

Article XVII. Supplemental Regulations

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§ 185-108 Reserved.

§ 185-100 Reserved.

§ 185-110 Prohibited activities.

- A. Dumping. Dumping of refuse, garbage, vegetation, waste material or other substance is prohibited in all districts.
- 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.

Commented [DD1]: Vegetation dumping has become an issue in Town

~~D. Keeping of swine. The keeping of swine is prohibited in all districts.~~

Commented [MG2]: Moved to keeping of animals section

§ 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:
 - (1) Every development shall have within it suitable open space available for the use of the residents. At least 400 square feet of such open space per dwelling unit shall be reserved. Development of this open space for passive and/or active recreational uses shall be provided 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 so considered as 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.

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(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.

~~111~~ Condominiums.

~~D.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. ~~A. — Permitted accessory uses.~~ 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:

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- (1) A home occupation which:
 - a) ~~(a)~~ ~~Involves~~ Has no ~~person~~employees other than the ~~persons residing in~~resident employee(s) reporting to the ~~dwelling unit~~property for work;
 - b) ~~(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) ~~(c)~~ Generates no additional traffic, ~~including passenger vehicles and delivery vehicles~~, nor parking ~~demands~~ beyond the typical traffic and parking ~~activity~~ in the neighborhood in which the home occupation is located; and
 - d) ~~(d)~~ Is conducted entirely inside the dwelling unit.
- (2) Private greenhouse.
- (3) Private tennis or outdoor recreational court, provided that back and side backstops shall not exceed 12 feet.

~~(4)~~ Aboveground deck:

- (4) ~~(5)~~ — ~~Gazebo, patio, terrace, pergola, or treehouse-gazebo.~~
- ~~(5)~~ ~~(6)~~ — ~~Treehouse, playground, or playhouse.~~
- ~~(5)~~~~(6)~~ Freestanding air-conditioning machinery-, ~~pool equipment.~~
- ~~(6)~~~~(7)~~ ~~(7)~~ — Freestanding backup electrical generators.

~~(8)~~ Servants' quarters for full time servants only:

- (8) ~~(9)~~ — ~~Accessory suites.~~
- ~~(7)~~~~(9)~~ Storage structure-, ~~including a private garage, pool house, garden shed, or similar.~~
- ~~(8)~~~~(10)~~~~(10)~~ — Private swimming pool, subject to § **185-119**.
- ~~(9)~~~~(11)~~~~(11)~~ — Fence, subject to § **185-121**.
- ~~(10)~~~~(12)~~ ~~(12)~~ — Keeping of horses, subject to § **185-116**.
- ~~(13)~~ ~~(13)~~ — ~~Keeping of animals, other than horses subject to § 185-118.~~
- ~~(11)~~~~(14)~~ — Sale of produce, subject to § **185-114**.
- ~~(12)~~~~(15)~~ ~~(14)~~ — Satellite antennas, subject to § **185-127**.
- ~~(16)~~ ~~(15)~~ — ~~Retaining walls, subject to § 185-117.~~
- ~~(13)~~~~(17)~~ — Flagpole.

Commented [MG3]: Opportunities for aging in place. CP page 37 - No change from current practice, clarifying definition based on previous discussion.

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(16) Garden shed.

(18) ~~B.~~ Use limitations. The following limitations apply to accessory Electric vehicle charger, mounted interior, exterior or free standing

Commented [DD4]: CP page # 57 Healthy Living policy

(14)(19) Geothermal system for heating and or cooling. Subject to § 185-113 B. (7) Accessory uses and structures:

Commented [DD5]: CP page # 57 Healthy Living policy

(20) Ramp, lift, or other such structure intended to provide an increased level of accessibility for home occupants or visitors.

(21) Solar energy system, subject to § 185-XX.

Commented [DD6]: CP page # 57 Healthy Living policy

B. General regulations.

(1) An accessory use or structure shall be located on the same lot as the principal use or structure served.

(1) ~~The size of a roofed or enclosed accessory structure shall not exceed 180 square feet in area, except for garden sheds which shall not exceed 120 square feet in area.~~

(2) ~~The height of an accessory structure shall not exceed 12 feet as measured from the average grade at the front of the accessory structure to the highest point of the structure.~~

(3) ~~No accessory use or structure, except for fences, shall be located forward of the rear wall of the main structure on the lot on which the accessory structure is located; except that freestanding air conditioning machinery and backup electrical generators shall be located to the rear of the front wall of the main structure; and flagpoles are exempt from any location restriction.~~

Commented [MG7]: Reworded for clarity in size and locations subsection below.

(1)(2) (4) ~~Accessory structures shall be included in the calculations required by this chapter for the purpose of complying with height and lot coverage regulations.~~

(2)(1) (5) ~~An accessory use or structure shall be located on the same lot as the principal use or structure served.~~

C. (6) ~~The sideSize and rear setbacks for 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.

Commented [DD8]: Adjustments to reflect commonly granted area variances for over size sheds. And this sets a limit of total square footage of accessory structures, which in the past there was no limit.

(2) The height of an accessory structure shall be those required 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.

(3) No accessory use or structure shall be permitted in the front or side yard areas, except for the following:

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- a) Fences 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 dwellings in the applicable 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; except for fences, in which need not comply it is located, with the following exceptions:

- a) Fences shall be exempt from setback requirements; and except for garden sheds, which,
- e)b) Sheds 120 square feet or less may be constructed placed not closer than four feet from the rear and side property lines if the shed or a portion of, is located within the rear setback minimum rear setback. Geothermal systems must maintain a minimum setback of 10 feet from all property lines.

Commented [DD9]: Adjustment that will eliminate commonly granted area variance

§ 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:

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.

PREMISES

The land owned and/or leased by a Town resident from which the sale or offer of sale is made.

PRODUCE

Fresh fruits, vegetables ~~and~~, flowers ~~and~~ trees.

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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.

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 and honey grown on the premises may be sold year-round, and Christmas trees may be sold during the Christmas season.
- (3) One temporary stand for the sale of such produce may be used in accordance with the following:
 - a) ~~(4)–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 ~~or truck garden.~~

§ 185-115 Outdoor storage.

[Amended 5-20-2014 by L.L. No. 5-2014]

- A. 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.
- B. Storage of junk: Outdoor storage or maintenance of junk shall not be permitted on any lot in any district, unless otherwise permitted.

Commented [DD10]: Code enforcement

§ 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

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manner or in such locations as to be offensive to occupants of adjoining property or persons residing in the vicinity.

- B. Definitions. As used herein, the following words and phrases shall have the meanings indicated:

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.

HORSE

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

LIVERY

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

PADDOCK

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

STABLE

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

- C. 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	3
3 through 5	5
6 through 10, per horse	10
11 or more	10, plus 1/2 per horse over 10

- 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 **C(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

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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 ~~through 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 amount identified on the Town's Fee schedule.
- (3) Retaining walls greater than four (4) feet in height are discouraged, terraced

Commented [MG11]: Previously reserved section

Commented [DD12]: Currently missing from code.

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retaining walls must have a shelf width equal to one and a half times the height of the upper wall.

- (4) A safety fence can be required.
- (5) The height of a fence or safety fence will be measured from the base of the lowest wall. A total height greater than 3 feet in front of a home will require an area variance from the Zoning Board of Appeals, and any total height greater than 6 feet behind the front wall of the home will require an area variance from the Zoning Board of Appeals.

§ 185-118. (Reserved) Keeping of animals, other than horses.

A. All livestock, animals, chickens and other poultry, birds, and the like, 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. The keeping of roosters shall be prohibited.

Commented [MG13]: Existing

B. These requirements shall not apply to the housing of not more than four dogs, cats, or birds per dwelling unit.

C. Swine. The keeping of swine or pigs is prohibited in all districts.

Commented [MG14]: Existing

D. 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 preexisting swimming pool or a preexisting 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 at all times.

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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 ~~be within~~meet the minimum setback ~~lines~~requirements of the ~~said lot or~~ property and ~~if~~ located ~~behind~~on the ~~rear~~ wallside of the ~~main structure home~~ must be screened with a solid fence that extends not less than 6 inches above the equipment.

Commented [DD15]: Adjusted to be consistent with 185-113

(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 ~~and~~, 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.

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§ 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.

~~C. Notwithstanding any other or contrary provision of any ordinance of the Town, all structures or buildings hereinafter erected or used in a residential area for the housing or keeping of livestock, poultry, birds or animals, except cats or dogs fewer than three in number or of canaries, nightingales and other song birds or parrots, parakeets or myna birds, shall have a minimum setback of not less than 150 feet from all boundary lines of the premises. All livestock, animals and birds, including but not limited to all domestic fowl such as chickens, guinea hens, ducks, geese and the like, shall be maintained in any districts governed by this chapter in roofed and walled buildings which shall be located on the premises as specified in the first sentence. The requirements of the preceding sentence shall not apply to the housing or keeping of more than four dogs; or of cats; or of canaries, nightingales and other song birds or parrots, parakeets or myna birds, per dwelling unit.~~

Commented [MG16]: Moved to Keeping of Animals section
Doug cleaned up language

§ 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 ~~of~~by the Planning Board ~~shall be~~is required prior to the erection of a fence or wall more than three feet in height ~~in front of the front setback line or for a fence more than six 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

Commented [DD17]: Clarification of fence height based on zoning determinations.

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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.

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- 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 ~~18~~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.

Conditions relating to all common driveways.

- G. ~~(1) — Construction specifications.~~ 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:

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- 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 such building, structures and impervious surfaces are to be 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) Each parking space shall be at least 180 square feet in area, with a minimum width of eight feet, exclusive of access drives or aisles, and shall be of usable shape and condition. ~~(2) Each parking space shall be at least 180 square feet in area, with a minimum width of eight feet, exclusive of access drives or aisles, and shall be of usable shape and condition.~~
 - (3) There shall be adequate provision for ingress and egress to all parking areas and parking spaces.
 - (4) Pavement in parking areas shall be an asphaltic or portland cement surface or crushed stones and shall be appropriately graded and drained.
 - (5) Parking areas shall be appropriately screened, utilizing, where necessary, a masonry wall or solid fence, earthen berm or evergreen hedging of appropriate and acceptable design.
 - (6) ~~(6) Parking areas with a capacity of more than 100 vehicles shall be broken up by aisles and/or landscaping, with adequate pedestrian walkways.~~ Parking areas with a capacity of more than 100 vehicles shall be broken up by aisles and/or landscaping, with adequate pedestrian walkways.
 - (7) All parking areas are to be located behind the rear wall of the main structure, and such parking areas shall meet the relevant setback requirements contained in this chapter.
- E. ~~Lighting. Lighting on the premises shall be guarded, shielded and regulated in such manner that it shall not project, disperse or display any light rays beyond the boundary lines of the~~

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premises on which it is located. Plans for such lighting must be approved by the Planning Board as part of the site plan approval process.

F. Signs.

E. (1) Lighting. All exterior lighting shall be in accordance with the provisions of Article TBD (Exterior Lighting Regulations) of this Chapter.

F. Signs. Possible that we create a new type of sign, "Non-residential signs in residential zoning districts" This might avoid the concern of content based sign regulations in this case.

- (1) Places of worship may have a one-sided or two-sided identification sign not to exceed 24 square feet in size per side, which sign may be attached to the main structure or be freestanding. If such sign is freestanding, the topmost point of such sign and its supports, if any, shall be not more than 10 feet above grade. The sign may be lighted, but the lighting may not be of the flashing, intermittent or interrupted type.
- (2) Places of worship may have two directional signs which may be freestanding or attached to a building and bearing the word "Entrance" and/or "Exit" and/or "Parking." Such signs shall not exceed 18 inches by 36 inches and shall be not more than 36 inches above grade level.

E.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.

F.H. All other relevant requirements of this Code not inconsistent with these criteria shall be applicable to places of worship.

G.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

Commented [MG18]: Change to reference updated regulations Draft Article TBD, previously reviewed by Board (see updated Draft dated May 15, 2024)

Commented [DD19]: Possible fix for concern of sign content based regulation.

Commented [MG20R19]: TBD with forthcoming sign section review/revisions.

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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 ~~of \$850~~[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. Definitions. As used in this section, the following terms shall have the meanings indicated:

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.

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.

CAMOUFLAGING

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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.

FREESTANDING COMMUNICATION TOWER

Freestanding lattice tower onto which a telecommunications device is affixed.

GUYED TOWER

Lattice tower supported by wire anchors onto which a telecommunications device is affixed.

MONOPOLE

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

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.

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:

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- [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 districts.
 - [d] Business office/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

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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/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.

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- 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.

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E. Removal of facilities; bond.

- (1) Any applicant installing a telecommunications tower, ~~antennas and/or accessory facility~~ 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, ~~antennas and/or accessory facilities~~ 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.

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- (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 commercial districts:
 - a) Commercial District.
 - b) Light Industrial District.
 - c) High Technology Manufacturing and Office Park District.
 - d) Business and Office 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.

Commented [MG21]: Will need to update with revised zoning district names

§ 185-127 Satellite antennas.

- A. Findings and purpose. The Town Board of the Town has become concerned about the appearance and impact of satellite antennas. The 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. Definitions. As used herein, the following terms shall have the meanings indicated:

SATELLITE ANTENNA

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

- 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.

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- (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.

~~G. Relief from provisions. Upon application to the Zoning Board of Appeals, relief from the provisions of this section may be granted in the event that the Zoning Board of Appeals finds that full compliance would impair installation, maintenance or use by reason of:~~

~~(1) Unreasonable delay;~~

~~(2) Unreasonable increase in the cost; or~~

~~(3) Preclusion of reception or transmission of a reasonably acceptable quality signal.~~

§ 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.

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- (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,

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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 Reserved. ~~(Formerly Types of single- and two-family dwellings.)~~

~~A. Measurement. The floor area of single and two-family dwellings shall be measured from the outside of the exterior walls enclosing a heated and finished living area, exclusive of garages, basements or cellars, whether furnished or not.~~

~~B. Type of dwelling.~~

~~(1) Type I dwellings shall include a one-story, raised ranch or split-level dwelling.~~

~~(2) Type II dwellings shall be a one and one-half dwelling.~~

~~(3) Type III dwellings shall be a two-story building.~~

~~C. In determining the floor area of a raised ranch dwelling, the main or upper floor level only shall meet the first floor area requirements. To determine the floor area of a split-level dwelling, the aggregate or total square foot areas of all levels that have no habitable area above them shall be used. Notwithstanding the foregoing, in determining the floor area in Type II dwellings, the aggregate of the total required minimum square foot area of the first and second floor may be used as long as the required minimum first floor area is met.~~

§ 185-130 Reserved. ~~(Formerly amusement devices section)~~ **Amusement centers and devices.**

~~A. Definitions. As used herein, the following words shall have the meanings indicated:~~

~~AMUSEMENT CENTERS~~

~~Any premises open to the public and existing for the primary purpose of offering amusement devices for use by customers or patrons thereof.~~

~~AMUSEMENT DEVICE~~

~~Any device controlled or operated by insertion of a coin or similar article into a slot or similar opening for the purpose or use as a game, contest or amusement. This includes, but~~

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~~is not limited to, pinball machines, pool tables and video or electronic games. It does not include jukeboxes.~~

~~B. Regulations.~~

~~(1) Amusement centers. Such centers are prohibited in this Town.~~

~~(2) Amusement devices. Such devices may be located only in commercial or industrial use districts, only as incidental items on premises primarily and substantially devoted to other business purposes.~~

§ 185-130.1 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 ~~in residential zones~~, 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.

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- (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.

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- (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.

§ 185-131 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:

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.

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.

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

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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.

§ 185-132 ~~Reserved. (Formerly Chimney guards.)~~

Commented [MG24]: Deleted. No longer relevant.

~~A. All new residential structures or modifications to existing chimneys shall be equipped with chimney guards on all fireplace chimneys.~~

~~B. Such chimney guards shall be of noncombustible construction and shall have sufficient total clear area to permit unrestricted passage of flue gasses.~~

~~C. The screens on such guards shall have a three eighths inch minimum grid size so as to prevent the passage of embers and minimize clogging by soot.~~

§ 185-133 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.

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C. Parking.

- (1) Adequate off-street paved parking must be provided.
- (2) Each parking space shall be at least 180 square feet in area, with a minimum width of eight feet, exclusive of access drives or aisles, and shall be of usable shape and condition. ~~(2) Each parking space shall be at least 180 square feet in area, with a minimum width of eight feet, exclusive of access drives or aisles, and shall be of usable shape and condition.~~
- (3) There shall be adequate provision for ingress and egress to all parking areas and parking spaces.
- (4) Pavement in parking areas shall be an asphaltic or portland cement surface or crushed stones and shall be appropriately graded and drained.
- (5) Parking areas shall be appropriately screened utilizing, where necessary, a masonry wall or solid fence, earthen berm or evergreen hedging of appropriate and acceptable design.
- (6) Parking areas with a capacity of more than 100 vehicles shall be broken up by aisles and/or landscaping, with adequate pedestrian walkways.

D. Lighting. (6) All exterior lighting shall be in accordance with the provisions of Article TBD (Exterior Lighting Regulations) of this Chapter.

~~Parking areas with a capacity of more than 100 vehicles shall be broken up by aisles and/or landscaping, with adequate pedestrian walkways.~~

~~D. Lighting. Lighting on the premises shall be guarded, shielded and regulated in such manner that it shall not project, disperse or display any light rays beyond the boundary lines of the premises on which it is located. Plans for such lighting must be approved by the Planning Board as part of the site plan approval process.~~

~~D.E. E.~~ E. Signs. The premises may contain two signs, freestanding and/or attached to the structure, identifying the school or college. Such signs shall not exceed three feet in height by five feet in length, and the topmost point of any freestanding sign and its supports, if any, shall be not more than 10 feet above grade. The signs may be lighted, but the lighting may not be of the flashing, intermittent or interrupted type.

~~E.F. F.~~ 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.

~~F.G. G.~~ G. All other relevant requirements of the Town Code not inconsistent with these criteria shall be applicable to schools and colleges.

~~G.H. H.~~ H. Need and location. By New York decisional law, the applicant shall not be

Commented [MG25]: Change to reference updated regulations Draft Article TBD, previously reviewed by Board (see updated Draft dated May 15, 2024)

Commented [MG26]: TBD - Based on forthcoming review/revision of sign regulations

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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.

§ 185-133.1 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.