

NONRESIDENTIAL DISTRICTS

TOWN OF PITTSFORD

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GENERAL NOTE FOR DISCUSSION: Desire to keep gas stations prohibited?

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:

1. 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.
2. Incorporate residential living options to increase local housing choice for residents.
3. Support the mixing of uses, both vertically and horizontally, to maximize the use of land and increase economic opportunity.
4. 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.
5. Capitalize on existing infrastructure and employ sustainable development practices that mitigate potential negative environmental effects.

§ 185-4041. Permitted uses.

The following uses are permitted:

- ~~A.—Retail store.~~
- ~~B.—Personal service establishment.~~
- ~~C.—Specialty commercial school for drama, dance, music, martial arts or similar skills.~~
- ~~D.—Business or professional office.~~
- ~~E.—Financial institution.~~
- ~~F.—Printing and photocopy.~~
- ~~G.—Health club.~~
- ~~H.—Indoor active recreation.~~

~~I. Accessory uses and structures customarily associated with and incidental to a principal use.~~

MU-C DISTRICT. Permitted Uses
<u>Upper Floor Dwelling Units, subject to §185-42 (H)</u>
<u>Animal Care Facility, operated wholly within a building, and not including cremation</u>
Financial Institution
Business or Professional Office, <u>includes financial institution</u>
Personal Service Establishment (<u>see definitions §185-8</u>)
Recreation Facility, Indoor
Retail Store
<u>Community, Cultural, or Instructional Facility</u>
<u>Municipal Building or Use</u>
<u>Park or Playground</u>
<u>Mix of Permitted Uses in a Single Building or Lot</u>
Accessory Use or Structure, customarily associated with and incidental to a principal use

§ 185-4142. ~~Special use permit uses~~Specially permitted uses.

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

- ~~A. Movie theater.~~
- ~~B. Restaurant with inside and/or outside seating.~~
- ~~C. Shop for making articles only for retail sale on the premises.~~

MU-C DISTRICT. Specially permitted uses <u>Special Use Permit Uses</u>
<u>Animal Care Facility, with outdoor animal area</u>
<u>Day Care Center, Child or Adult</u>
<u>Micro-brewery or Micro-distillery</u>
<u>Boutique Hotel or Inn</u>
Restaurant <u>or Bar</u> , with inside and/or outside seating (<u>See restaurant definition</u>)
<u>Telecommunications Equipment</u>
<u>Solar Energy System, as accessory use only</u>

§ 185-4243. 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. Residential units shall be located above ground floor level. Each unit shall not be less than 500 square feet for a one bedroom and 140 additional square feet for each bedroom thereafter. For parking requirements see §185-XX.

NOTE: See new parking section proposed

§ 185-4344. ~~Setback restrictions~~ Dimensional requirements.

~~Subject to the supplemental setback provisions of § 185-120, all structures shall have a front setback of at least 30 feet, side setbacks of at least 20 feet and a rear setback of at least 30 feet. In determining the minimum front setback, any overhang attached to a structure, which is in excess of four feet measured at the right angles to the structure, shall be deemed an integral part of such structure.~~

MU-C DISTRICT. Dimensional Requirements		
Minimum Lot Size		EXISTING Requirements
Mixed Use	30,000 sf + 4,000 sf / du over 5 units	-
Nonresidential Use	30,000 sf	30,000 sf
Minimum Lot Width	150 ft	150 ft
Front Setbacks		
Minimum Front Setback	15 ft ²	30 ft
Maximum Front Setback	50 ft ²	-
Minimum Side Setback		
Primary Use or Structure	20 ft	20 ft
Accessory Use or Structure	10 ft	20 ft

MU-C DISTRICT. Dimensional Requirements		
Minimum Rear Setback		
Primary Use or Structure	30 ft	30 ft
Accessory Use or Structure	10 ft	30 ft

- 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.

§ 185-4445. Lot-sizeBulk requirements.

~~Each lot shall have a minimum area of 30,000 square feet and a lot width of 150 feet.~~

MU-C DISTRICT. Bulk Requirements		
Minimum Building Height		EXISTING Requirements
Primary Structure	30 ft	-
Maximum Building Height		
Primary Structure	45 ft	40 ft³
Accessory Structure	12 ft	12 ft
Maximum Building Size (buildings fronting Monroe Avenue only) ¹		
Building Footprint	15,000 sf per building section ²	-
Building Width, front façade	100 ft	-
Minimum Open Space or Landscaped Area		
Share of Lot Area	20%	-

- Notes:**
- (1) Buildings existing at the time of enactment of this section shall be exempt.
 - (2) 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.
 - (3) Chimneys may extend 5 ft above top of structure

§ 185-4546. Parking areas.

A- Update with revised language from parking draft when finalized.

~~All premises in a Commercial District shall be provided with a hard surface (asphalt or concrete) parking area on a site of sufficient size to accommodate the motor vehicles of all employees and business guests. The design shall conform to the Monroe Avenue Design Guidelines, dated April 2, 2002, as amended and supplemented.~~

~~**§ 185-46. Maximum height restrictions.**~~

~~The maximum permitted height of any structure is 40 feet, except that chimneys attached to such structure may extend 10 feet above the highest point of the structure.~~

Article XA. ~~C-2~~ 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.~~

~~The intended purpose of the C-2 Commercial District is to accommodate small- to moderate-scale commercial/retail and specific business uses in the North Washington Street corridor and to regulate such development and uses to minimize potential adverse effects on other nearby uses; reduce potential use conflicts; and strengthen the economic vitality and attractiveness of the district. It is not the intent of the Town of Pittsford to allow large-scale, commercial/retail uses within the C-2 Commercial District.~~

§ 185-46.2. Permitted uses.

The following uses are permitted:

~~A. The permitted uses on parcels up to two acres in size are limited to:~~

- ~~(1) Residential uses permitted in the B Residential District, and subject to the lot and bulk requirements contained in § 187-27.~~
- ~~(2) Accessory structures and uses, subject to § 185-113.~~
- ~~(3) Commercial/retail as permitted under § 185-40.~~
- ~~(4) Business or professional office.~~

~~B. The permitted uses on parcels two acres or greater in size are limited to:~~

- ~~(1) Residential uses permitted in the B Residential District, and subject to the lot and bulk requirements contained in § 185-27.~~
- ~~(2) Accessory structures and uses, subject to § 185-113.~~
- ~~(3) Mixed-use development subject to approval by the Town Board and provisions of Article XXXIII, Incentive Zoning.~~
- ~~(4) Automobile sales and/or rental, including service of vehicles as an ancillary use.~~

GC DISTRICT. Permitted Uses
<u>Animal Care Facility, operated wholly within a building, and not including cremation</u>
<u>Financial Institution</u>
Business or Professional Office, <u>includes financial institution</u>
Personal Service Establishment <u>(see definitions §185-8)</u>
Recreation Facility, Indoor
Retail Store
Vehicle Sales, Service, or Repair Shop
Packaging or Assembly of Products
Printing or Publishing Operations
Community, Cultural, or Instructional Facility
Municipal Building or Use
Park or Playground
Accessory Use or Structure

§ 185-46.3. ~~Special use permit uses~~ Specially permitted uses.

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

~~A. Restaurant with inside and/or outside seating.~~

GC DISTRICT. Special Use Permit Uses <u>Specially permitted uses</u>
<u>Animal Care Facility, with outdoor animal area</u>
<u>Boutique Hotel or Inn</u>
<u>Day Care Center, Child or Adult</u>
Restaurant <u>or Bar</u> , with inside and/or outside seating <u>(See restaurant definition)</u>
<u>Micro-brewery or Micro-distillery</u>
<u>Telecommunications Equipment</u>
<u>Outdoor Assembly or Seating Area</u>
<u>Solar Energy System</u>
<u>Mix of Permitted Uses in a Single Building or Lot</u>

§ 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. Nonresidential site development requirements Dimensional requirements.

- ~~A. Lot size. Each lot shall have a minimum area of 25,000 square feet, except that where a use permitted by § 185-46.2B(2) or (3) is established, the minimum lot size shall be two acres.~~
- ~~B. Lot coverage. Structures, parking areas, internal roadways and sidewalks shall not occupy more than a maximum of 80% of the total lot area. The remainder of the lot area, a minimum of 20%, shall be devoted to open space and/or landscaped areas.~~
- ~~C. Setback restrictions. Subject to the supplemental setback provisions of § 185-120, all structures shall have a front setback of at least 30 feet, side setbacks of at least 20 feet and a rear setback of at least 30 feet. In determining the minimum front setback, any overhang attached to a structure, which is in excess of four feet measured at the right angles to the structure, shall be deemed an integral part of such structure.~~

GC DISTRICT. Dimensional Requirements		
Minimum Lot Size		EXISTING Requirements
Nonresidential Use	25,000 sf	25,000 sf
Minimum Lot Width	80 ft	-
Minimum Front Setback	30 ft	30 ft
Minimum Side Setback		
Primary Use or Structure	20 ft	20 ft
Accessory Use or Structure	10 ft	20 ft
Minimum Rear Setback		
Primary Use or Structure	30 ft	30 ft
Accessory Use or Structure	10 ft	30 ft

§ 185-46.6. Bulk requirements.

GC DISTRICT. Bulk Requirements		
Minimum Building Height		EXISTING Requirements
Primary Structure	-	-
Maximum Building Height		
Primary Structure	45 ft	-
Accessory Structure	12 ft	12 ft
Maximum Lot Coverage		
Gross Impervious Surface	75%	80%
Minimum Open Space or Landscaped Area		
Share of Lot Area	20%	-

§ 185-46.76. 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. Parking in the front setback area of the property is prohibited. For corner properties, the Planning Board may allow parking in one of the setbacks. (See D below)~~
 - ~~3.2.~~ 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.
 - ~~4.3.~~ 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. Update with revised language from parking draft when finalized.**
 - ~~1. All premises shall be provided with adequate hard surface (asphalt or concrete) parking areas of sufficient size to accommodate all employees, service personnel and business visitors.~~
 - ~~2. Parking shall be placed to the side and rear of the front line of the primary structure.~~

Article XI. Light Industrial District

§ 185-47. ~~Establishment of district~~Purpose.

The ~~intended~~ purpose of the Light IndustrialLI District is to ~~accommodate light industrial and specific business uses, and to regulate such support the~~ development and uses to minimize potential adverse effects on other nearby uses; ~~reduce potential of existing industrial land use~~ conflicts; and strengthen the areas into vibrant, stable economic vitality and attractiveness of centers. While traditional industrial operations may continue to serve the ~~Industrial~~Pittsford economy, the viability of large-scale manufacturing operations may be affected by current market shifts and advances in technology. This District. It is ~~not the intent of intended to support the Town to allow vision and recommendations of the conversion or expansion of Town's Comprehensive Plan by fostering a limited commercial/retail uses within the Light Industrial~~light-industrial mixed use environment that increases local investment and employment opportunities. Future development in the LI District ~~except~~should seek to achieve the following objectives:

1. 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.
2. 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.
- 1.3. Continue to support light industrial development provided herein that such uses operate in a manner that protects and maintains the health, safety, welfare, and quality of life of nearby neighborhoods.
4. § 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. Definition.

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

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.

§ 185-49. Permitted uses.

The following uses are permitted:

- ~~A. — Light industrial uses.~~
- ~~B. — Business or professional office.~~

- ~~C. — Research and development.~~
- ~~D. — Ammunition/firearms sales.~~
- ~~E. — Warehouse/distribution.~~
- ~~F. — Wholesale operations.~~
- ~~G. — Automobile/truck sales, servicing, rental, washing, repair and refinishing that does not include salvage operations. Permitted automobile/truck washing is limited to washing within a building as part of an automobile/truck rental use.~~
- ~~H. — Animal hospital, provided that the facility and all animals are contained in an enclosed structure.~~
- ~~I. — Adult entertainment subject to the requirements of § 185-53.3 of this Code.~~
- ~~J. — Indoor active recreation.~~

LI DISTRICT. Permitted Uses
Adult Entertainment Uses, subject to the requirements of <u>§185-XX.</u>
Ammunition/Firearms Sales
<u>Animal Care Facility, operated wholly within a building, and not including cremation</u>
Business or Professional Office
Indoor active recreation
<u>Light Industrial Uses</u>
<u>Self-Storage Facility</u>
<u>Manufacturing, Processing, or Fabrication of Goods</u>
Research and Development <u>or Laboratory</u>
<u>Packaging or Assembly of Products</u>
<u>Printing or Publishing Operations</u>
Warehouse, Distribution, <u>or Storage Facility</u>
Wholesale Operations
Vehicle Sales, Service, or Repair Shop Automobile/truck sales, servicing, rental, washing, repair and refinishing that does not include salvage operations. Permitted automobile/truck washing is limited to washing within a building as part of an automobile/truck rental use.

§ 185-50. ~~Special-use permit uses~~Specially permitted uses.

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

LI DISTRICT. Specially Permitted Uses Special-Use Permit Uses
<u>Animal Care Facility, with outdoor animal area</u>
<u>Kenel</u>
<u>Micro-brewery or Micro-distiller</u>
<u>Energy Storage Facility</u>

<u>Telecommunications Equipment</u>
<u>Solar Energy System</u>

- 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.
- ~~F. Kennels. Kennels, including animal day-care centers where animals are boarded for any length of time, shall be permitted, subject to the following specific conditions:~~
- ~~(1) A noise and visual barrier consisting of a suitable fence or dense vegetative planting shall be provided, fully encircling all kennel areas not enclosed in a building.~~
 - ~~(2) All animals shall be confined to an individual crate or cage and within a building between the hours of 8:00 p.m. and 6:30 a.m.~~
 - ~~(3) No noticeable odors or offensive noise shall be emitted from the site.~~
 - ~~(4) There shall be no incineration of waste and/or refuse on the site.~~
 - ~~(5) There shall be no breeding of animals on the site.~~
 - ~~(6) In reviewing an application for a special use permit, and in addition to the criteria to be considered pursuant to § 185-174, the Planning Board shall consider the following:~~
 - ~~(a) Provisions for controlling noticeable odor and offensive noise.~~
 - ~~(b) Disposal plan for animal waste.~~
 - ~~(c) Supervision of animals, particularly when outside a building.~~
 - ~~(d) Adequacy of outdoor areas, including size, number of areas and separation of areas with visual buffering.~~
 - ~~(e) Soundproofing methods for buildings.~~

- ~~(f) Maximum number of animals to be maintained.~~
- ~~(g) Hours of operation.~~
- ~~(h) Existing or proposed natural or man-made barriers.~~
- ~~(i) Other factors which the Planning Board reasonably determines are appropriate to prevent and/or mitigate negative effects to adjoining properties and the neighborhood.~~

§ 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. ~~Minimum dimensional site requirements~~Dimensional requirements.

- ~~A. Lot size. Each lot shall have a minimum area of not less than 30,000 square feet.~~
- ~~B. Maximum height. The maximum permitted height of any structure is 40 feet, except that chimneys attached to such structure may extend 10 feet above the highest point of the structure.~~
- ~~C. Setback restrictions. Subject to the supplemental setback provisions of § 185-120, all structures shall have a front setback of at least 50 feet, side setbacks of at least 25 feet and a rear setback of at least 50 feet. For parcels whose rear property line is parallel to a rail corridor, the rear setback shall be at least 25 feet.~~
- ~~D.C. _____ Lot coverage. Structures, parking areas, internal roadways and sidewalks shall not occupy more than a maximum of 80% of the total lot area. The remainder of the lot area, a minimum of 20%, shall be devoted to open space and/or landscaped areas.~~

LI DISTRICT. Dimensional Requirements		
Minimum Lot Size		EXISTING Regulations
Nonresidential Use	30,000 sf	30,000 sf
Minimum Lot Width	100 ft	-
Minimum Front Setback	30 ft	50 ft
Minimum Side Setback		
Primary Use or Structure	25 ft	25 ft
Minimum Rear Setback		
Primary Use or Structure	25 ft / 50 ft¹	50 ft

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

§ 185-53. Bulk requirements.

LI DISTRICT. Bulk Requirements		
Minimum Building Height		EXISTING Regulations
Primary Structure	-	-
Maximum Building Height		
Primary Structure	40 ft ¹	40 ft¹
Accessory Structure	20 ft	12 ft
Maximum Lot Coverage		
Gross Impervious Surface	75%	80%
Minimum Open Space or Landscaped Area		
Share of Lot Area	25%	20%

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

§ 185-53.1. Performance standards.

A. Visual buffering.

~~1. 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.~~

~~1. Landscaped visual buffering of principal structures, accessory structures, loading docks, parking areas, walkways, internal roads and appurtenant structures is required.~~

See Subsection D.

2. 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.** **Update with revised language from parking draft when finalized.**
- ~~1. All lots shall include hard surface (asphalt or concrete) parking areas of sufficient size to accommodate all employees and service personnel, which shall be located behind the front line of the principal structure.~~
 - ~~1. 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.~~
 - ~~2. All exit and entrance lines to parking and service lanes shall be clearly marked and maintained.~~

§ 185-53.1. Adult uses.

NOTE: Relocate to nonresidential use regulations section for consistency.

Special regulations applicable to adult bookstores and adult entertainment establishments are as follows:

- A. 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.

B. 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.

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 intended to provide 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.

The following uses are permitted in this district:

- ~~A.—Offices for high technology, business and professional services, medical services, administrative and professional entities, corporate headquarters and government offices.~~

HTOP DISTRICT. Permitted Uses

<u>Business or Professional Office</u>
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<u>Office or Clinic, Administrative or Medical</u>
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§ 185-56. ~~Special use permit uses~~ Specially permitted uses.

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

- ~~A.—Research and development facilities.~~
- ~~B.—Day-care center, occupying no more than 10,000 square feet of interior building space.~~

HTOP DISTRICT. Specially permitted uses Special Use Permit Uses

Day Care Center, Occupying no more than 10,000 square feet of interior building space

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. ~~Lot and bulk requirements~~Bulk and dimensional requirements.

- ~~A.—Each lot shall have a minimum area of 30,000 square feet and a lot width of 150 feet.~~
- ~~B.—Subject to the supplemental setback provisions of § 185-120, all shall have a front setback of at least 70 feet, side setbacks of at least 25 feet and a rear setback of at least 50 feet. All structures shall be set back at least 100 feet from a common boundary with a residential district.~~
- ~~C.—The maximum permitted height of any structure is 40 feet, except that chimneys attached to such structure may extend 10 feet above the highest point of the structure.~~
- ~~D.—Lot coverage. Structures, parking areas, internal roadways and sidewalks shall not occupy more than a maximum of 50% of the total lot area. The remainder of the lot area, a minimum of 50%, shall be devoted to open space and/or landscaped areas.~~

HTOP DISTRICT. Dimensional Requirements		
Minimum Lot Size		EXISTING Requirements
Nonresidential Use	30,000 sf	30,000 sf
Minimum Lot Width	150 ft	150 ft
Minimum Front Setback	70 ft ¹	70 ft¹
Minimum Side Setback		
Primary Use or Structure	25 ft ¹	25 ft¹
Minimum Rear Setback		
Primary Use or Structure	50 ft ¹	50 ft¹

Notes: (1) Or 100 ft from any residential district boundary.

HTOP DISTRICT. Bulk Requirements		
Minimum Building Height		EXISTING Requirements
Primary Structure	-	-
Maximum Building Height		
Primary Structure	40 ft ¹	40 ft¹
Accessory Structure	12 ft	12 ft
Maximum Lot Coverage		
Gross Impervious Surface	50%	50%
Minimum Open Space or Landscaped Area		
Share of Lot Area	50%	50%

Notes: (1) Chimneys may extend 10 ft above top of structure.

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

- 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%.