof line.
  - (2) A minimum of 15 square feet is permitted, plus an additional 5 square feet per 1,000 square feet of lease area for businesses larger than 1,000 square feet.
    - (a) Signage may be located on facades other than the main entry façade.
    - (b) Signs in excess of one per business or service establishment, but not exceeding two signs, may be allowed, provided that the overall square footage of signage does not exceed the amount allowed herein.
    - (c) Sign location and individual sign sizes shall be appropriately spaced, shall be proportional to one another and shall properly balance the need for visual recognition by the location of signs on facades other than the main entry facade with the visual impact of such proposed signs on the district and/or nearby structures.
- B. Directional signs. Directional signs such as "ENTER" and "EXIT" shall be permitted to facilitate traffic flow entering and exiting properties, with the following conditions:
  - (1) Such signs shall not exceed 36 inches in width by 18 inches in height and shall not exceed 40 inches' total height above grade nor obstruct the sight distance of drivers of motor vehicles.
  - (2) Such signs shall not be placed within the road right-of-way without the written

consent of the governmental unit having jurisdiction of the location.

- (3) Such signs shall be limited to "ENTER" and "EXIT" signs bearing no advertising and to signs related to public safety as deemed necessary by the Commissioner of Public Works or state Department of Transportation.
  - (4) Such signs are encouraged to include street numbers.
  - (5) Directional signs may be lit internally and are subject to Department of Public Works review and approval.
- C. Parking restriction signs. Parking restriction signs shall be permitted to facilitate the organization of parking lots, with the following conditions:
- (1) All such signs shall be a standard size of 12 inches in width by 18 inches in height and shall not exceed 72 inches total height above grade nor obstruct the sight distance of drivers of motor vehicles.
  - (2) Such signs shall face the parking places they are designed to restrict only.
  - (3) All such signs shall contain black, block lettering on a white background only and shall not contain any logo or other advertising.
  - (4) All such signs shall be mounted or affixed in a secure manner so that they are maintained in an upright position at all times.
  - (5) The within conditions shall not apply to handicap, fire lane or emergency-only parking signs.
- D. Illumination of signs in commercial districts.
- (1) No premises in any commercial district and no exterior signs located in any Mixed Use - Commercial (MU-C) District shall have floodlighting or any other type of illumination unless a permit or site plan approval to that effect has been issued by the Code Enforcement Officer or Planning Board based on the following factors:
    - (a) Such signs and lighting shall be in accordance with Illuminating Engineering Society of North America (IES) recommended illumination levels and shall not encroach on adjacent property.
    - (b) Such signs and lighting shall be erected, operated, and maintained consistent with the provisions in this Article.
  - (2) All illuminated signs, with the exception of "ENTER" and "EXIT" signs as described in § 185-134.14 A, shall be placed on automatic timing devices which will allow illumination to commence each day not sooner than 1/2 hour before the business is open to the public and which will terminate illumination each day not later than 11:00 p.m. local time, unless the business is actively operating and open to the public. Any business actively operating and open to the public after 11:00

p.m. local time shall terminate illumination 1/2 hour after closing.

**§ 185-134.15. Temporary signs.**

The following regulations are applicable to all temporary signs.

- A. Temporary signs may not be erected in any public right-of-way or on public property, including on trees, fences, utility poles, bridges, fire hydrants or traffic signs located on such public right-of-way or public property.
- B. The owner and/or occupant of the property on which such signs are erected and/or displayed shall consent to the erection of such signs and shall be responsible for their removal.
- C. Temporary signs allowed by this section specifically do not include signs for the sale of goods or merchandise of any business.
- D. Temporary signs may not be illuminated.
- E. In residential districts, the amount of temporary signage that may be erected per Tax Map parcel at any time shall not exceed four signs. No one sign shall exceed eight square feet, and the total signage shall not exceed 32 square feet.
- F. In nonresidential districts, the amount of temporary signage that may be erected per Tax Map parcel at any time shall not exceed four signs. One sign may be up to 12 square feet. All remaining signs shall not exceed eight square feet, each, and the total signage shall not exceed 32 square feet.
- G. Temporary signs relating to an event shall be removed by the owner or occupant of the property not later than four days thereafter.

**§ 185-134.16. Awnings and canopies.**

The following regulations are applicable to all awnings and canopies.

- A. If such awnings and/or canopies are over 30 square feet in size or exceed 10 feet in length, such plans and specifications submitted for building permit review must be signed and sealed by a professional engineer or registered architect. In the case of awnings and/or canopies of a lesser size, the Code Enforcement Officer may require such certified plans and specifications.
- B. Illuminated awnings and/or canopies.
  - (1) Illuminated awnings and/or canopies shall be considered to be signs.
  - (2) All fabrics used in illuminated awnings and/or canopies shall comply with the New York State Building and Fire Codes with respect to flammability standards.

# Article XIX.                    **Planning Board**

## **§ 185-142. Creation and appointment.**

There shall be a Planning Board which shall consist of seven members who shall be appointed by the Town Board in such manner and for such terms as provided in state law.

## **§ 185-143. Powers and duties.**

The Planning Board shall have such powers and duties as are granted to it or imposed on it by state law. The Planning Board may adopt, after a public hearing, such rules, regulations and forms as it may deem necessary for the proper and efficient discharge of its duties, so long as such rules, regulations and forms do not conflict with state law. Such rules, regulations and forms are subject to the approval of the Town Board.

## **§ 185-144. Cluster development authorization.**

The Planning Board is hereby granted the authority to employ the powers set forth in Town Law § 278 and to apply them to all undeveloped residentially zoned land in the Town when, in the Planning Board's discretion and judgment, such use of those powers will benefit the Town.

# Article XX.                    **Zoning Board of Appeals**

## **§ 185-145. Creation and appointment.**

There shall be a Zoning Board of Appeals which shall consist of seven members who shall be appointed by the Town Board in such manner and for such terms as provided in state law.

## **§ 185-146. Powers and duties.**

The Zoning Board of Appeals shall have such powers and duties as are granted to it or imposed on it by state law. The Zoning Board of Appeals may adopt, after a public hearing, such rules, regulations and forms as it may deem necessary for the proper and efficient discharge of its duties, so long as such rules, regulations and forms do not conflict with state law. Such rules, regulations and forms are subject to the approval of the Town Board.

# Article XXI.                    **Design Review and Historic Preservation Board**

## **§ 185-147. Creation and appointment.**

There shall be a Design Review and Historic Preservation Board which shall consist of seven members. The Town Board shall appoint the members of the Design Review and Historic Preservation Board and shall annually designate a Chairman and Vice Chairman of the Board.

## **§ 185-148. Qualifications of members.**

All members of the Design Review and Historic Preservation Board shall be residents of the Town and shall be deemed qualified by reason of training, experience or civic interest and by reason of sound judgment to determine the effects of an application upon the desirability, property values and development of surrounding areas. Up to three members of such Board shall be registered architects in the state, one of whom must possess demonstrated experience with historic architecture, and at least two members of such Board shall be deemed qualified by reason of training, experience or civic interest and shall have a known interest in historic preservation and architectural development within the Town.

## **§ 185-149. Terms of members; removal; filling of vacancies.**

- A. Members of the Design Review and Historic Preservation Board shall serve for seven-year terms, except that the initial Board shall be appointed so that there is one member serving a term of one, two, three, four, five, six and seven years, respectively.
- B. The Town Board shall have the power to remove any member of the Board for cause and after public hearing.
- C. If a vacancy shall occur in the Board other than by expiration of term, it shall be filled by the Town Board for the unexpired term.

## **§ 185-150. Powers and duties.**

- A. The Design Review and Historic Preservation Board shall have powers and duties as follows:
  - (1) Approval or denial of applications for design review, pursuant to Article XXXI of this chapter.
  - (2) Designation of identified structures as landmarks, pursuant to Article XXX of this chapter.



- (3) Approval or denial of applications for certificates of appropriateness, pursuant to Article XXX of this chapter.
  - (4) Such other powers and duties as are granted to it or imposed on it by this chapter.
  - (5) Seeking the advice of professional consultants, subject to Town Board approval.
  - (6) Promulgation of rules and regulations as necessary for the conduct of its business.
  - (7) Adoption of criteria for the identification of significant historic, architectural and cultural landmarks.
  - (8) Conducting surveys of potentially significant historic, architectural and cultural structures within the Town, in order to update the Town's list of inventoried structures. Such survey activity and inventoried structures update shall include a five-year reassessment of previously inventoried structures to assess any changes in physical integrity and the evaluation of potentially eligible structures that have reached 50 years of age and have not been previously surveyed and/or included on the Town's list of inventoried structures. The results of each such survey shall be submitted to the Town Board for potential amendment to the Town's list of inventoried structures and shall include, at a minimum, representative photographs of structures the Board finds to be appropriate for inclusion in the Town's inventoried structures list, together with statements as to the relevant background and the distinguishing character-defining features of each such structure.
  - (9) Making recommendations to the Town Board concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this chapter.
  - (10) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
  - (11) Making recommendations to the Town Board concerning the utilization of state, federal or private funds to promote the preservation of historic landmarks within the Town.
  - (12) Recommending to the Town Board acquisition of a landmark structure by the Town where its preservation is essential to the purposes of this act and where private preservation is not feasible.
- B. The Board may adopt, after a public hearing, such rules, regulations and forms as it may deem necessary for the proper and efficient discharge of its duties, so long as such rules, regulations and forms do not conflict with state law. Such rules, regulations and forms are subject to the approval of the Town Board.

**§ 185-151. Coordination with Planning Board.**

Upon request of the Planning Board, the Design Review and Historic Preservation Board shall consult with and advise the Planning Board with respect to any site plan or subdivision plan on which it is required to pass under the provisions of law or of this chapter.

**§ 185-152. Records.**

The Design Review and Historic Preservation Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicate such fact, and shall also keep records of its examinations and other official actions.

## Article XXII. Tree Department

### § 185-153. Purpose and intent.

This article is enacted to designate the Town's Department of Public Works as the official Tree Department of the Town of Pittsford for the purpose of the Town's application for recognition as an Arbor Day Foundation Tree City USA and for the following purposes:

- A. Clarify that the Public Works Department is responsible for management and care of the Town's community trees, through its Parks and Highway Departments.
- B. Continue efficient and cost-effective management of the Town's community trees.
- C. Continue the planting, maintenance, and preservation of the Town's community trees in order to protect and enhance the environment and character of the Town.
- D. Continue the practice of consulting with professional arborists from time to time when necessary or desirable.
- E. In conjunction with the Town's Communications Department, foster community support through educational outreach, and encourage good citizen tree management practices through knowledge sharing.

### § 185-154. Authority; supersession of state law.

This article is adopted pursuant to the authority granted by the Municipal Home Rule Law and shall supersede any provision of state law which is inconsistent herewith.

### § 185-155. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMMUNITY TREE — A tree on Town-owned land or within the right-of-way of a Town public street.

RIGHT-OF-WAY — The Town-owned land bordering a Town public street used for sidewalks, edge stone, planting spaces, and/or utility transmission.

TREE — A living perennial, woody plant, including all of its parts, whose trunk is greater than three inches in diameter at a height of four feet above the ground and whose full height at maturity would reach a minimum of 12 feet.

### § 185-156. Responsibilities of Tree Department.

The responsibilities of the Tree Department shall be as follows:

- A. Tree City recognition and grant applications. In conjunction with the Town's Chief of Staff and its Communications Director, the Commissioner of Public Works shall advise and assist with the designation and annual renewal of the Arbor Day Foundation Tree City USA recognition and advise and coordinate the submission of future Urban Forestry Grant applications.
- B. Community tree maintenance. The Tree Department will be responsible for the planting, maintenance, and removal of community trees.
- C. Environmental education and awareness. Together with the Town's Chief of Staff and the Communications Director, the Tree Department will coordinate and promote the Town's annual Arbor Day celebration and activities. As the Department's time and resources allow, it may also support local schools, libraries, and community centers in offering environmental education programs and programming relating to tree planting and preservation.
- D. Best management practices for community tree care and maintenance.
  - (1) The Tree Department will have supervision over the species and variety of trees to be planted, including the size, height, and width of the trees, and expected maximum growth.
  - (2) The Tree Department will supervise the management and care of the Town's community trees.
  - (3) The Tree Department will have supervision over protecting and controlling the spread of invasive species affecting the Town's community trees and evaluating means to control such spread of invasive species and to mitigate damage caused by it.

**§ 185-157. (Reserved).**

**§ 185-158. (Reserved).**

**§ 185-159. (Reserved).**

## Article XXIII. Environmental Board

### § 185-160. Purpose and findings.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Pittsford, in the face of population growth, urbanization and technological change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the Town. It is recognized that the biological integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all of the people of the Town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of an environmental advisory board is a necessary step in fostering unified action on environmental problems.

### § 185-161. Creation.

There is hereby created an advisory board to be known as the "Environmental Board."

### § 185-162. Membership; terms of office.

The Environmental Board shall consist of at least seven but no more than 11 members who shall be appointed by the Town Board and serve at the pleasure of the Town Board. Persons who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of the Environmental Board. Each member appointed to said Board shall serve until December 31 of the year in which he or she is appointed.

### § 185-163. Officers, meetings and committees.

The Town Board shall designate a member of the Environmental Board to act as Chairperson thereof. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in this article.

### § 185-164. Powers and duties.

The Environmental Board shall have the powers and duties to do the following:

- A. Advise the Town Board and Planning Board on matters affecting the preservation, development and use of the natural and man-made features and conditions of the Town insofar as beauty, quality, biological integrity and other environmental factors are concerned and, in the case of man's activities and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range

value of the environment to the people of the Town.

- B. Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- C. Conduct studies, surveys and inventories of the natural and man-made features within the Town and such other studies and surveys as may be necessary to carry out the general purposes of this section.
- D. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the Town, including but not limited to natural landmarks and glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Board for their preservation and/or use.
- E. Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Town, in accord with the purposes of this section.
- F. Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Environmental Board.
- G. Working in cooperation with the Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Comprehensive Plan of the Town and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.
- H. Prepare, print and distribute books, maps, charts and pamphlets in accord with the purposes of this article.
- I. Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Board into local environmental conditions.
- J. Recommend to the Town Board interests in land, whether fee simple or lesser interests, including but not limited to conservation easements and development rights, which the Town ought to consider acquiring by gift, purchase or otherwise to further and foster the best environmental interests of the Town and its residents.
- K. Carry out such other duties as may be assigned to it from time to time by the Town Board.
- L. Reports. The Environmental Board shall submit an annual report to the Town Board

not later than the first day of April of each year, concerning the activities and work of the Board and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this article.

# Article XXIV. Parks and Recreation Board

## § 185-165. Purpose and findings.

The acquisition and administration of Town parks and the development and administration of appropriate recreation programs greatly enhance the quality of life in the Town. The Town Board finds that it would be beneficial for the Departments of Public Works and Recreation, in carrying out their duties relating to parks and recreation matters, to have the benefit of continuing and informed citizen assistance and participation.

## § 185-166. Creation.

The Town Board hereby creates the Parks and Recreation Board.

## § 185-167. Membership; terms of office.

The Board shall consist of at least seven but no more than 11 members who shall be appointed by the Town Board and serve at the pleasure of the Town Board. Each member appointed to said Board shall serve until December 31 of the year in which he or she is appointed. Such Board members shall be residents of the Town.

## § 185-168. Officers and meetings.

The Town Board shall designate a member of the Parks and Recreation Board to act as Chairperson thereof. The Parks and Recreation Board shall select from among themselves a recording secretary. They shall adopt rules and procedures for their meetings and shall meet monthly to carry out their duties. The Director of Recreation, or his or her designee, shall attend all meetings of the Board.

## § 185-169. Powers and duties.

The Parks and Recreation Board shall perform the following functions:

- A. Review and comment on all present and proposed recreation programs.
- B. Work in cooperation with the Planning Board to review all subdivision plans and other development plans and submit their comments to the Planning Board.
- C. Work in cooperation with the Commissioner of Public Works and Director of Recreation and submit to them and/or the Town Board any recommendations they may have concerning the business of the Public Works and Recreation Departments relating to parks and recreation matters.



- D. Recommend to the Commissioner of Public Works and Director of Recreation and/or the Town Board any changes they find necessary or desirable in Town laws, rules and regulations relating to parks and recreation matters.
- E. Recommend to the Commissioner of Public Works and Director of Recreation and/or the Town Board the possible acquisition, utilization or disposal of Town park lands.
- F. Serve as a link between the community and the Departments of Public Works and Recreation, providing input as to the improvement and expansion of services and/or facilities.
- G. Submit an annual report to the Town Board not later than April 1 concerning the activities and work of the Board and from time to time such other reports and recommendations as may be necessary to fulfill the purposes of this chapter.

# Article XXV. Special Use Permits

## § 185-170. Authorization.

The Planning Board and the Zoning Board of Appeals each have the authority to grant special use permits, but such authority is limited to those uses this chapter specifies shall be reviewed by each board. Where not specified in this chapter, the Zoning Board of Appeals shall have the authority to grant the special use permit.

## § 185-171. Application.

All applications for special use permits shall be made by the owner or the owner's agent and filed with the secretary of the appropriate board in accordance with such board's approved submission schedule. No application shall be accepted, considered or scheduled for public hearing until all required materials have been deemed to be complete and accurate. The application shall include the following:

- A. A diagram or plan showing the dimensions of the lot on which the proposed use, structure or alteration is proposed, its location on the lot, all structures on the lot, lot dimensions, setbacks, parking and ingress and egress.
- B. A locational drawing.
- C. A plan showing the intended use, structure or alteration.
- D. A description of the proposed use and its operation.
- E. A list of all property owners (and addresses) of each parcel of property within 500 feet and/or affected property owners.
- F. The required application fee as specified by resolution of the Town Board.
- G. An environmental assessment form (EAF).
- H. Such additional maps, plans and specifications or other information as may be required by the applicable board.

## § 185-172. Notice.

The Town will place a legal notice in the proper newspaper, advertising the applicant's name, the property location, the special use permit requested and the time and place for a public hearing.

## § 185-173. Public hearing.

Before acting upon any application for a special use permit, the appropriate board shall hold a public hearing thereon.

**§ 185-174. Determination of impact.**

In passing upon each application, the appropriate board shall determine whether the proposed use would endanger or tend to endanger the public health, safety, morals or the general welfare of the community. The appropriate board may consult with any other Town board, commission, department, agency and/or official it deems advisable. It may also engage the services of engineers, planners or other professionals to aid in the review process. All costs incurred by the board for such professional services shall be reimbursed to the Town by the applicant. In making such determination, it shall consider the following:

- A. Whether the proposed use will be in harmony with the general purpose and intent of this chapter, taking into account the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it and the size of the site with respect to streets giving access to it.
- B. Whether the proposed use will tend to depreciate the value of adjacent property, taking into account the possibility of screening or other protective measures.
- C. Whether the proposed use will be detrimental to the flow of traffic in the vicinity or otherwise create a traffic hazard.
- D. Whether the proposed use will create fire or other safety hazards.
- E. Whether the size and use of the proposed facility, alone or in combination with similar facilities in the area, will be so substantially out of proportion with the character of nearby residential neighborhoods as to jeopardize the continued use of the neighborhoods for residential purposes.
- F. Whether the proposed use or operation will produce or present substantial danger of excessive noise, noxious odors, noxious or harmful discharge, fire or explosion, radiation, chemical or toxic release or other conditions injurious to the health or general welfare of occupants of the surrounding area.
- G. Whether the location and size of the use, the size of the site in relation to the use, the operations in connection with the use and the parking and traffic related to the operations will be such as to create a significant hazard to the safety and general welfare of the surrounding area.
- H. Whether the proposed use will be detrimental to neighboring property or alter the essential character of the neighborhood.
- I. Whether the proposed use complies with the State Environmental Quality Review Act (SEQRA).

**§ 185-175. Decision.**

If the board determines that the proposed use would endanger or tend to endanger the public health, safety, morals or general welfare of the community, it shall deny the application; otherwise, it may grant a special use permit, provided that the proposed use, construction or alteration complies with the provisions of this chapter. The secretary of the board shall notify the applicant of the decision, and if a special use permit be granted, the secretary of the board shall issue and deliver the same to the applicant.

**§ 185-176. Conditions on permit.**

In granting a special use permit, the board may impose reasonable conditions in order to mitigate any adverse effects of the proposed use. If the board finds such adverse effects cannot be adequately mitigated, then the board shall deny the special use permit.

**§ 185-177. Burden of proof.**

With the exception of schools and places of worship, the applicant shall have the burden of proving that the proposed use, construction or alteration will not endanger the public health, safety, morals or general welfare of the community given all relevant considerations. Under New York decisional law, there is a rebuttable presumption that schools and places of worship are in furtherance of the public health, safety, morals and general welfare of the community, and the burden of proof is on those who seek to rebut that presumption.

**§ 185-178. Permit required for expansions or additions.**

A special use permit is required not only for the original establishment of a specially permitted use but also for any expansions or additions thereto.

**§ 185-179. Revocation of special use permit.**

Once granted, a special use permit may be revoked if, after notice and public hearing, the board which granted it determines that the conditions and restrictions imposed upon the permit have been violated or not fulfilled.

## Article XXVI.      **Variances**

### **§ 185-180. Authorization.**

The Zoning Board of Appeals is authorized to grant use or area variances pursuant to state law.

### **§ 185-181. Burden of proof.**

The burden is on the applicant to submit competent proof of the necessity of a variance consistent with the requirements of state law and the rules and regulations of the Zoning Board of Appeals.

## **Article XXVIA. Subdivisions**

### **§ 185-182. Subdivision approval.**

No person shall make a subdivision of any land within the Town or proceed with the improvement for sale of lots in a subdivision or the construction of ways or preparation therefor or the installation of utilities and municipal services therein, unless and until a final plat application of such subdivision has been submitted and approved by the Planning Board pursuant to Chapter 175, Subdivision of Land.

## Article XXVII. Temporary Activity Permit

### § 185-182.1. Issuance; conditions.

- A. Upon application and upon payment of a fee as set by the Town Board, the Commissioner of Public Works, or his designated representative, may issue a temporary activities permit for the use of a specified area in any zoning district for temporary activities not otherwise permitted in such zoning district.
- B. The Commissioner of Public Works, or his designated representative, may require the applicant to submit such information as he may require and may fix the location of all structures on the premises where the proposed temporary activity is to be conducted.

### § 185-182.2. Determination of impact.

- A. Prior to issuing a permit, the Commissioner of Public Works shall find that the contemplated use will not:
  - (1) Be detrimental to adjacent property;
  - (2) By reason of its location or nature, create a hazard of any nature to the public or to any adjacent property owner or occupant; or
  - (3) Unreasonably interfere with the lawful use or enjoyment of the public highways or of adjacent property.
- B. In determining whether a permit should be issued, the Commissioner of Public Works may require the following information in the application:
  - (1) A diagram or plan showing the dimensions of the lot on which the proposed use, structure or activity is proposed, its location on the lot, all structures on the lot, lot dimensions, setbacks, parking and ingress and egress;
  - (2) A locational drawing;
  - (3) A plan showing the intended use, structure or alteration;
  - (4) A description of the proposed use and its operation;
  - (5) A list of all property owners (and addresses) of each parcel of property within 500 feet and/or affected property owners;
  - (6) The required application fee as specified by resolution of the Town Board;
  - (7) An environmental assessment form (EAF), if applicable; or

- (8) Such other information as may be required by the Commissioner of Public Works to determine that the contemplated use will not have a negative impact on adjacent properties or uses as defined in § 188-182.2A above.

**§ 185-182.3. Mitigation of impact.**

In granting a temporary activity permit, the Commissioner of Public Works, or his designated representative, may impose such conditions on the temporary activity permit as are necessary to mitigate the harm(s) described in § 185-182.2A above.

**§ 185-182.4. Revocation of permit.**

Any temporary activity permit granted hereunder may be revoked immediately by the Commissioner of Public Works, or his designated representative, in the event that the use made thereunder violates any of the conditions of its issuance or shall have become a nuisance.

**§ 185-182.5. Number and duration of permits.**

The Commissioner of Public Works shall promulgate a series of guidelines for the issuance of temporary activity permits, including the appropriate number of permits and duration of each permit. In establishing the guidelines, the Commissioner of Public Works shall determine the minimum reasonable time period necessary to accommodate temporary activities within the Town without violating the purpose and intent of this article. In determining the expiration date of each specific temporary activity permit, the Commissioner of Public Works shall utilize the guidelines to determine the minimum time necessary to accommodate the applicant's event and issue the permit for that time period.

**§ 185-182.6. Renewal of permit.**

Any permit issued may be renewed by the Commissioner of Public Works, or his designated agent, upon application and payment of the appropriate fee in accordance with the procedures for the original permit.



# Article XXVIII. Landscape Alteration and Drainage Permits

## § 185-183. Purpose.

The purpose of this article is to protect and preserve the environment in the Town by regulating the excavating, grading, regrading, landfilling, berming or diking of any property, the removal of certain trees and any other actions affecting land that may adversely affect the environment.

## § 185-184. Applicability.

This article shall apply to all lands in the Town which have not been granted final subdivision approval or final site plan approval and which do not have a Town-approved grading plan.

## § 185-185. Permit required; exemptions.

- A. When required. Unless specifically exempted in this section, a landscape and drainage alteration permit shall be obtained from the Commissioner of Public Works prior to the commencement of any excavating, grading, regrading, landfilling, berming, diking or the installation or modification of any drainage swale, channel or pipe of any land within the Town and prior to the removal of any trees with a diameter in excess of three inches at a point 4 1/2 feet above grade.
- B. Exemptions. A landscape alteration permit shall not be required for the following activities:
  - (1) Agricultural and farming operations which constitute the principal use of any lot or tract of ground.
  - (2) Customary and incidental routine grounds maintenance, landscaping and gardening which does not affect stormwater drainage entering or leaving any public right-of-way.
  - (3) Emergency repairs of a temporary nature which are necessary for the preservation of life, health or property and which are made under such circumstances as to make it impossible or impractical to obtain a landscape alteration permit.
  - (4) Lands for which a floodplain development permit has been issued pursuant to Chapter 95 of this Code.

## § 185-186. Permit application process.

- A. An applicant for a landscape and drainage alteration permit must deliver to the Town

Department of Public Works the following documents:

- (1) Application on Town form.
  - (2) Plan of work to be done.
  - (3) Completed environmental assessment form (EAF) for SEQRA review.
- B. The Commissioner of Public Works shall, within five working days, notify the applicant whether or not the permit will be approved, approved with conditions or disapproved. If the permit is disapproved, the reasons for the disapproval shall be stated.
- C. The applicant shall have the right to appeal any approval with conditions or disapproval to the Zoning Board of Appeals.

**§ 185-187. Issuance for violations.**

- A. The Commissioner of Public Works, or his designated agent, shall issue a stop-work order to any person acting in violation of this article.
- B. Such order, posted at the work site, shall be sufficient notice to require such violator to immediately cease work on the site until a landscape and drainage alteration permit has been obtained, or the provisions of § 185-184 have been satisfied.

**§ 185-188. Restoration of site.**

Notwithstanding the provisions of § 185-187, the Commissioner of Public Works may require such violator and/or the owner of the property to restore the site as nearly as possible to its previous condition if the Commissioner determines such action is required to prevent further damage to the site or the environment in general.

# Article XXIX. Site Plan Approval

## § 185-189. Purpose.

The purpose of site plan approval is to determine compliance with the objectives of this chapter where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating conditions which could adversely affect the public health, safety or general welfare.

## § 185-190. Approval required.

All uses, except for single-family or two-family detached residences and their accessory buildings, including site modifications to such uses, shall be subject to site plan approval by the Planning Board, in accordance with the provisions of this article. All site plan information and building designs shall be prepared by a licensed architect or engineer. In addition, the architect or engineer shall submit to the Town a signed affidavit that the plans for the project were prepared by said architect or engineer, his employees or by an agency of the federal, state or local government. No building permit shall be issued until after a final site plan has been approved in accordance with the provisions of this article.

## § 185-191. Preliminary application submission requirements.

All applications for preliminary site plan shall be made by the owner or the owner's agent and filed with the secretary of the Planning Board in accordance with such Board's approved submission schedule. No application shall be accepted, considered or scheduled for public hearing until all required materials have been deemed to be complete and accurate. The application shall include, as applicable, the following:

- A. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within 500 feet of the applicant's property.
- B. If grades exceed 5% or portions of the site have a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than five feet of elevation shall be provided with an overlay outlining the above susceptible areas, if any.
- C. A project information form and environmental assessment form as required by SEQRA.
- D. A preliminary site plan, including the following information:
  - (1) The title of the preliminary layout, including name and address of the applicant.

- (2) The North point, scale, date and general location map and names of owners of adjacent land or names of adjacent subdivisions. The North point should be in the upper right-hand corner of each sheet, and the direction of North should be either to the top of each page or to the right-hand side of each page.
- (3) The boundaries of the project, plotted to scale; if the applicant intends to develop the project in stages, the entire project shall nevertheless be included in the preliminary layout with anticipated stages and timing indicated. The location of proposed land uses and their area in acres and the location, proposed use and height of all buildings and estimates of population and dwelling units by type shall be provided for each layout or stage and an equivalent population estimate for areas not proposed for residential development.
- (4) A topographic survey showing ground contours for the parcels and parcels adjacent to and within 200 feet of the project at intervals of not more than five feet of elevation, and all pertinent topographic and planimetric features within the site and the adjoining tract, including existing buildings, watercourses and their one-hundred-year flood limits, water bodies, swamps, wooded areas and individual large trees. Features to be retained in the project should be so indicated. If the proposal is not to be served by a public sanitary sewer system, then the topographic survey shall be provided as above except at not more than two feet of elevation, and perk test results, administered by the County Health Department, and the layout of the proposed sewage system indicated shall be provided.
- (5) A detailed location map showing the boundaries of the project in relation to adjoining streets; schematically, the locations of the nearest elementary school; water and sewer lines, parks and playgrounds within 1/2 mile of the proposed development and other public facilities, such as shopping, places of worship and public transportation routes, as appropriate, and land uses adjacent to the proposal.
- (6) A system for stormwater drainage conforming to Chapter 127, Stormwater Management and Erosion and Sediment Control of this Code.
- (7) Existing streets immediately adjoining and within the project and the distance to the nearest major street intersection.
- (8) Existing drains, water lines and sanitary sewer nearby and within the project with their location, size, type and approximate elevations and gradients using mean sea level as datum plane. Existing easements for such facilities should also be shown.
- (9) A statement as to proposed sources of water supply and method of sewage disposal to include a statement as to who will own the water and sewer systems, a conceptual layout of each system, whether necessary districts are formed or are in process, the receiving sewage treatment plant, the lines, dimensions and purpose of all utility easements, including properly placed fire hydrants and preliminary design of bridges and culverts. Sanitary and storm sewers and water

service must be in public ownership. Also, where water mains are not looped, blowoff valves should be provided.

- (10) A tracing overlay showing all soil areas and their classifications and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include and outline any description of existing vegetation.
- (11) A separate drainage report which will clearly indicate the basis of design and the intended method of all stormwater disposal and flood hazard prevention, how all runoff will be handled during grading and development operations and erosions and sedimentation prevention measures.
- (12) The approximate lines and gradients of proposed streets and sidewalks and the names of proposed streets.
- (13) A preliminary grading plan of the site showing locations and approximate size of cuts and fills and cross section for any final grading steeper than 2:1 or where the cut or fill will be deeper than five feet.
- (14) The approximate lines of proposed lots, the acreage or square footage contained in each lot and individual lot numbering. If a proposed lot contains one or more existing buildings, the proposed yard dimensions for such buildings shall be indicated.
- (15) The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds or other permanent open space.
- (16) The location of any municipal boundary lines, existing special service district lines and zoning district lines within the project.
- (17) Location of all parking and truck-loading areas with access and egress drives thereto.
- (18) Type and location of any potentially hazardous materials of any nature.
- (19) The location and quality of water bodies directly affected by and adjacent to the project and finish or design water levels.
- (20) Any variance or special use permit that may be needed, and any permits needed from the county, state or federal government.
- (21) The location of buffers required either during or after construction is completed and the reason for the buffer and the location of other proposed vegetation and the location of all other site improvements whether public or private.
- (22) The location, size and type of proposed lighting and any anticipated signs.
- (23) The name or names of the landscape architect and/or licensed professional engineer and licensed land surveyor responsible for the preparation of the

preliminary layout and preliminary information.

- (24) A delineation of the various residential areas, if applicable, indicating for each such area its general extent, size and composition in terms of total number of dwelling unit type, general description of the intended market structure and a calculation of the residential density in dwelling units per gross acre for each such area.
- (25) When applicable, a general description of the provisions of other community facilities, such as schools, fire-protection services and cultural facilities, if any, and indication of how these needs are proposed to be accommodated.
- (26) Conceptual building elevations.

E. In addition, the following documentation shall accompany the preliminary site plan:

- (1) Evidence that the proposal is compatible with the goals of the Comprehensive Plan; and, if the proposal relates to the Mixed-Use Commercial District, that the plan conforms to the requirements of the Monroe Avenue Design Guidelines, dated April 2, 2002, as amended and supplemented.<sup>14</sup>
- (2) If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be staged, the preliminary plan shall show the intended total project; any project that requires more than 24 months to complete shall be staged.

F. All preliminary site plans shall be submitted to the Design Review and Historic Preservation Board for its recommendations to the Planning Board.

G. The Planning Board may consult with any other Town board, commission, department, agency and/ or official it deems advisable. It may also engage the services of engineers, planners or other professionals to aid in the review process. All costs incurred by the Board for such professional services shall be reimbursed to the Town by the applicant.

H. The Planning Board may require such additional information as appears necessary for a complete assessment of the project.

**§ 185-192. Preliminary approval.**

A. Planning Board action. Within 62 days of the receipt of a certified complete preliminary site plan application from the authorized official or upon completion of the SEQRA review process, whichever last occurs, the Planning Board shall act upon it. Prior to acting, the Planning Board shall consider the site plan at a public hearing upon due legal notice. The Planning Board's action shall be in the form of a written resolution approving, with or without conditions, or disapproving the application. The Planning Board's review of a preliminary site plan shall include, but is not limited to, the following considerations:

- (1) Adequacy and arrangement of vehicular traffic access and circulation.
  - (2) Adequacy and arrangement of pedestrian traffic access and circulation.
  - (3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
  - (4) Location, arrangement, size and design of buildings, lighting and signs.
  - (5) Relationship of the various uses to one another and their scale.
  - (6) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between adjacent uses and adjoining lands.
  - (7) Adequacy of stormwater and sanitary waste disposal.
  - (8) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
- B. Conditions. In acting upon a preliminary site plan, the Planning Board may impose conditions. These conditions may include recommendations as to desirable revisions to be incorporated in the final site plan, which conformance shall be considered a condition of approval. If the preliminary plan is conditionally approved, the Planning Board's resolution shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission of the preliminary site plan to the Planning Board after it has been revised or redesigned.

**§ 185-193. Final site plan application and approval.**

- A. Final application. After receiving approval from the Planning Board on a preliminary site plan and approval for all necessary permits and curb cuts from state and county officials, the applicant may prepare a final site plan, which shall be filed with the secretary of the Planning Board in accordance with such Board's approved submission schedule. All final site plans shall be submitted to the Design Review and Historic Preservation Board for its recommendation to the Planning Board. The final site plan shall conform to the approved preliminary site plan and shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All compliances shall be clearly indicated by the applicant.
- B. Final approval. Within 62 days of receipt of the certified complete final plan application from the authorized official, the Planning Board shall act upon it. The Planning Board's action shall be in the form of a written resolution approving, with or without conditions, or disapproving the application. If no decision is made within the sixty-two-day period, the final site plan shall be deemed approved.
- (1) Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable

requirements, including the approval of the Design Review and Historic Preservation Board.

- (2) Any requirements for improvements shown on the site plan shall be those set forth in this chapter and in other laws, rules and regulations of the Town.

**§ 185-194. Design; access; landscaping.**

- A. In addition to the specific requirements set forth herein, all site plan applications in the commercial zoning district shall conform to the Monroe Avenue Design Guidelines, dated April 2, 2002, as amended and supplemented.<sup>15</sup>
- B. All projects shall be suitably landscaped, including the provision of vegetation of suitable species and at appropriate levels of maturity in order to screen effectively dissimilar uses from one another, both visually and acoustically, and to protect and enhance the overall quality of the environment. A landscaping plan shall be prepared by a licensed landscape architect and shall show his seal and signature.
- C. All projects shall have landscaping equal to a minimum expenditure of 1% of the total project cost. Landscaping shall be considered as any living plant but shall not include excavating, earthmoving, fill, grading or paving associated with normal requirements of building.

**§ 185-194.1. Duration of site plan approval.**

A final site plan approval granted pursuant to the provisions of this article shall expire three years from the date granted unless a certificate of occupancy or conditional certificate of occupancy for such site has been issued by the Code Enforcement Officer within such three-year time period.

**§ 185-195. Consolidated review.**

Nothing in this article should be construed as prohibiting an applicant from filing an application for preliminary site plan approval, together with one for final site plan approval, and the Planning Board from reviewing and acting on both applications at the same time, if the Planning Board in its discretion deems it appropriate.



# Article XXX. Landmarks, Historic Districts and Certificates of Appropriateness

## § 185-195.1. Purpose; intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of historic landmarks is necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the identity of a people is founded on its past and inasmuch as the Town of Pittsford has many significant historic, architectural and cultural resources which constitute its heritage, this article is intended to:

- A. Protect and enhance the historic landmarks which represent distinctive elements of Pittsford's historic, architectural and cultural heritage.
- B. Foster civic pride in the accomplishments of the past.
- C. Protect and enhance Pittsford's attractiveness to visitors and the support and stimulus to the economy thereby provided.
- D. Ensure the harmonious, orderly and efficient growth and development of the Town.
- E. Stabilize and improve property values in the Town.

## § 185-195.2. List of inventoried structures.

- A. The Town Board shall, at its discretion, and by resolution, create and update a list of inventoried structures that the Town Board finds generally meet the criteria set forth in § 185-195.3 of this chapter for potential designation as a landmark.
- B. In creating or updating the list of inventoried structures, the Town Board shall take into consideration the results of any survey conducted by the Design Review and Historic Preservation Board, pursuant to § 185-150A(8) of this chapter; the recommendations of a qualified consultant commissioned by the Town Board to make such recommendations; and/or input from community organizations or citizens.

## § 185-195.3. Designation of landmarks.

- A. The Design Review and Historic Preservation Board may designate a structure as a landmark if it:
  - (1) Possesses special character or historic or aesthetic interest or value as part

of the cultural, political, economic or social history of the locality, region, state or nation;

- (2) Is identified with historic personages;
  - (3) Embodies the distinguishing characteristics of an architectural style;
  - (4) Is the work of a designer whose work has significantly influenced an age; or
  - (5) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
- B. The Board may, in designating landmark structures, include a reasonable amount of land surrounding the structure, including any nearby outbuildings, so as to protect the structure or structures from undue encroachment.
- C. Notice of a proposed designation shall be sent by certified mail to the owner of the structure proposed for designation, describing the structure proposed and announcing a public hearing by the Board to consider the designation. Notice of such hearing shall be published at least once in a newspaper of general circulation at least 10 days and not more than 20 days prior to the date of the public hearing. Once the Board has issued notice of a proposed designation, no building or demolition permits shall be issued by the Code Enforcement Officer until the Board has made its decision.
- D. The Board shall hold a public hearing prior to designation of any historic landmark. The Board, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.
- E. The Board shall file with the Town Clerk the record of its proceedings and its resolution of designation which shall describe the boundaries of the land, if any, surrounding the structure. The Board shall file in the Monroe County Clerk's office a notice of each designated structure, including surrounding land, if any, referencing it by street name and number and/or tax account number, and referring any interested person to the Town Clerk's office and the Town Municipal Code for more detailed information.

**§ 185-196. Certificate of appropriateness required.**

No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a designated structure or a structure located within a historic district, nor shall any person make any material change in the appearance of such a structure, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements, without first obtaining a certificate of appropriateness from the Design Review and Historic Preservation Board.

**§ 185-197. Criteria for approval of certificate of appropriateness.**

- A. In passing upon an application for a certificate of appropriateness, the Design Review and Historic Preservation Board shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public way. A public way shall include the Erie Canal.
- B. The Design Review and Historic Preservation Board's decision shall be based upon the following principles:
  - (1) Designated structures and/or structures which contribute to the character of a historic district shall be retained, with their historic features altered as little as possible.
  - (2) Any alteration of existing designated structures shall be compatible with its historic character and, if located within a historic district, with the surrounding structures of such historic district.
  - (3) New construction shall be compatible with the structure and, if located within a historic district, the surrounding structures of such historic district.
- C. In applying the principle of compatibility, the Design Review and Historic Preservation Board shall take into consideration any and all distinguishing character-defining features identified at the time such structure was inventoried and/or designated as a landmark, shall be guided by the Standards and Guidelines for Certificates of Appropriateness, dated November 18, 2011, as amended and supplemented, and shall consider the following factors:
  - (1) The general design, character and appropriateness to the designated structure and/or surrounding structures in a historic district of the proposed alteration or new construction.
  - (2) The scale of proposed alteration or new construction in relation to the designated structure itself and/or surrounding structures in a historic district.
  - (3) Texture, materials and color and their relation to similar features of the designated structure and/ or surrounding structures in a historic district.
  - (4) Visual compatibility with the designated structure and/or surrounding structures in a historic district, including the proportion of the structure's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the rhythm of spacing structures on streets, including setback.
  - (5) The importance of historic, architectural or other features to the significance of the designated structure and/or its historic district.

**§ 185-198. Application procedure.**

- A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Design Review and Historic Preservation Board. The application shall contain information sufficient to clearly describe the alteration and/or construction proposed. Such information shall include, as appropriate, the following:
- (1) The name, address and telephone number of applicant.
  - (2) The location and photographs of the structure.
  - (3) Elevation drawings of proposed changes, in the case of new construction or additions to a structure.
  - (4) Perspective drawings, including relationship to adjacent structures, in the case of new construction or additions to a structure.
  - (5) Samples of color and materials to be used.
  - (6) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property.
  - (7) Any other information which the Design Review and Historic Preservation Board may deem necessary in order to visualize the proposed new construction and/or addition.
- B. No building or demolition permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Design Review and Historic Preservation Board. The certificate of appropriateness required by this section shall be in addition to and not in lieu of any building or other permit that may be required by this chapter or any other law or ordinance of the Town.
- C. The Design Review and Historic Preservation Board shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. The Board shall approve, deny or approve with conditions the application within 62 days from the close of the public hearing.
- D. All decisions of the Design Review and Historic Preservation Board shall be in writing. A copy shall be sent to the applicant and a copy filed with the Town Clerk's office for public inspection. The Design Review and Historic Preservation Board's decision shall state the reasons for granting, denying or modifying any application.

**§ 185-199. Hardship.**

- A. Hardship criteria.
- (1) An applicant whose certificate of appropriateness for a proposed demolition has

been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that:

- (a) The structure is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - (b) The structure cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - (c) Efforts to find a purchaser interested in acquiring the structure and preserving it have failed.
- (2) An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

B. Hardship application procedure.

- (1) After receiving written notification from the Design Review and Historic Preservation Board of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Design Review and Historic Preservation Board makes a finding that a hardship exists.
- (2) The Design Review and Historic Preservation Board may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.
- (3) The applicant shall consult in good faith with the Design Review and Historic Preservation Board, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in the preservation of the structure.
- (4) All decisions of the Design Review and Historic Preservation Board shall be in writing. A copy shall be sent to the applicant and a copy filed with the Town Clerk's office for public inspection. The Design Review and Historic Preservation Board's decision shall state the reasons for granting or denying the hardship application.
- (5) Notwithstanding the foregoing provisions of this section, an applicant may combine a hardship application with an application for a certificate of appropriateness in the first instance.

**§ 185-200. Enforcement.**

All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. It shall be the duty of the Code Enforcement Officer

to inspect periodically any such work to assure compliance. In the event that work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Design Review and Historic Preservation Board, the Code Enforcement Officer shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

**§ 185-201. Maintenance and repair required.**

- A. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural features of a designated structure or structure within a historic district which does not involve a change in design, material, color or outward appearance.
- B. No owner or person with an interest in a designated structure or structure within a historic district shall permit the structure to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Design Review and Historic Preservation Board, produce a detrimental effect upon the character or life of the structure or the historic district. Examples of such deterioration include:
  - (1) Deterioration of exterior walls or other vertical supports.
  - (2) Deterioration of roofs or other horizontal members.
  - (3) Deterioration of exterior chimneys.
  - (4) Deterioration or crumbling of exterior stucco or mortar.
  - (5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
  - (6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

**§ 185-202. Penalties for offenses.**

Notwithstanding any provisions of this chapter to the contrary, the following provisions are applicable for violations of this article:

- A. Failure to comply with any of the provisions of this article shall be deemed a violation, and the violator shall be punishable as provided in § 185-7B of this chapter.
- B. Any person who demolishes, alters, constructs or permits a designated structure or structure within a historic district to fall into a serious state of disrepair in violation of this article shall be required to restore the structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Town Attorney upon Town Board authorization. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

**§ 185-203. Appeals.**

Any person aggrieved by a decision of the Design Review and Historic Preservation Board relating to hardship or a certificate of appropriateness may, within 15 days of the decision, file a written application with the Town Board for review of the decision.

# Article XXXI. Design Review

## § 185-204. Findings and purpose.

The Town Board hereby finds that excessive uniformity, dissimilarity, or inappropriateness with respect to existing neighborhood character and/or context or poor quality of design in the exterior appearance of buildings erected in any area in the Town adversely affects the desirability of the immediate area and the neighboring areas for residential and business purpose or other purposes and, by so doing, impairs neighborhood character, impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas with attendant deterioration of conditions affecting the health, safety and general welfare of the community and destroys a proper relationship between the taxable value of real property in such areas and the cost of the municipal services provided therefor. It is the purpose of this article to prevent these and other harmful effects of such exterior appearance of buildings erected or altered in any area in the Town and thus to promote the health, safety and general welfare of the community, conserve the value of buildings and encourage the most appropriate use of land with the Town.

## § 185-205. Design review required.

- A. No person shall carry out any new construction or alteration involving exterior elements of a building, sign or other structure without first obtaining design review approval from the Design Review and Historic Preservation Board, except that review under the provisions of this Article shall not be required with respect to any such new construction or alteration for which a certificate of appropriateness is required pursuant to Article XXX of this chapter; or with respect to exterior alterations of residential or agricultural structures that do not require a building permit; or for accessory structures that are in full conformance with the requirements of § 185-113 of this chapter. The Design Review and Historic Preservation Board may approve, approve conditionally subject to specified modifications or disapprove any application for design review. Any disapproval shall be based on a finding that the building, sign or other structure for which design review approval was applied, would, if erected or altered, result in one or more of the harmful effects set forth in § 185-204 of this article.
- B. As to buildings and other structures, the Design Review and Historic Preservation Board may disapprove such application if it finds one or more of the harmful effects set forth in § 185-204 of this article, by reason of:
  - (1) Excessive similarity to any other nearby structure with respect to one or more of the following features of exterior design and appearance:
    - (a) Apparently identical front or side elevations.
    - (b) Substantially identical size and arrangement of either doors, windows,



porticos or other openings or breaks in the elevation facing the street, including reverse arrangement.

- (c) Other significant identical features of design, such as but not limited to material, roofline and height or other design elements, provided that a finding of excessive similarity shall state not only that such excessive similarity exists, but also that it is of such a nature as to be reasonably expected to provoke one or more of the harmful effects set forth in this article.
- (2) Excessive dissimilarity to any other nearby structure with respect to one or more of the following features:
    - (a) Height of building or height of roof.
    - (b) Other significant design features such as material or quality of architectural design, provided that a finding of excessive dissimilarity exists, but that it is of such a nature as to be reasonably expected to provoke one or more of the harmful effects set forth in this section, and that the finding is not based on personal preference as to taste or choice of architectural style.
  - (3) Inappropriateness in relation to the established neighborhood character and/or context of other structures in residential, commercial and industrial districts in respect to significant design features, such as material or quality or architectural design, provided that a finding of inappropriateness shall state not only that such inappropriateness exists, but also that it is of such nature as to be reasonably expected to provoke one or more of the harmful effects set forth in this section, and that the finding is not based on personal preference as to taste or choice of architectural style.
  - (4) With respect to commercial district applications, failure to conform to the Monroe Avenue Design Guidelines, dated April 2, 2002, as amended and supplemented.<sup>17</sup>
  - (5) With respect to residential district applications, failure to conform to the Residential Design Standards and Guidelines, dated November 18, 2011, as amended and supplemented.<sup>18</sup>
- C. As to signs, the Design Review and Historic Preservation Board may disapprove such application if it finds one or more of the harmful effects set forth in § 184-204 of this article, by reason of noncompliance with any of the following design guidelines:
- (1) Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics shall be related with, and not cover, architectural features and should be in proportion to them.
  - (2) Signs shall be appropriate to the types of activities they represent.

- (3) Layout shall be orderly and graphics should be of simple shape, such as rectangle, circle or oval.
- (4) Illumination shall be appropriate to the character of the sign and surroundings.
- (5) Groups of related signs shall express uniformity and create a sense of harmonious appearance.
- (6) All signage shall be professional in appearance and construction and shall not visually detract from the character of the area or have a negative effect upon the quality and value of surrounding properties.

**§ 185-206. Time for decision.**

The Design Review and Historic Preservation Board shall approve, approve conditionally or disapprove any application for design review within 90 days of the date of filing such application.

**§ 185-207. Appeals.**

Any person aggrieved by the action of the Design Review and Historic Preservation Board in disapproving a building permit application and of the Code Enforcement Officer in denying such permit because of such disapproval may take an appeal therefrom to the Zoning Board of Appeals.

**§ 185-208. through § 185-223. (Reserved).**

# Article XXXII. Nonconforming Structures and Uses

## § 185-224. Purpose and general provisions.

- A. It is the purpose of this article to allow for the continuation of nonconforming structures and uses, while restricting the expansion, reconstruction, repair and/or structural change of a nonconforming structure or use.
- B. Any lawful structure or use existing at the time of the adoption of this chapter, or existing whenever a district in which it is located is changed, may continue although such structure or use does not then conform to the requirements of this chapter.

## § 185-225. Nonconforming single-family residential and farm structures.

- A. A nonconforming single-family residential or farm structure shall not be expanded in a manner that increases its nonconformity.
- B. A nonconforming single-family residential or farm structure which is damaged or destroyed, to any extent, may be rebuilt on the original footprint, or less.
- C. Nothing in this section shall prohibit the granting of an area variance to bring a nonconforming structure, including any expansion thereof, into compliance with this chapter.

## § 185-226. Nonconforming structures other than single-family residential and farm structures.

- A. A nonconforming structure other than a single-family residential or farm structure shall not be expanded in a manner that increases its nonconformity.
- B. A nonconforming structure other than a single-family residential or farm structure which is damaged or destroyed, to the extent of 75% or less of its then existing fair market value, may be rebuilt on the original footprint, or less.
- C. A nonconforming structure other than a single-family residential or farm structure which is damaged or destroyed, to the extent of more than 75% of its then existing fair market value, may not be rebuilt, except in conformity with the requirements of this chapter.
- D. Nothing in this section shall prohibit the granting of an area variance to bring a nonconforming structure, including any expansion thereof, into compliance with this chapter.

**§ 185-227. Nonconforming single-family residential and farm uses.**

- A. A structure associated with a nonconforming single-family residential or farm use shall not be expanded in a manner that increases its nonconformity.
- B. A nonconforming single-family residential or farm structure which is damaged or destroyed, to any extent, may be rebuilt on the original footprint, or less.

**§ 185-228. Nonconforming uses other than single-family residential and farm uses.**

- A. A nonconforming use other than a single-family residential or farm use may not be expanded or the intensity of such use increased by the erection of any additional structure or the extension or enlargement of the use or of any existing structure.
- B. Structural changes may be made to a structure associated with a nonconforming use other than a single-family residential or farm use, only under the following circumstances:
  - (1) The cost of all such structural changes within a ten-year period shall not exceed 50% of the fair market value of the structure at the time such changes are commenced.
  - (2) The granting of a special use permit allowing for such structural changes, in accordance with the substantive and procedural requirements of Article XXV of this chapter.
- C. A structure associated with a nonconforming use other than a single-family residential or farm use that is damaged or destroyed may be repaired or reconstructed on the original footprint, or less, only under the following circumstances:
  - (1) The damage or destruction to the structure may be no more than 75% of its then fair market value.
  - (2) The granting of a special use permit allowing for such repair or reconstruction, in accordance with the substantive and procedural requirements of Article XXV of this chapter.

**§ 185-229. Termination of a nonconforming use.**

A nonconforming use shall terminate when:

- A. Such use is abandoned.
- B. Such use has been discontinued for a period of one year.
- C. Any property owned by the United States or any of its agencies or departments or by the State of New York or by any municipality devoted in whole or in part to such use is sold.

## Article XXXIII. Incentive Zoning

### § 185-230. Purpose and objectives.

- A. It is the purpose of this article to empower the Town Board to grant incentives to the private sector engaged in the land development process to advance the Town's specific policies in accordance with the Town of Pittsford's Comprehensive Plan and in coordination with other community planning mechanisms or land use techniques.
- B. This authority may be used by the Town Board to assist the following objectives from the Town's Comprehensive Plan:
  - (1) To protect highly valued ecological resources and environmentally sensitive areas.
  - (2) To protect active farm operations.
  - (3) To preserve greenways and important open spaces, develop the Pittsford Trail System, preserve historic and archaeological resources and protect high-quality scenic resources.
  - (4) To provide a sound mix of housing types, including accessible, affordable housing options for seniors.
  - (5) To promote provision of neighborhood services in growing areas in a carefully planned manner with a design quality reflecting the values of the community with a secondary benefit of relieving some traffic congestion in other areas of the Town.
  - (6) To secure important public works improvements which would not otherwise be provided, such as extending sidewalks, connecting residential areas with schools or providing stormwater detention and treatment basins in excess of that necessitated by immediate project demand.

### § 185-231. Authority.

In accordance with § 261-b of the Town Law of the State of New York, the Town Board is empowered to provide for a system of zoning incentives as the Town Board deems necessary and appropriate, consistent with the purposes and conditions set forth herein.

### § 185-232. Applicability.

Except as specifically limited herein, this chapter will apply to all districts in the Town of Pittsford.

### § 185-233. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**REVIEW** — A preliminary, nonbinding review by the Town Board of an application for use of incentive zoning to determine the merits of applying the incentive zoning concept to a particular project.

**§ 185-234. Permitted incentives.**

The Town Board may grant the following specific incentives:

- A. Single family, attached housing, provided there are no more than four attached units per building and no more than one dwelling per lot.
- B. Development of current residential unit density over a full parcel, as long as an equivalent amount of the open space that would have been required is provided for elsewhere.
- C. Changes in lot area and dimensional requirements.
- D. Changes of use.
- E. Reduction/elimination of the recreation fee required under § 185-125 of this chapter.
- F. Reduction of road construction standards applied under Chapter 175, Subdivision of Land, for example, permitting a slightly narrower pavement width to serve a limited development project.

**§ 185-235. Community benefits or amenities.**

- A. The following community benefits or amenities may, at the discretion of the Town Board, be accepted in exchange for an incentive as provided in § 185-234. These community benefits or amenities may be either on or off the site of the subject application, may involve one or more parcels of land and may be situated in any district, unless otherwise specifically limited in this chapter:
  - (1) Agricultural conservation, open space, scenic, ecological, historic or other permanent conservation easements.
  - (2) Donations of land in fee simple for conservation and other community benefit purposes.
  - (3) Construction of recreation amenities, serving a Town-wide need, accessible to the general public, above and beyond that required under § 185-125 of this chapter.
  - (4) Construction or improvement to public works above and beyond that required to mitigate proposed impacts in accordance with SEQRA and the Town Code.
  - (5) Preservation and improvements of historical or cultural sites or structures.

- (6) Construction of accessible and affordable senior housing opportunities specifically marketed to and intended for residents aged 55 years or older in support of the housing goals of the Town of Pittsford Comprehensive Plan. Such housing developments may include supporting care services and ancillary uses where provided solely for the benefit of residents within the development and otherwise not open to the general public.
  - (7) Other facilities or benefits to the residents of the community, as determined by the Town Board.
  - (8) Any combination of the above-listed community benefits or amenities.
- B. These amenities will be in addition to any mandated requirements pursuant to other provisions of the Town of Pittsford Code and any other applicable law or regulation.

**§ 185-236. Special conditions.**

- A. The particular incentive granted will be in relative proportion to the value and importance of the amenity provided, as determined by the Town Board at the time of application.
- B. Residential unit density increases will be granted in percent increments not to exceed 100% of the original zoned density for the particular parcel receiving the density increase.

**§ 185-237. Criteria and procedure for approval.**

- A. Optional pre-application review. It is recommended that the applicant meet informally with Town public works staff prior to completion of an application for purposes of gathering information for the proposed amenity/incentive exchange. The applicant is advised to review the Comprehensive Plan, the Resource Inventory and Evaluation Report and any other materials the Town may have on file regarding the incentive zoning program.
- B. Applications for incentives in exchange for amenities will be submitted to the Town Board in accordance with adopted procedures for requests to amend this chapter. The application will include the following information:
  - (1) The requested incentive.
  - (2) The proposed amenity.
  - (3) The estimated cash value of the proposed amenity.
  - (4) A narrative which demonstrates the following:
    - (a) The benefits to the community from the proposed amenity.
    - (b) Consistency with the goals and objectives of the Town's Comprehensive Plan.

- (c) The relative importance and need for the amenity.
  - (d) That there is adequate sewer, water, transportation, waste disposal and fire-protection facilities in the zoning district in which the proposal is located to handle the additional demands the incentive and amenity, if it is an on-site amenity, may place on these facilities beyond the demand that would be placed on them if the district were developed to its fullest potential.
  - (e) That all conditions and other applicable requirements of the law are met.
- (5) Any other information or support materials as needed or requested by the Town Board.
- C. Non-binding Review by Town Board. Within 45 days of submission of an application, pursuant to Subsection B herein, the Town Board will prepare a brief response to the proposal, outlining, in writing, the Town Board's non-binding determination on whether the proposal is worthy of further consideration and the basis for that determination. The Town Board may engage a consultant to assist in review of the application, the cost of which will be borne by the applicant. Suggested modifications to the proposal may also be provided by the Town Board to the applicant. With a supporting determination, the proposed application will be transferred to the Planning Board.
- D. Advisory referral to Planning Board.
- (1) The application will be submitted to the Planning Board for its nonbinding advisory opinion to the Town Board. The review at this stage is intended to obtain the input of the Planning Board for the subject land use decision. It is not intended to serve as a site or subdivision review, which would only occur after a decision by the Town Board on the incentive zoning request.
  - (2) The Planning Board will schedule a public workshop on the application, which may be conducted as part of its regularly scheduled meeting. The intent of the workshop is to share information between the applicant, the Planning Board and interested members of the public. The workshop will not supplant the formal hearing which will be conducted by the Town Board later in the review process.
  - (3) Within 45 days of receipt of the application from the Town Board, the Planning Board will prepare an advisory report to the applicant and the Town Board. The Planning Board's report will describe the beneficial aspects of the proposal and make recommendations for the amelioration of any adverse aspects of the proposal. The Planning Board's report and the application will then be transferred back to the Town Board for its final decision on the application.
- E. Compliance with SEQRA.
- (1) Every decision by the Town Board concerning an application for use of incentive



zoning on a particular project will fully comply with the provisions of SEQRA.

- (2) The applicant will submit an Environmental Assessment Form, Part 1, to the Town Board after the referral by the Planning Board.
  - (3) The Town Board will establish itself as SEQRA lead agency for all applications submitted pursuant to this article.
  - (4) If a generic environmental impact statement has been prepared by the Town Board in enacting or amending this article, the applicant will pay a proportionate share of the cost of preparing such impact statement.
- F. Public hearing by Town Board. Prior to its final decision and in conjunction with its SEQRA review, the Town Board will conduct a public hearing in accordance with the standard procedures for adoption of an amendment to the zoning ordinance or local law. At least five days' notice (14 days if a draft environmental impact statement or supplemental environmental impact statement was required) of the time and place of the hearing will be published in an official newspaper of the Town.
- G. Findings and final decision.
- (1) Following the public hearing and completion of the SEQRA process, the Town Board will approve, approve with modifications or conditions or deny the proposed incentive zoning application. A written statement of the findings will be prepared by the Town Board documenting the basis of its decision. The findings will include, but not be limited to, the following:
    - (a) SEQRA. That all requirements of SEQRA have been met, including the required findings under that law.
    - (b) Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Pittsford Code.
    - (c) Public benefit. That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted by the Town Board.
    - (d) Project quality. That the project is in harmony with the purpose and intent of this article and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Pittsford.
    - (e) Comprehensive Plan. That the use of incentive zoning for the particular project is consistent with the Comprehensive Plan.

- (2) The Town Board may impose conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.
- H. Plan review. Following the receipt of a favorable decision by the Town Board, an application for approval may be submitted pursuant to the applicable provisions of the Town of Pittsford Code.

## Article XXXIV. Land Acquisition

### § 185-238. Purpose.

It is the purpose of this article to provide for the acquisition of interests or rights in real property for the preservation of open space and areas which shall constitute a public purpose for which public funds may be expended or advanced after due notice and a public hearing, by which the Town may acquire by purchase, gift, grant, bequest, devise, lease or otherwise the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to acquire "open space" or "open area" as the same is defined in § 185-241 herein.

### § 185-239. Authority.

In accordance with § 247 of the General Municipal Law of the State of New York, the Town Board has the authority to acquire such interests or rights in land. Pursuant to the above authority, the Town Board has prepared and adopted this article setting forth standards to be followed in the acquisition of such interest.

### § 185-240. Applicability.

This article shall apply to the entire area of the Town.

### § 185-241. (Reserved).

### § 185-242. Procedure.

- A. Proposal by owner. Any owner or owners of five or more acres of undeveloped or agricultural land which is suitable for residential development may submit a proposal to the Town Board for the granting of interests or rights in real property for the preservation of open spaces or areas, provided that the owner or owners are not receiving tax abatement pursuant to New York State Agricultural and Markets Law, Article 25. Such proposals shall be submitted in such manner and form as may be prescribed by such Town Board and shall include a Real Property Tax Map and a concise description of the areas proposed for the open space protection easement proposed area. The owner shall pay to the Town an application fee as required by the Town's fee schedule which shall be deemed a reasonable sum to cover the costs of administration, no part of which shall be returnable to the applicant.
- B. Review by Environmental Board. Upon receipt of such proposal, the Town Board shall refer such proposal to the Environmental Board. The Environmental Board shall investigate the area to assess whether the proposal would be of benefit to the people of the Town. In making this assessment, the Environmental Board shall consider the composite ratings provided for key parcels in the Town's Resource Inventory and

Evaluation Report and other factors it deems relevant. Within 30 days of the Town Board referral, the Environmental Board shall make an advisory recommendation to the Town Board for the purpose of advising whether or not the Town should accept such proposal.

- C. Public hearing by Town Board. If the Town Board determines it appropriate to advance the proposal to a hearing, it shall, within 45 days of the receipt of the Environmental Board's advisory recommendation, hold a public hearing concerning such proposal at a place within the Town. At least 10 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Town. Written notice of such proposal shall be given to Monroe County and to the school district in which it is located.
- D. Determination. The Town Board, after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety. In making its determination, the Town Board shall consider recommendations of the Environmental Board, Monroe County and the school district.
- E. Recording agreement. If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form suitable for recording in the Monroe County Clerk's office.
- F. Cancellation. Said agreement may not be canceled by either party. However, the owner or owners thereof may petition the Town Board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in § 185-244 herein.

**§ 185-243. Valuation for taxation.**

After acquisition of any such interest pursuant to this article, the valuation placed upon such area for the purpose of real estate taxation shall take into account and be limited by the limitation on the future use of the land.

**§ 185-244. Penalty for violation or cancellation.**

If there is a substantial violation of the terms and conditions of the conservation easement agreement or if said agreement is canceled by the Town Board upon petition, the owner or owners of said property must pay to the Town the following amounts in taxes and penalties:

- A. All taxes granted abatement under and pursuant to the conservation easement agreement, said taxes to include the state, county, Town, school districts and all special improvement districts and other taxing units to which the property is subject. Said back taxes shall be limited as follows: any easement terminated prior to beginning of the 11th year will be subject to a five-year maximum rollback; an easement terminated between its 11th and 15th year will be subject to a four-year maximum rollback; an easement terminated in its 16th year or later will be subject to a three-year maximum rollback.

- B. A penalty assessed on the basis of the previous year's tax abatement multiplied by a factor equal to the term of the easement divided by the current year of the easement. This factor shall not exceed five.