

# POTENTIAL NONRESIDENTIAL USE REGULATIONS TO INCORPORATE

**NOTE: New content for consideration. These uses are not permitted in residential districts. The following regulations would apply to each use where allowed in a nonresidential district.**

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

- A. Definitions. As used herein, the following terms shall have the meanings indicated:

### **Micro-brewery**

A brewery operation duly licensed with the NYS Liquor Authority manufacturing and selling up to 500,000 gallons of beer annually. Such brewery may hold any valid brewer(s) license provided for by NYS Alcoholic Beverage Control Law. However, such

operation shall be limited to the production scale provided herein. This shall not preclude licensed brewers from manufacturing and selling beer in excess of 500,000 gallons annually off-site.

**Micro-distillery**

A distiller operation duly licensed with the NYS Liquor Authority manufacturing and selling no more than 75,000 gallons of spirits annually. Such distillery may hold multiple licenses as provided for by the NYS Alcoholic Beverage Control Law. However, such operation shall be limited to the production scale provided herein.

**B. Regulations.**

- (1) 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.
- (2) 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.
- (3) Bars and tasting rooms of micro-breweries and micro-distilleries, where provided, shall include a minimum food preparation area and menu that satisfies the NYS Liquor Authority's minimum food requirement.
- (4) 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.
- (5) 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-XX Vehicle sales, service, or repair shops.**

- A. A curbed landscaped area shall be maintained at least three 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-XX Animal care facilities, such as veterinary clinic or animal hospital.**

- A. All services shall be provided within a completely enclosed building.
- B. Adjacent properties shall be adequately protected from noise, odors, and unsightly appearances as determined appropriate by the reviewing board in site plan review.
- C. 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.
- D. Screening for outdoor animal exercise, play, or containment areas may be required along lot lines bordering residential uses or districts at the reviewing board's discretion.
- E. A waste management plan shall be required to ensure proper upkeep of the site and disposal of animal excrement and waste.

**§ 185-XX 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. All buildings, structures, and areas of organized activity dedicated to the primary day care use shall maintain a setback of at least 15 feet from all property lines.
- C. 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.
- D. Outdoor speakers and public-address or stereo systems are prohibited in residential districts.

**§ 185-XX 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. Uses where the sale of food is the primary source of revenue shall be considered restaurants. 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. Bars shall include a minimum food preparation area and menu that satisfies the NYS Liquor Authority's minimum food requirement.
- D. No restaurant or bar shall have a dance floor greater than 200 square feet in area.
- E. 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 10 feet from all property lines.
- F. 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.