VILLAGE OF PITTSFORD

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Village Hall ca 1855 (remodeled 1937)

Village of Pittsford Board of Trustees
Code Review Meeting
June 25, 2019, 5:00 PM

Tentative Agenda

Board Member - Conflict of Interest Disclosure

Meeting Items

1. Review of Draft Zoning Code

Next Scheduled Meeting – July 2, 2019 *Subject To Change Without Notice

CHAPTER 210

VILLAGE OF PITTSFORD ZONING CODE

ZONING CODE
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CHAPTER 210

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PREPARED BY: BARTON & LOGUIDICE, SUSTAINABLE PLANNING & DESIGN DIVISION

ARTICLE 10
ESTABLISHMENT & APPLICABILITY

§ 210-10.1 ESTABLISHMENT

The Board of Trustees of the Village of Pittsford hereby enacts and publishes the following Chapter establishing zoning regulations for the Village and providing for the enactment, administration, and amendment thereof pursuant to the provisions of NYS Village Law, Article 7.

§ 210-10.2 TITLE

This Chapter shall be known as the "Zoning Law of the Village of Pittsford, Monroe County, New York." For convenience, it is also referred to throughout this Chapter as the "zoning law" or "zoning code."

§ 210-10.3 PURPOSE

The provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, sense of community, and general welfare and the conservation of property values throughout the Village of Pittsford. These provisions are intended to provide for adequate light, air and convenience of access, to secure safety from fire and other hazards and to prevent undue concentration of population by regulating and limiting the height and bulk of buildings, limiting and specifying the size of yards, courts and other open spaces, controlling the density of population and regulating and restricting the location of trades, industries and buildings designed for a specific use.

§ 210-10.4 APPLICABILITY

A. This Chapter shall be in effect immediately upon adoption and publication as provided by NYS Village Law.

B. Zoning affects every structure and use. Except as hereinafter provided, no building, structure or premises shall be used or occupied, and no building or structure shall be erected, moved, reconstructed, extended, enlarged, altered, or demolished except in conformity with the regulations herein.

§ 210-10.5 CONFLICT WITH OTHER REGULATIONS

A. In their interpretation and application, the provisions of this Chapter, shall be held to be the minimum requirements adopted for the promotion of the public health, community values, safety or other general welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other applicable law, ordinance, regulation or private agreement, the most restrictive, or that imposing the higher standards, shall govern.

B. The Village does not enforce or maintain a record of private agreements. This zoning law is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning law impose a greater restriction than imposed by a private agreement, the provisions of this zoning law will control. If the provisions of a valid, enforceable private agreement impose a greater restriction than this zoning law, the provisions of the private agreement will control.

§ 210-10.6 EFFECTIVE DATE

The effective date of this Chapter shall be the date of filing with the Secretary of State, as provided for by NYS Village Law.

§ 210-10.7 TRANSITIONAL PROVISIONS

A. **Applications Prior to Effective Date.** Accepted applications that were submitted before the effective date of this Chapter will be reviewed wholly under the terms of this Chapter.

B. **Permits Granted Prior to Effective Date.**

1. Any building, development or structure for which a building permit was issued before the effective date of this Chapter may be completed in conformance with the issued building permit and other applicable permits and conditions.

2. If construction has not commenced by the effective date of this Chapter, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this zoning law.

C. **Continuance of Violations.**

1. Any violation of the previous zoning law will continue to be a violation under this zoning law and be subject to penalties and enforcement under NYS Village Law.

2. If the use, development, construction or other activity that was a violation under the previous law complies with the express terms of this zoning law, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Chapter.

3. The adoption of this zoning law does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous law that occurred before the effective date of this Chapter.

D. **Continuing Nonconformities.** Any nonconformity under the previous zoning law will also be nonconformity under this zoning law, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this zoning law, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity.

ARTICLE 11
ZONING MAP

§ 210-11.1 OFFICIAL ZONING MAP ESTABLISHED

A. The zoning districts of this Chapter are bounded and defined as shown on a map entitled the "Official Zoning Map of the Village of Pittsford," bearing the date of adoption of this Chapter and as revised from time to time. For convenience the Official Zoning Map of the Village may also be referred to as the "zoning map."

B. The zoning map is hereby established, adopted, and incorporated into this Chapter and shall be as much a part hereof as if fully set forth and described herein.

§ 210-11.2 KEEPING OF THE MAP

A. The Village Clerk shall maintain the zoning map and file all amendments thereto with Monroe County and NYS as required by NYS Village Law.

B. A copy of the zoning map indicating the latest amendments shall be kept in the offices of the Village Clerk for the use and benefit of the public.

§ 210-11.3 DISTRICT BOUNDARIES

A. Where district boundaries are indicated as approximately following the center lines of streets, highways, waterways or railroad rights-of-way, or such lines extended, such center lines shall be construed to be such boundaries.

B. Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.

C. In all cases where a district boundary line is located not farther than 10 feet away from a lot line of record, such boundary line shall be construed to coincide with such lot line.

D. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the Code Enforcement Officer through the application of a graphic scale or other such instrument of measurement.

§ 210-11.4 NYS LANDS NOT EXCLUDED

Land in the Village owned by the State of New York and a part of the Barge Canal System shall not be included in computing zoning setbacks or land area by landowners in the Village. This prohibition applies even though a said landowner has a use or occupancy permit from the State of New York.

ARTICLE 12
BUILDING & CODE ENFORCEMENT

§ 210-12.1 OFFICE OF CODE ENFORCEMENT

A. The Office of Code Enforcement of the Village of Pittsford is hereby established for the purposes of enforcing this Chapter, the Village Code, local laws adopted by the Village Board of Trustees, the NYS Uniform Fire Prevention and Building Code, and any other applicable local, county, state, or federal laws and regulations.

B. The Mayor of the Village of Pittsford may appoint officers and inspectors to the Office of Code Enforcement to assist with the exercise of powers and fulfillment of duties conferred upon the Office by this Chapter and NYS Law. Such appointments shall be subject to approval by the Village Board of Trustees.

C. The compensation for the employees of the Office of Code Enforcement shall be set from time to time by the Village Board.

§ 210-12.2 BUILDING INSPECTOR

A. **Appointment.** The position of Building Inspector shall be subject to appointment by the Mayor and confirmation by the Village Board of Trustees as provided by NYS Village Law.

B. **Certification.** The Building Inspector shall possess background experience related to building construction and fire prevention and shall obtain training as required by the State of New York for building code enforcement personnel. The Building Inspector shall also obtain certification from the NYS Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. **Powers and Duties.** The Building Inspector shall be responsible for the administration and enforcement of the NYS Building Code and the regulations contained therein. Powers and duties of the Building Inspector shall include:

1. Receiving, reviewing, and approving or disapproving applications for Building Permits or Certificates of Occupancy, and the plans, specifications, and documents submitted therewith;

2. Issuing Building Permits and Certificates of Occupancy upon approval and certification of conformance with this Chapter;

3. Issuing written notices to property owners in violation of the NYS Building Code;

4. Conducting construction inspections, inspections prior to the issuance of Certificates of Occupancy, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted by this Chapter and the NYS Building Code;

5. Issuing Stop Work Orders;

6. Maintaining records;

7. Reviewing and investigating complaints;

8. Pursuing and participating in enforcement actions and proceedings; and

9. Exercising all other powers and fulfill all other duties conferred upon the Building Inspector by this Chapter, the Village Board, the Village Code, or NYS Village Law.

§ 210-12.3 CODE ENFORCEMENT OFFICER

A. **Appointment.** The position of CEO shall be subject to appointment by the Mayor and confirmation by the Village Board of Trustees as provided by NYS Village Law.

B. **Certification.** The CEO shall possess background experience related to building construction and zoning regulation and shall obtain training as required by the State of New York for code enforcement personnel. The CEO shall also obtain certification from the NYS Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. **Powers and Duties.** The CEO shall be responsible for the administration and enforcement of this Chapter and the regulations contained herein. Powers and duties of the CEO shall include:

1. Issuing certificates of zoning compliance upon approval and verification of conformance with this Chapter;

2. Issuing written notices to property owners in violation of this Chapter;

3. Conducting inspections of property for the purposes of verifying conformance with this Chapter;

4. Pursuing and participating in enforcement actions and proceedings; and

5. Exercising all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Chapter, the Village Board, the Village Code, or NYS Village Law.

§ 210-12.4 PROPERTY INSPECTIONS

A. The CEO and Building Inspector are empowered to cause any building, structure, or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist in violation of any local, county, state, or federal law or regulation.

B. After any such order has been served, no work shall proceed on any building, structure, or tract of land covered by such order except to correct the violation or to comply with such order.

ARTICLE 13
VILLAGE BOARD OF TRUSTEES

§ 210-13.1 ESTABLISHMENT

The establishment of the Village of Pittsford Board of Trustees (Village Board) is provided for in Chapter 28 of the Village Code. The requirements of this Article are intended to apply solely to the role of this Village Board with respect to this Chapter. As such, the Village Board shall have full authority to administer and enforce this zoning law.

§ 210-13.2 CONDUCT

A. **By-Laws.** The Village Board may approve by-laws for the conduct of its business consistent with statute and this Chapter.

B. **Public Hearings.** The Village Board shall hold public hearings as required by this Chapter and decisions shall be voted upon at public sessions. The Village Board may otherwise hold executive sessions in accordance with the NYS Open Meetings Law.

C. **Recommendations.** The Village Board may seek recommendations from the Historic Preservation Board, Planning Board, Zoning Board of Appeals, Village officials or departments, or other agencies as it deems appropriate.

D. **Staff Appointments and Confirmations.** The Village Board may confirm clerks or other employees serving at its pleasure, upon appointment of such by the Mayor. The Village Board may also confirm clerks or other employees to serve at the pleasure of the Historic Preservation Board, Planning Board, or Zoning Board of Appeals upon appointment of such by the Mayor.

§ 210-13.3 MEETINGS & MINUTES

A. The Village Board shall hold public hearings as required by this Chapter and decisions shall be voted upon at public sessions. The Village Board may otherwise hold executive sessions in accordance with the NYS Open Meetings Law.

B. The Village Clerk, or their designee, shall keep minutes of all proceedings before the Village Board.

§ 210-13.4 VILLAGE TRUSTEE TRAINING

A. Village Board shall complete at least four hours of training for each year of their term. Training received in excess of four hours in any one year may be carried over into the following year. Trustees must provide certification or proof of training for each year of their term.

B. Training opportunities shall be approved by the Village Board and may include, but not be limited to, training provided by a municipality, regional or county planning

office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.

C. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

D. Failure on the part of any Trustee to obtain the required training shall not render any decision in which that Trustee participated null and void.

§ 210-13.5 POWERS & DUTIES

A. **Final Decision Authority.** Pursuant to this Chapter and NYS Village Law, the Village Board are hereby authorized and empowered with final decision authority to approve, approve with modifications or conditions, or deny applications for the following:

1. Amendments to text and/or map of this Chapter (re-zonings);

2. Planned Development Districts; and

3. Special use permits.

B. **Additional Powers.** The Village Board shall hold all additional powers and duties provided by the laws, rules, and regulations of New York State.

ARTICLE 14
HISTORIC PRESERVATION BOARD

§ 210-14.1 AUTHORITY & ESTABLISHMENT

A. **Enabling Authority.** Pursuant to Article 5, § 96-a; Article 5-G, Article 5-J and Article 5-K and § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historical Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of buildings and structures in the Village of Pittsford are necessary to promote the cultural, economic and general welfare of the public.

B. **Establishment.** In order to provide for historic and architectural preservation within the Village of Pittsford through this Chapter, the Historic Preservation Board is hereby established subject to the requirements, powers, and duties identified herein.

§ 210-14.2 MEMBERSHIP

A. **Membership & Terms.**

1. The Historic Preservation Board (HPB), as currently constituted under Chapter 211 of the Village Code, shall continue and be designated as the HPB for the purposes of this Chapter. The HPB shall be composed of five members, appointed by the Mayor subject to approval of the Village Board.

2. The terms of HPB members shall be three years.

3. Two members of the HPB may reside outside of the Village provided that such a member is a resident of the Town and County wherein the Village is located.

B. **Qualifications of Members.**

1. HPB members shall have interest, experience, and training in Historic Preservation and Planning, as determined by the Mayor and Board of Trustees.

2. No member of the HPB may also serve as a member of the Village Board of Trustees, Planning Board, or Zoning Board of Appeals, or as any other Village official.

C. **Chairperson.**

1. The Mayor shall, pursuant to NYS Village Law, designate the Chairperson of the HPB. The Chairperson shall be designated from the existing members of the HPB. Such designation may be changed at any time by the Village Board.

2. In the absence of such designation, the Chairperson of the HPB shall be designated from amongst the members by an affirmative vote of a majority of the members, and may be changed at any time by an affirmative vote of a majority of the members.

3. The Chairperson shall have the right to vote on all matters before the HPB. In the Chairperson's absence, the board may designate an acting Chairperson by affirmative vote of a majority of the HPB.

D. **Vacancies.** Vacancies occurring other than by expiration of a term of office shall be filled by appointment of the Mayor pursuant to NYS Village Law. Any such appointment shall be for the unexpired portion of the term of the replaced member.

E. **Alternate Members.**

1. The Village Board may confirm up to two alternate HPB members upon appointment of such by the Mayor. Alternate members shall be automatically called to serve in the event that a regular member is absent, has a conflict of interest, or is otherwise unable to fulfill their duties.

2. When serving, alternate members shall have all the powers and responsibilities of a full-time member.

3. All member requirements relating to training, attendance, conflicts of interest, compensation, eligibility, vacancy, removal, and service shall also apply to alternate members.

§ 210-14.3 MEMBER TRAINING REQUIREMENTS

A. Each member of the HPB shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet this requirement.

B. Such training shall be approved by the Village Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or board, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, and traditional classroom training.

C. To be eligible for reappointment to the HPB, a member shall have completed the training approved as set forth above.

D. The training may be waived or modified by resolution of the Village Board when, in the judgment of the Board of Trustees, it is in the best interest to do so.

E. No decision of the HPB shall be voided or declared invalid because of a failure to comply with the training requirements herein.

§ 210-14.4 COMPENSATION

The Village Board may provide for the compensation of HPB members by resolution. The manner and amount of such compensation shall be subject to review and approval by the Village Board as part of the annual budgeting process.

§ 210-14.5 CONDUCT

A. **By-Laws.** The HPB may approve by-laws that are consistent with the regulations adopted by the Village Board.

B. **Quorum.** A simple majority of the HPB members shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the full HPB is required to approve any resolution, motion, or other matter before the HPB.

C. **Meetings.** The HPB shall meet at least monthly, but meetings may be held at any time on the written request of any two HPB members or at the call of the Chairperson.

D. **Public Hearings.** The HPB shall hold public hearings as required by this Chapter and decisions shall be voted upon at public sessions. The HPB may otherwise hold executive sessions in accordance with the NYS Open Meetings Law.

E. **Recommendations.** The HPB may seek recommendations from the Village Board, Planning Board, Zoning Board of Appeals, Village officials or departments, or other agencies as it deems appropriate.

F. **Attendance.** All members are required to attend and take an active part in all scheduled meetings. If a member is unable to attend a meeting, they must notify the secretary so that an alternate member can be called upon to attend.

§ 210-14.6 STAFF, RECORDS, & ANNUAL REPORT

A. **Secretary and Staff.** The Village Board shall confirm a secretary to serve at the pleasure of the HPB, upon appointment of such by the Mayor. At the time of service, the secretary shall not also serve as member of the HPB. The secretary shall keep a record of all resolutions proceedings, and actions of the HPB, as well as attendance of HPB members.

B. **Voting Records.** The HPB is subject to the New York Freedom of Information Law and the Open Meetings Law. The vote or failure to vote of each HPB member shall be recorded. If any HPB member abstains from voting based on a conflict of interest or otherwise, the member must also state his or her reason(s) or ground(s) for doing so on the record.

C. **Minutes.** HPB meeting minutes, including a record of the HPB's decisions and determinations, shall be filed with the Village Clerk as they are completed.

D. **Annual Reports.** The HPB shall submit an annual report of its activities to the Mayor and each member of the Board of Trustees and make such recommendations to the Village Board as the HPB deems necessary to carry out the purposes of Chapter 211 and this zoning law.

§ 210-14.7 MEMBER REMOVAL

The Village Board shall have the power to remove, after public hearing, any member of the HPB for cause. Cause for such removal shall include, but not be limited to:

A. Absence from three consecutive regular or special meetings other than for illness or valid personal reasons substantiated by documented evidence;

B. Absence from 80% of the regularly scheduled meetings within any 12-month period other than for illness or valid personal reasons substantiated by documented evidence; or

C. Failure to obtain and comply with the training requirements as set forth in this Chapter.

§ 210-14.8 POWERS & DUTIES

A. **Final Decision Authority.** Pursuant to this Chapter and NYS Village Law, the HPB is hereby authorized and empowered with final decision authority to approve, approve with modifications or conditions, or deny applications for the following:

1. Certificates of Appropriateness; and

2. Certificates of Economic Hardship.

B. **Advisory Authority.** Pursuant to this Chapter, the HPB is hereby authorized and empowered with review and advisory authority for the following actions:

1. Special use permits;

2. Site plan review; and

3. Planned Development Districts.

C. **Review Standards.** In accordance with this Chapter and any regulations adopted by the Village Board for historic preservation purposes, the HPB shall use the standards set forth in this Chapter, the Secretary of the Interior's Standards for Rehabilitation, the Village of Pittsford Design Guidelines, and/or any other locally developed standards for review.

D. **Additional Powers.** The HPB shall hold all additional powers and duties provided by the laws, rules, and regulations of New York State, including, but not limited to the power to:

1. Recommend to the Board of Trustees of the Village of Pittsford any changes and amendments appropriate and necessary with regard to Chapter 211 or this Chapter.

2. Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the Village of Pittsford, and recommend to the Village Board any changes and amendments thereto.

3. Recommend to the Village Board additional regulations to be adopted by local law that may be necessary for the HPB to conduct its business, consistent with the scope and intent of this local law.

4. Recommend to the Village Board specific criteria for regulations to be adopted by local law that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto.

5. Recommend to the Village Board additional criteria to be adopted by local law to be used when evaluating applications for a certificate of appropriateness.

6. Recommend to the Village Board proposals for the acquisition of preservation easements or other interests in real property.

7. Conduct investigations, prepare maps, reports and recommendations in connection with its advisory authority relating to the planning, development and administration of the Village of Pittsford landmarks preservation policies, regulations and local law as needed, provided the total expenditures of said HPB shall not exceed the appropriation provided by the Village Board together with any public or private grant funding received by the Village of Pittsford for the HPB to undertake its landmarks preservation powers and duties.

8. Investigate, report, testify and recommend to the Planning Board, the Zoning Board of Appeals, the Village Board, and any Village department or official on matters, permits, authorizations and other actions that affect buildings, structures, and places within the district including any and all matters over which the HPB has jurisdiction pursuant to this article.

E. **Cooperation of Village Boards and Officials.** All Village departments, officials, and boards shall, upon request of the HPB, assist and furnish available permits, plans, reports, maps, and statistical and other information which the HPB may require for its work.

ARTICLE 15
PLANNING BOARD

§ 210-15.1 ESTABLISHMENT

Per Section 7-718 of NYS Village Law the Planning Board previously established under local law and still in existence at the time of this Chapter's enactment shall hereby be continued.

§ 210-15.2 MEMBERSHIP

A. **Membership & Terms.**

1. The Planning Board shall consist of five members appointed by the Mayor and confirmed by the Village Board.

2. The terms of the members of the Planning Board shall be five years.

B. **Qualifications of Members.**

1. Planning Board members are required to be residents of the Village with the exception of one member who may reside outside of the Village, provided such member is a resident of the Town of Pittsford, Monroe County, wherein the Village is located.

2. No current Trustee of the Village of Pittsford may serve as a member of the Planning Board.

C. **Chairperson.**

1. The Mayor shall, pursuant to NYS Village Law, designate the Chairperson of the Planning Board. The Chairperson shall be designated from the existing members of the Planning Board. Such designation may be changed at any time by the Village Board.

2. In the absence of such designation, the Chairperson of the Planning Board shall be designated from amongst the members by an affirmative vote of a majority of the members, and may be changed at any time by an affirmative vote of a majority of the members.

3. The Chairperson shall have the right to vote on all matters before the Planning Board. In the Chairperson's absence, the board may designate an acting Chairperson by affirmative vote of a majority of the Planning Board.

D. **Vacancies.** Vacancies occurring other than by expiration of a term of office shall be filled by appointment of the Mayor pursuant to NYS Village Law. Any such appointment shall be for the unexpired portion of the term of the replaced member.

E. **Alternate Members.**

1. The Village Board may confirm up to two alternate Planning Board members upon appointment of such by the Mayor. Alternate members shall be automatically called to serve in the event that a regular member is absent, has a conflict of interest, or is otherwise unable to fulfill their duties.

2. When serving, alternate members shall have all the powers and responsibilities of a full-time member.

3. All member requirements relating to training, attendance, conflicts of interest, compensation, eligibility, vacancy, removal, and service shall also apply to alternate members.

§ 210-15.3 MEMBER TRAINING REQUIREMENTS

A. Each member of the Planning Board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet this requirement.

B. Such training shall be approved by the Village Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or board, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, and traditional classroom training.

C. To be eligible for reappointment to the Planning Board, a member shall have completed the training approved as set forth above.

D. The training may be waived or modified by resolution of the Village Board when, in the judgment of the Board of Trustees, it is in the best interest to do so.

E. No decision of the Planning Board shall be voided or declared invalid because of a failure to comply with the training requirements herein.

§ 210-15.4 COMPENSATION

The Village Board may provide for the compensation of Planning Board members by resolution. The manner and amount of such compensation shall be subject to review and approval by the Village Board as part of the annual budgeting process.

§ 210-15.5 CONDUCT

A. **By-Laws.** The Planning Board may approve by-laws that are consistent with the regulations adopted by the Village Board.

B. **Quorum.** A simple majority of the Planning Board members shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the full Planning Board is required to approve any resolution, motion, or other matter before the Planning Board.

C. **Meetings.** Meetings may be held at any time on the written request of any two Planning Board members or at the call of the Chairperson.

D. **Public Hearings.** The Planning Board shall hold public hearings as required by this Chapter and decisions shall be voted upon at public sessions. The Planning Board may otherwise hold executive sessions in accordance with the NYS Open Meetings Law.

E. **Recommendations.** The Planning Board may seek recommendations from the Village Board, Historic Preservation Board, Zoning Board of Appeals, Village officials or departments, or other agencies as it deems appropriate.

F. **Attendance.** All members are required to attend and take an active part in all scheduled meetings. If a member is unable to attend a meeting, they must notify the secretary so that an alternate member can be called upon to attend.

§ 210-15.6 STAFF & RECORDS

A. **Secretary and Staff.** The Village Board shall confirm a secretary to serve at the pleasure of the Planning Board, upon appointment of such by the Mayor. At the time of service, the secretary shall not also serve as member of the Planning Board. The secretary shall keep a record of all resolutions proceedings, and actions of the Planning Board, as well as attendance of Planning Board members.

B. **Voting Records.** The Planning Board is subject to the New York Freedom of Information Law and the Open Meetings Law. The vote or failure to vote of each Planning Board member shall be recorded. If any Planning Board member abstains from voting based on a conflict of interest or otherwise, the member must also state his or her reason(s) or ground(s) for doing so on the record.

C. **Minutes.** Planning Board meeting minutes, including a record of the Planning Board's decisions and determinations, shall be filed with the Village Clerk as they are completed.

§ 210-15.7 MEMBER REMOVAL

The Village Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Cause for such removal shall include, but not be limited to:

A. Absence from three consecutive regular or special meetings other than for illness or valid personal reasons substantiated by documented evidence;

B. Absence from 80% of the regularly scheduled meetings within any 12-month period other than for illness or valid personal reasons substantiated by documented evidence; or

C. Failure to obtain and comply with the training requirements as set forth in this Chapter.

§ 210-15.8 POWERS & DUTIES

A. **Final Decision Authority.** Pursuant to this Article and NYS Village Law, the Planning Board is hereby authorized and empowered with final decision authority to approve, approve with modifications or conditions, or deny applications for the following:

1. Site plan review; and

2. Subdivision (Chapter 212 of the Village Code).

B. **Advisory Authority.** Pursuant to this Article and NYS Village Law, the Planning Board is hereby authorized and empowered with review and advisory authority for the following actions:

1. Amendments to the text and/or map of this Chapter (re-zonings);

2. Planned Development Districts; and

3. Special use permits.

C. **Additional Powers.** The Planning Board may exercise additional powers as directed by the Village Board, as may be described elsewhere in this Chapter, and as permitted by NYS Village Law.

ARTICLE 16
ZONING BOARD OF APPEALS

§ 210-16.1 ESTABLISHMENT

Per Section 7-712 of NYS Village Law the Zoning Board of Appeals (ZBA) previously established under local law and still in existence at the time of this Chapter's enactment shall hereby be continued.

§ 210-16.2 MEMBERSHIP

A. **Membership & Terms.**

1. The ZBA shall consist of five members confirmed by the Village Board upon appointment by the Mayor.

2. The terms of the members of the ZBA shall be five years.

B. **Qualifications of Members.**

1. ZBA members are required to be residents of the Village with the exception of one member who may reside outside of the Village, provided such member is a resident of the Town of Pittsford, Monroe County, wherein the Village is located.

2. No current Trustee of the Village of Pittsford may serve as a member of the ZBA.

C. **Chairperson.**

1. The Mayor shall, pursuant to NYS Village Law, designate the Chairperson of the ZBA. The Chairperson shall be designated from the existing members of the ZBA. Such designation may be changed at any time by the Village Board.

2. In the absence of such designation, the Chairperson of the ZBA shall be designated from amongst the members by an affirmative vote of a majority of the members, and may be changed at any time by an affirmative vote of a majority of the members.

3. The Chairperson shall have the right to vote on all matters before the ZBA. In the Chairperson's absence, the board may designate an acting Chairperson by affirmative vote of a majority of the ZBA.

D. **Vacancies.** Vacancies occurring other than by expiration of a term of office shall be filled by appointment of the Mayor pursuant to NYS Village Law. Any such appointment shall be for the unexpired portion of the term of the replaced member.

E. **Alternate Members.**

1. The Village Board may confirm up to two alternate ZBA members upon appointment of such by the Mayor. Alternate members shall be automatically called to serve in the event that a regular member is absent, has a conflict of interest, or is otherwise unable to fulfill their duties.

2. When serving, alternate members shall have all the powers and responsibilities of a full-time member.

3. All member requirements relating to training, attendance, conflicts of interest, compensation, eligibility, vacancy, removal, and service shall also apply to alternate members.

§ 210-16.3 MEMBER TRAINING REQUIREMENTS

A. Each member of the ZBA shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet this requirement.

B. Such training shall be approved by the Village Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or board, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning, and traditional classroom training.

C. To be eligible for reappointment to the ZBA, a member shall have completed the training approved as set forth above.

D. The training may be waived or modified by resolution of the Village Board when, in the judgment of the Board of Trustees, it is in the best interest to do so.

E. No decision of the ZBA shall be voided or declared invalid because of a failure to comply with the training requirements herein.

§ 210-16.4 COMPENSATION

The Village Board may provide for the compensation of ZBA members by resolution. The manner and amount of such compensation shall be subject to review and approval by the Village Board as part of the annual budgeting process.

§ 210-16.5 CONDUCT

A. **By-Laws.** The ZBA may approve by-laws that are consistent with the regulations adopted by the Village Board.

B. **Quorum.** A simple majority of the ZBA members shall constitute a quorum for the transaction of business. An affirmative vote of a majority of the full ZBA is required to approve any resolution, motion, or other matter before the ZBA.

C. **Meetings.** Meetings may be held at any time on the written request of any two ZBA members or at the call of the Chairperson.

D. **Public Hearings.** The ZBA shall hold public hearings as required by this Chapter and decisions shall be voted upon at public sessions. The ZBA may otherwise hold executive sessions in accordance with the NYS Open Meetings Law.

E. **Recommendations.** The ZBA may seek recommendations from the Village Board, Historic Preservation Board, Planning Board, Village officials or departments, or other agencies as it deems appropriate.

F. **Attendance.** All members are required to attend and take an active part in all scheduled meetings. If a member is unable to attend a meeting, they must notify the secretary so that an alternate member can be called upon to attend.

§ 210-16.6 STAFF & RECORDS

A. **Secretary and Staff.** The Village Board shall confirm a secretary to serve at the pleasure of the ZBA, upon appointment of such by the Mayor. At the time of service, the secretary shall not also serve as member of the ZBA. The secretary shall keep a record of all resolutions proceedings, and actions of the ZBA, as well as attendance of ZBA members.

B. **Voting Records.** The ZBA is subject to the New York Freedom of Information Law and the Open Meetings Law. The vote or failure to vote of each ZBA member shall be recorded. If any ZBA member abstains from voting based on a conflict of interest or otherwise, the member must also state his or her reason(s) or ground(s) for doing so on the record.

C. **Minutes.** ZBA meeting minutes, including a record of the ZBA's decisions and determinations, shall be filed with the Village Clerk as they are completed.

§ 210-16.7 MEMBER REMOVAL

The Village Board shall have the power to remove, after public hearing, any member of the ZBA for cause. Cause for such removal shall include, but not be limited to:

A. Absence from three consecutive regular or special meetings other than for illness or valid personal reasons substantiated by documented evidence;

B. Absence from 80% of the regularly scheduled meetings within any 12-month period other than for illness or valid personal reasons substantiated by documented evidence; or

C. Failure to obtain and comply with the training requirements as set forth in this Chapter.

§ 210-16.8 POWERS & DUTIES

A. **Final Decision Authority.** Pursuant to this Article and NYS Village Law, the ZBA is hereby authorized and empowered with final decision authority to approve, approve with modifications or conditions, or deny applications for the following:

1. Variances; and

2. Appeals.

B. **Interpretations.** The ZBA shall also have the power to make zoning interpretations as provided for by NYS Village Law.

C. **Additional Powers.** The ZBA may exercise additional powers as directed by the Village Board, as may be described elsewhere in this Chapter, and as permitted by NYS Village Law.

ARTICLE 17
NONCONFORMING USES & STRUCTURES

§ 210-17.1 APPLICABILITY

A. A structure or use of land existing prior to the adoption of this Chapter or any amendment hereto which does not conform to the regulations of the district in which it is situated shall be deemed nonconforming.

B. A building, structure or use of land existing prior to the adoption of this Chapter or any amendment thereto which does not now conform to the regulations of the district in which it is situated may be continued.

§ 210-17.2 UNSAFE STRUCTURES

Any structure or portion thereof declared unsafe by a proper authority shall be restored to a safe condition.

§ 210-17.3 EXTENSION OR EXPANSION OF USE

A nonconforming use shall not be extended or expanded to any additional portion of an existing structure or addition thereto or any new structure.

§ 210-17.4 ABANDONMENT OF USE

Whenever a nonconforming use has been discontinued for a period of six months, such use shall not thereafter be established, and any future use shall be in conformity with the provisions of this Chapter.

§ 210-17.5 CHANGE IN USE

Once changed to a conforming use, no structure or tract of land shall be permitted to revert to a nonconforming use.

ARTICLE 18
PROPERTY MAINTENANCE & REPAIR

§ 210-18.1 CERTIFICATES OF APPROPRIATENESS & ORDINARY REPAIR

A. Nothing in this Chapter shall be construed to prevent the ordinary maintenance and repair of any structure or exterior architectural feature that does not involve a change in design, building materials, color, or outward appearance.

B. The Building Inspector or Code Enforcement Officer, if necessary with the advice and consent of the Historic Preservation Board, shall evaluate and decide whether or not proposed work constitutes ordinary maintenance and repair or requires a Certificate of Appropriateness in accordance with Article 33 of this Chapter.

§ 210-18.2 CONSISTENCY WITH NYS UNIFORM CODE REQUIRED

No owner or person with an interest in real property shall permit the property to fall into a serious state of disrepair. Maintenance shall be required consistent with the Property Maintenance Code of New York State Uniform Fire Prevention and Building Code and all other applicable local regulations.

§ 210-18.3 MAINTAINING PROPERTY IN GOOD REPAIR

A. Every owner or person in charge of a structure in the Village shall keep in good repair all of the exterior and interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair.

B. Examples of types of prohibited disrepair include, but are not limited to:

1. Deteriorated or crumbling plasters, mortar or facades;

2. Deteriorated or inadequate foundation;

3. Defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;

4. Deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;

5. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;

6. Ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;

7. Defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;

8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;

9. Any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.

§ 210-18.4 VIOLATION OF PROPERTY MAINTENANCE & REPAIR

A. In the event that the Historic Preservation Board, Planning Board, Zoning Board of Appeals, Building Inspector, Code Enforcement Officer or Village Clerk determines that any exterior architectural feature of any building or structure located in the Village of Pittsford has deteriorated in violation of the ordinary maintenance and repair requirements of this Chapter, then the board or official shall forward such determination to the Village Board for further action.

B. In the event that the Village Board receives a determination from a board or official as referenced in the preceding sub-section, then the Village Board shall direct the Building Inspector to issue a Notice and Order requiring the owner or any person with an interest in such real property to remediate and repair the deteriorated exterior architectural feature so as to bring it into compliance with this section. Such Notice and Order shall set forth a deadline for compliance.

C. In the event that the subject property is not brought into compliance by the established deadline, then the Village, or its duly authorized representative, may enter on such property and correct such violation. The total cost for the correction of such a violation, including any and all attorney's fees, shall be assessed upon the real property where the violation was corrected. Such total cost shall constitute a lien and charge on the real property on which it was levied until paid or otherwise satisfied or discharged and should be collected by the Village Treasurer in the manner provided by law for the correction of delinquent taxes.

ARTICLE 19
PENALTIES & FEES

§ 210-19.1 PENALTIES FOR OFFENSES

A. A violation of any provision of this Chapter shall be an offense, punishable by a fine of up to $2,000 and imprisonment for up to 15 days, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

B. Each violation that continues over a period of 10 consecutive days shall constitute a separate additional offense. In addition to any penalties imposed under this Chapter, continued violations of this Chapter shall be punishable in any other manner provided under other local regulations, and state and federal law.

§ 210-19.2 INJUNCTION

The Village Board of Trustees may authorize the commencement of an action in Supreme Court, Monroe County, to enforce any provision of this Chapter. Any such enforcement action shall be in addition to, and not in lieu of, any other enforcement mechanism available at law or equity.

§ 210-19.3 PENALTIES FOR NONCOMPLIANCE

A. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a state of disrepair in violation of this Chapter in the absence of the proper approval(s) required herein, may be required by the Village Board to restore the property and its site to its appearance prior to the violation.

B. If, in the judgment of the Historic Preservation Board, Planning Board, Zoning Board, Code Enforcement Officer or Village Clerk, a violation of this Chapter exists that will result in a detrimental effect upon the life and character of a building or structure in the Village, the board or official shall notify the Building Inspector.

C. If, upon investigation, the Building Inspector finds non-compliance with the requirements of the Property Maintenance Code of the New York State Fire Prevention and Building Code, this Chapter, or any other applicable Village of Pittsford or New York State law or regulation, the Building Inspector shall order such remedies as are necessary and consistent with this Chapter and shall provide written notice thereof to the Village Board.

§ 210-19.4 FEE SCHEDULE

Fees for development review applications, permits, and certificates as required by this Chapter shall be as set forth from time to time by the Village Board as part of an official fee schedule.

§ 210-19.5 CONSULTANT FEES

A. The Village Board, Zoning Board of Appeals, Planning Board, Historic Preservation Board, and Village Clerk, in the review of applications as provided for in this Chapter, may refer any such application presented to them to such engineering, architectural, historical, planning, technical, environmental, or legal consultant, or attorney, as shall be reasonably necessary to enable them to review such application as required by law. The amount of the fee shall be determined by the respective Board and the professional consultant at the time the application is made. Each of the consultants shall estimate their fees based on the services to be rendered on behalf of the Village from a review of the application, including such documents, maps, plans, specifications, drawings and the like as may be a part of the same.

B. When the amount of the fee or fees has been determined and a contract to that effect has been reviewed and approved by the Village Board, the applicant shall make an escrow deposit with the Village, equal to the amount of the fees so determined. This escrow deposit shall be utilized to pay the cost of the special consultant's fees involved. The applicant's application shall not be deemed complete until such time as said escrow deposit has been made. If during the course of the review the need for further specialist consultation is deemed reasonably necessary by the Board, the same cost estimate and escrow deposit procedure shall be followed.

C. Upon completion of said review and within a period of 45 days thereafter, the Board shall adopt a resolution specifying whether the escrow deposit amount specified was sufficient, excessive or insufficient. In the event that a respective Board should determine that said amount is excessive, then the balance shall be returned to the applicant within 60 days. In the event that the Board should determine that the escrow deposit was insufficient, it shall so specify and the applicant shall be required to make payment of such additional amount within 60 days.

CHAPTER 210

VILLAGE OF PITTSFLORD ZONING CODE

PART 2
DISTRICT & USE REGULATIONS

ARTICLE 20: RESIDENTIAL DISTRICTS

ARTICLE 21: BUSINESS DISTRICTS

ARTICLE 22: MIXED USE DISTRICTS

ARTICLE 23: SPECIAL PURPOSE DISTRICTS

ARTICLE 24: ADDITIONAL USE REGULATIONS

ARTICLE 25: PARKING, LOADING & ACCESS MANAGEMENT

ARTICLE 26: LANDSCAPING & SCREENING

ARTICLE 27: SUPPLEMENTAL DISTRICT REGULATIONS

ARTICLE 28: PLANNED DEVELOPMENT DISTRICTS

PREPARED BY: BARTON & LOGUIDICE, SUSTAINABLE PLANNING & DESIGN DIVISION

ARTICLE 20
RESIDENTIAL DISTRICTS

§ 210-20.1 DISTRICTS ESTABLISHED

The residential districts of the Village of Pittsford are listed in the following table. When this zoning law refers to residential or "R" zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
Low Density Residential	LDR
Medium Density Residential	MDR
Mixed Residential	MR
Limited Office Residential	LOR

§ 210-20.2 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished within a residential district without obtaining the following approvals, as applicable:

A. **Historic Preservation Board Review.** A Certificate of Appropriateness (Article 33 of this Chapter) shall be required for the construction or exterior alteration of any building, structure, or architectural feature in the Pittsford Village Historic (H) District that is, in any respect, visible form a public street, public or private park, the Erie Canal, or any other public or private space that is accessible to the public.

B. **Site Plan Review.** Site plan review shall be required as provided for in Article 34 of this Chapter. This shall include, but is not limited to, new construction, alteration, or demolition of structures.

C. **Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by Article 35 of this Chapter.

D. **Local Waterfront Consistency Review.** All actions considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by Chapter 121 of the Village of Pittsford Code.

§ 210-20.3 PURPOSE STATEMENTS

A. **Low Density Residential (LDR) District.** The purpose of the LDR District is to support the vision of the Pittsford Village Comprehensive Plan to preserve and enhance the Village's lowest density neighborhoods. LDR District areas generally consist of single-family detached homes that were developed post-WWII, differentiated from the Village's pre-war neighborhoods by larger lot sizes and a more suburban character. Located at the edges of the Village, the LDR District serves as a comfortable transition from the higher density neighborhoods near to the Village center and the lower density neighborhoods provided in the Town of Pittsford. Future investment in

the LDR District should continue to contribute to the Village's high-quality neighborhood environments and further establish well-connected, walkable streetscapes lined with sidewalks, street lights, and street trees.

B. **Medium Density Residential (MDR) District.** The purpose of the MDR District is to support the vision of the Pittsford Village Comprehensive Plan by preserving and enhancing the Village's historic residential settlement pattern. As Village neighborhoods organically evolved over time, higher density residential uses were generally located near to the Village center in a traditional grid-like pattern. These neighborhoods predominately consist of single-family detached homes on lots generally under 15,000 square feet in area. The traditional settlement pattern is further identified unobstructed front yards, separate garage structures located to the rear of the lot, and pedestrian-scaled streetscapes lined with sidewalks, street lights, and street trees. Future construction and/or reconstruction of dwellings in the MDR District should reflect that of the Village's historic residential character and not detract from the high-quality of existing neighborhoods.

C. **Mixed Residential (MR) District.** The purpose of the MR District is to provide for a greater variety of housing styles and densities while capitalizing on existing Village amenities as outlined in the Pittsford Village Comprehensive Plan. Future MR District developments shall be evaluated based upon their contextual appropriateness in design and use as well as the extent to which they achieve the following objectives:

1. Developing new pedestrian-oriented neighborhoods and public spaces that capitalize on the proximity of the Erie Canal and Village center.

2. Expanding housing options for residents of all ages, incomes, and life stages.

3. Allowing for the provision of limited, low-impact commercial uses intended to serve the immediate residents of the development.

4. Encouraging use of vacant lands that may pose obstacles to redevelopment due to environmental contamination or proximity to active railroads.

5. Ensuring additional driveways, streets, and traffic generated by new development does not diminish the quality of life in existing neighborhoods.

6. Requiring high quality materials, construction, and design to ensure new buildings have long-term durability and hold their value.

7. Regulating new development to minimize adverse effects on existing viewsheds, natural features, and residential neighborhoods.

D. **Limited Office Residential (LOR) District.** The LOR District is intended to facilitate increased economic opportunity along Village corridors that traditionally have been residential in character, architectural detailing, and building design. The purpose of this District is not only to permit the continuance of residential uses in these areas, but also to allow limited office uses that may operate without otherwise negatively impacting the residential character of the structure, lot, or district. New construction and/or the conversion of structures is permissible, provided existing residential character and walkability is maintained.

§ 210-20.4 USE LISTS

Uses are allowed in residential districts in accordance with the following table.

A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.

B. Uses identified with a "SP" may be allowed if reviewed and approved in accordance with Article 35 (Special Use Permits) of this Chapter.

C. Uses not listed and those identified with a "-" are expressly prohibited.

D. Article 24 (Additional Use Regulations) section references have been noted where applicable. Uses identified with an "NA" are not addressed in Article 24, and therefore; are not subject to use specific restrictions.

LAND USE	ZONING DISTRICT LDR	MDR	MR	LOR	ADDITIONAL REGULATIONS
RESIDENTIAL					
Single-Family Dwelling, Detached	P	P	P	P	NA
Single-Family Dwelling, Attached	-	-	P	-	NA
Two-Family Dwelling	-	-	P	SP	NA
Multi-Family Dwelling, By Conversion	-	-	-	-	-
Multi-Family Dwelling, Max 10 units	-	-	SP	-	NA
Bed and Breakfast	SP	SP	-	P	§ 210-24.6
Home Occupation	P	P	P	P	§ 210-24.9
Hospice, Nursing Home, or Assisted Living	-	-	SP	SP	NA
COMMERCIAL					
Day Care Center, Child or Adult	-	-	SP	SP	§ 210-24.7
Dance, Art, Music, or Photo Studio	-	-	-	P	NA
Laundromat	-	-	SP	-	NA
Office, Administrative or Professional	-	-	SP	P	NA
Office or Clinic, Medical	-	-	-	SP	NA
Personal Service Shop or Spa	-	-	SP	SP	§ 210-24.12
Service or Repair Shop, Except Vehicles	-	-	-	SP	NA
OTHER					
Municipal Structure or Use	-	-	P	P	NA
Social Club	-	-	SP	SP	NA
Place of Worship	P	P	SP	SP	NA
Public Park or Playground	P	P	P	P	NA
Public Utility	-	-	SP	SP	§ 210-24.13
School, Public or Private	P	SP	-	-	NA
ACCESSORY					
Residential Accessory Use or Structure	P	P	P	P	§ 210-24.4
Nonresidential Accessory Use or Structure	SP	SP	SP	SP	§ 210-24.4
Accessory Dwelling Unit	SP	-	-	SP	§ 210-24.3
Pond	SP	SP	SP	SP	§ 210-24.11
Temporary Storage Unit	P	P	P	P	§ 210-24.16

§ 210-20.5 DIMENSIONAL REQUIREMENTS

The following dimensional requirements shall apply to residential districts as noted.

	ZONING DISTRICT			
REQUIREMENT	**LDR**	**MDR**	**MR**	**LOR**
MINIMUM LOT SIZE [1]				
Single- or Two-Family Dwelling	**17,000 sf**	**9,000 sf**	**4,000 sf**	**8,000 sf**
Multi-Family Dwelling	**-**	**-**	**2,500 sf / unit**	**-**
Nonresidential Use	**25,000 sf**	**20,000 sf**	**12,000 sf**	**12,000 sf**
MINIMUM LOT WIDTH				
Residential Use	**80 ft**	**60 ft**	**40 ft**	**60 ft**
Nonresidential Use	**100 ft**	**100 ft**	**50 ft**	**80 ft**
FRONT YARD				
Primary Structure	**35 ft**	**20 ft**	**20 ft**	**25 ft**
MINIMUM SIDE YARD [2]				
Primary Use or Structure	**10 / 15 ft**	**10 / 15 ft**	**5 / 10 ft**	**10 / 15 ft**
Accessory Use or Structure	**5 ft**	**3 ft**	**3 ft**	**3 ft**
MINIMUM REAR YARD [2]				
Primary Use or Structure	**35 ft**	**25 / 35 ft**	**20 / 30 ft**	**25 / 35 ft**
Accessory Use or Structure	**5 ft**	**3 ft**	**3 ft**	**3 ft**

NOTES: (1) The notation "sf / unit" indicates square feet per dwelling unit.
(2) The larger requirement shall apply to residential uses and nonresidential uses adjacent to a residential use or district.

§ 210-20.6 BULK REQUIREMENTS

The following bulk requirements shall apply to residential districts as noted.

	ZONING DISTRICT			
REQUIREMENT	**LDR**	**MDR**	**MR**	**LOR**
MAXIMUM BUILDING HEIGHT				
Primary Structure [1]	**35 ft (2.5 stories)**	**35 ft (2.5 stories)**	**40 ft (3 stories)**	**35 ft (2.5 stories)**
Accessory Structure [2]	**12 ft**	**12 ft**	**12 ft**	**12 ft**
MAXIMUM GROSS FLOOR AREA				
Nonresidential Use	**-**	**-**	**1,500 sf**	**-**
MAXIMUM LOT COVERAGE				
Gross Impervious Surface	**25%**	**25%**	**35%**	**30%**

NOTES: (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
(2) No accessory structure may exceed the height of the primary structure on the lot.

§ 210-20.7 USE OF LOTS & SUBDIVISION

A. **Primary Use of Lot.** In all residential districts there shall be only principal use or structure permitted per lot.

B. **Flag Lots Prohibited.** No lot, by way of subdivision (Chapter 212), shall be permitted to be a flag lot.

§ 210-20.8 NEIGHBORHOOD CHARACTER & DESIGN CONTEXT

A. **Elements of Character.** Village neighborhoods vary in age and character. Understanding the elements that define neighborhood character is the first step in preserving it and ensuring that new construction harmonizes with the context. The historic character of neighborhoods is defined by buildings, as well as trees, fences, sidewalks, and landscaping. Mature street trees located between the sidewalk and the curb define the character of most village streets.

B. **Arterial Streets.** The village's first buildings were built along the arterial streets: North and South Main Streets, Monroe Avenue, State Street, South Street, Washington Road, and West Jefferson Road. New buildings, including many of the village's grandest homes, were constructed throughout the village's history. Today, the village's main streets are lined by an eclectic mix of homes of varied age, style and scale. Although lot size, setbacks, and house scales vary, most houses share the following common characteristics:

1. They are two stories in height;
2. They are located parallel to the street;
3. They have balanced front facades incorporating a prominent front door facing the street;
4. They have porches;
5. They have a sidewalk connecting the front door to the public sidewalk; and
6. They have free-standing garages located behind the house.

C. **Side Streets.** Village side streets include Church Street, Locust Street, Lincoln Avenue, Washington Avenue, Boughton Avenue, Wood Street, Jackson Park, Austin Park, Sutherland Street, Rand Place, Elm Street, Line Street, Grove Street, Elmbrook Drive, and Eastview Terrace. Beginning with Church Street, side streets were developed from the beginning of the nineteenth century until Eastview Terrace in the 1930s. In general, the side streets have the same characteristics as the main streets, but with smaller lots and more modest homes.

D. **Stonegate Lane.** Stonegate Lane was originally the entrance drive to Hyllgarth, a large ca. 1900 country estate. The property was subdivided in the 1930s, and home construction began. The large main house remains today facing Sutherland Street opposite the high school. The carriage house has been converted into a separate residence. Three homes built for the estate staff are located along Jefferson Road opposite Sutherland Street. Narrow Stonegate Lane is notable for its picturesque wooded setting, fine stone gates, and high quality, mid twentieth century, Colonial Revival and Tudor Revival homes.

E. **Postwar Streets.** The village's Postwar streets include Rand Place (south of Jefferson Road), East Jefferson Road (east of Eastview Terrace) Green Hill Lane, Heatherhurst Lane, Courtenay Circle, Village Grove, and Durham Way. After 1945, the suburban home building boom dramatically changed neighborhood design. Larger, wider lots, smaller homes, and attached garages became the norm. Homes were built with the long side of the house facing the street rather than the short side, as was common in older neighborhoods. Postwar neighborhoods often exhibit less variety in design, because the homes in a neighborhood were often built by a single builder and designer. To save money, curbs, sidewalks, and street trees were not installed.

§ 210-20.9 RESIDENTIAL DISTRICT DESIGN STANDARDS & GUIDELINES

A. **Village of Pittsford Design Standards Incorporated.** The Village of Pittsford Historic and Architectural Design District Building Design Standards shall hereby be incorporated into this Chapter for the purposes of guiding development application review in the business districts by the Historic Preservation Board, Planning Board, and/or Village Board. Development applications include, but are not limited to, Certificates of Appropriateness, site plan review, and special use permits as provided for in Part 3 of this zoning law.

B. **Historic Design Principles.** Guidance regarding the historic design principles of the Village may be found in Section 3 of the Village of Pittsford Design Standards document.

1. General principles of design, including scale, proportion, rhythm, location and orientation, balance, massing, and materials.

2. Design considerations for new construction, including height, scale, width, orientation, setback, proportion and rhythm of openings, neighborhood rhythms, roof form, massing, horizontal versus vertical elements, materials, landscape treatment, and outbuildings.

3. Design consideration for additions, alterations, demolition, and relocation.

C. **Architectural Styles.** Guidance regarding the historic character and architectural styles of the Village may be found in Section 2 of the Village of Pittsford Design Standards document. This includes the evolution of neighborhoods and characteristics of the federal, greek revival, gothic revival, Italianate, queen anne, colonial revival, four-square, craftsman, and tudor revival architectural styles.

D. **Rehabilitation of Historic Structures.** Standards for the rehabilitation of historic buildings and structures may be found in Section 5 of the Village of Pittsford Design Standards document. This includes, but is not limited to, the regulation of windows and shutters, door, garage doors, siding and exterior walls, architectural trim, porches and decks, roofing, chimneys, foundations, garages and barns, modern amenities, fencing, and paint and color.

E. **Rehabilitation of Postwar Homes.** Standards for the rehabilitation of postwar homes may be found in Section 5A of the Village of Pittsford Design Standards document. This includes regulations for minimal traditional styles, ranches, cape cod styles, split-levels, postwar colonial revival styles, postwar mass-produced builder houses, custom built homes, late 20th century ranches, late modern snout houses, neo-traditional styles, individual custom homes, and small-tract homes.

F. **Applicant Guidance.** Guidance for development review applicants may be found in Section 4 of the Village of Pittsford Design Standards document. However, the powers and duties of the Architectural and Preservation Review Board and Application Procedures and Requirements contained therein shall be overridden by the establishment of the Historic Preservation Board and application and review procedures provided in this Chapter.

§ 210-20.10 RESIDENTIAL PARKING & DRIVEWAY PROVISIONS

Off-street parking and driveways in residential districts shall conform to the following in addition to the regulations of Article 25 (Parking, Loading, and Access Management), where applicable.

A. **Off-Street Parking.**

1. Parking is prohibited on grass and yard space that is not hard-surfaced and properly designated for such use.

2. Parking is prohibited in the front yard and shall never be located at the corner of any street. Off-street parking for single- and two-family dwellings may be permitted in the front yard, provided all spaces are located on an approved driveway.

3. Recreational vehicles, commercial vehicles, and other vehicles exceeding 14 feet in length or nine feet in height may be parked on an approved driveway, provided such vehicles are located behind the front building line.

B. **Garages.** Newly constructed garages shall be detached and located in the rear yard area.

C. **Driveways.**

1. All driveways shall obtain a driveway permit in accordance with Section 25.4.

2. Driveways for a single-car garage shall not exceed 12 feet in width.

3. Driveways for a multi-car garage shall not exceed 18 feet in width.

4. Off-street parking for a single- or two-family dwelling may be provided on a Village approved driveway.

ARTICLE 21
BUSINESS DISTRICTS

§ 210-21.1 DISTRICTS ESTABLISHED

The business districts of the Village of Pittsford are listed in the following table. When this zoning law refers to business or "B" zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
Village Gateway Business	VGB
Village Center Business	VCB
Traditional Downtown Design	TDD

§ 210-21.2 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished within a business district without obtaining the following approvals, as applicable:

A. **Historic Preservation Board Review.** A Certificate of Appropriateness (Article 33 of this Chapter) shall be required for the construction or exterior alteration of any building, structure, or architectural feature in the Pittsford Village Historic (H) District that is, in any respect, visible form a public street, public or private park, the Erie Canal, or any other public or private space that is accessible to the public.

B. **Site Plan Review.** Site plan review shall be required as provided for in Article 34 of this Chapter. This shall include, but is not limited to, new construction, alteration, or demolition of structures.

C. **Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by Article 35 of this Chapter.

D. **Local Waterfront Consistency Review.** All actions considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by Chapter 121 of the Village of Pittsford Code.

§ 210-21.3 PURPOSE STATEMENTS

A. **Village Gateway Business (VGB) District.**

1. It is the purpose of the VGB District to establish and enhance the Village's North Main Street gateway as a vibrant, welcoming commercial area that serves as a transitional zone between the neighborhoods of the north to the Village Center and Schoen Place. Located just west of protected and actively farmed agricultural lands, there is a distinctive agrarian style and landscape present in the historic sites remaining there today (e.g. Holley House, Pittsford Farms Dairy).

2. Although the character of the northern gateway has been altered over time, it is the intent of the VGB District to ensure future investment redefines the streetscape in a manner consistent with its place in the history of the Village and role as a transportation and commerce hub. This includes continued efforts to highlight local landmarks and the presence of the railroad, as well as further developing a distinctive landscape in the yard space along the street frontage.

B. **Village Center Business (VCB) District.**

1. It is the purpose of the VCB District to recognize the special significance of the four corners, Main Street and State Street commercial corridors as the central spines to the greater Pittsford community. The District is defined by the core of retail business within the Village center and the concentration of architecturally rich and historically significant structures.

2. As a compact commercial area bordered by Village neighborhoods, the treatment of fringe properties and properties abutting residential uses in the VCB District is paramount to the preservation of property values in these areas of transition. Future investment shall observe such transitions, in addition to the following District objectives:

a) Implement the vision and recommendations of the Pittsford Village Comprehensive Plan.

b) Maintain and enhance the district as a location for retail businesses, offices, civic uses, services, and a mix of other uses.

c) Foster civic pride and provide economic benefit through the continued utilization, preservation, and restoration of historic structures.

d) Maintain economic viability of the District by addressing potential problems such as parking, traffic, and loss of Village character.

e) Maintain the quality of residential/commercial transitional areas by requiring investment to be responsive to its relationship with adjacent properties and reflect that of the greater community design context.

f) Continue to improve the streetscape and pedestrian experience within the Village center.

C. **Traditional Downtown Design (TDD) District.**

1. The purpose of the TDD District is to provide special design and development controls to guide investment and redevelopment in the traditional downtown core of the Village center. The regulations are designed to protect the architectural integrity, scale, and treatment of the downtown area traditionally defined by multi-story, mixed-use structures built to the street.

2. The TDD District is intended to function as an overlay district. The overlay is to be superimposed on the VCB District, as indicated on the Village Zoning Map, and should be considered as additional design and development standards to be met in establishing a use within the underlying zoning district.

3. The use regulations of the underlying zoning district (VCB District) shall apply to all uses of the TDD District as provided thereto. Where specified, the

dimensional and bulk requirements of the TDD District shall supersede those of the underlying zoning district (VCB District).

§ 210-21.4 USE LISTS

Uses are allowed in business districts in accordance with the following table.

A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.

B. Uses identified with a "SP" may be allowed if reviewed and approved in accordance with Article 35 (Special Use Permits) of this Chapter.

C. Uses not listed and those identified with a "-" are expressly prohibited.

D. Article 24 (Additional Use Regulations) section references have been noted where applicable. Uses identified with an "NA" are not addressed in Article 24, and therefore; are not subject to use specific restrictions.

LAND USE	ZONING DISTRICT VGB	ZONING DISTRICT VCB / TDD	ADDITIONAL REGULATIONS
RESIDENTIAL			
Single- or Two-Family Dwelling	P	P	NA
Multi-Family Dwelling, Max 12 Units	SP	SP	NA
Bed and Breakfast	P	P	§ 210-24.6
Home Occupation	P	P	§ 210-24.9
First Floor Dwelling Unit, in Mixed Use Structure	-	-	-
Upper Floor Dwelling Unit	P	P	NA
COMMERCIAL			
Animal Grooming Shop	P [1]	P [1]	§ 210-24.5
Brewery or Distillery	SP	SP	§ 210-24.15
Dance, Art, Music, or Photo Studio	P [1]	P [1]	NA
Day Care Center, Child or Adult	SP	SP	§ 210-24.7
Financial Institution	P [1]	P	NA
Funeral Home or Parlor	SP	-	NA
Gasoline Service Station	SP	-	§ 210-24.8
Gym or Fitness Club	SP	SP	NA
Hotel or Inn	SP	SP	NA
Laundromat	P [1]	P [1]	NA
Office, Administrative or Professional	P	P	NA
Office or Clinic, Medical	SP	-	NA
Office, First Floor in Mixed Use Structure	P	-	NA
Personal Service Shop or Spa	SP	SP	§ 210-24.12
Recreation or Entertainment Facility, Indoor	P [1]	P [1]	NA
Repair or Service Shop, Except Vehicles	SP	SP	NA
Restaurant or Tavern	SP	SP	§ 210-24.15
Retail Store	P [1]	P [1]	NA
Vehicle Sales, Service, or Repair Shop	-	-	-

NOTE: (1) Provided the use occupies a gross floor area of no more than 2,000 square feet.

~ USE TABLE CONTINUED ON FOLLOWING PAGE ~

LAND USE - CONTINUED	ZONING DISTRICT VGB	ZONING DISTRICT VCB / TDD	ADDITIONAL REGULATIONS
OTHER			
Municipal Structure or Use	P	P	NA
Museum or Library	P	P	NA
Social Club	P	P	NA
Place of Worship	SP	SP	NA
Public Park or Playground	P	P	NA
Public Utility	P	P	§ 210-24.13
School, Public or Private	-	SP	NA
Telecommunications Equipment	SP	SP	§ 210-24.17
Mix of Uses in a Single Structure or Lot	Refer to Each Use		
Permitted Uses Over 2,000 Square Feet	SP	SP	See Use
ACCESSORY			
Residential Accessory Use or Structure	P	P	§ 210-24.4
Nonresidential Accessory Use or Structure	SP	SP	§ 210-24.4
Accessory Dwelling Unit	SP	-	§ 210-24.3
Drive-Through Facility	-	-	-
Outdoor Assembly, Seating, Sales, or Display Area	SP	SP	§ 210-24.10
Outdoor Storage Area	SP	-	§ 210-24.10
Pond	SP	SP	§ 210-24.11
Temporary Storage Unit	P	-	§ 210-24.16

§ 210-21.5 DIMENSIONAL REQUIREMENTS

The following dimensional requirements shall apply to the business districts as noted.

REQUIREMENT	ZONING DISTRICT VGB	ZONING DISTRICT VCB	ZONING DISTRICT TDD
MINIMUM LOT SIZE [1]			
Single- or Two-Family Dwelling	8,000 sf	5,000 sf	5,000 sf
Multi-Family Dwelling	2,500 sf / unit	2,000 sf / unit	1,000 sf / unit
Nonresidential Use	15,000 sf	-	-
MINIMUM LOT WIDTH			
	100 ft	50 ft	40 ft
FRONT YARD			
Residential Use	20 ft MIN	15 ft MIN	10 ft MIN
Nonresidential Use	20 ft MIN	20 ft MAX	5 ft MAX
MINIMUM SIDE YARD [2]			
Primary Use or Structure	10 / 15 ft	0 / 10 ft	0 / 10 ft
Accessory Use or Structure	5 ft	0 / 5 ft	0 / 5 ft
MINIMUM REAR YARD [2]			
Primary Use or Structure	25 / 35 ft	20 / 30 ft	20 / 30 ft
Accessory Use or Structure	5 ft	0 / 5 ft	0 / 5 ft

NOTES: (1) The notation "sf / unit" indicates square feet per dwelling unit.
(2) The larger requirement shall apply to residential uses and nonresidential uses adjacent to a residential use or district.

§ 210-21.6 BULK REQUIREMENTS

The following bulk requirements shall apply to the business districts as noted.

REQUIREMENT	ZONING DISTRICT VGB	VCB	TDD
MAXIMUM BUILDING HEIGHT			
Primary Structure [1]	**50 ft (3 stories)**	**35 ft (2.5 stories)**	**50 ft (3 stories)**
Accessory Structure [2]	**20 ft**	**15 ft**	**20 ft**
MINIMUM BUILDING HEIGHT			
Primary Structure	**30 ft (2 stories)**	-	**30 ft (2 stories)**
MAXIMUM BUILDING FOOTPRINT [3]			
Per Individual Building Section	**6,000 sf**	-	-
MAXIMUM LOT COVERAGE			
Gross Impervious Surface	**60%**	**60%**	-

NOTES: (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
(2) No accessory structure may exceed the height of the primary structure on the lot.
(3) An individual building section shall be considered a structure built to stand alone and/or connect to adjacent structures such as a wing or addition adjoined via a fire wall, breezeway, or other structural element providing for the articulation of the primary structure(s) to appear as a smaller scale.

§ 210-21.7 BUSINESS DISTRICT DESIGN STANDARDS & GUIDELINES

A. **Village of Pittsford Design Standards Incorporated.** The Village of Pittsford Historic and Architectural Design District Building Design Standards shall hereby be incorporated into this Chapter for the purposes of guiding development application review in the business districts by the Historic Preservation Board, Planning Board, and/or Village Board. Development applications include, but are not limited to, Certificates of Appropriateness, site plan review, and special use permits as provided for in Part 3 of this zoning law.

B. **Historic Design Principles.** Guidance regarding the historic design principles of the Village may be found in Section 3 of the Village of Pittsford Design Standards document.

1. General principles of design, including scale, proportion, rhythm, location and orientation, balance, massing, and materials.

2. Design considerations for new construction, including height, scale, width, orientation, setback, proportion and rhythm of openings, neighborhood rhythms, roof form, massing, horizontal versus vertical elements, materials, landscape treatment, and outbuildings.

3. Design consideration for additions, alterations, demolition, and relocation.

C. **Architectural Styles.** Guidance regarding the historic character and architectural styles of the Village may be found in Section 2 of the Village of Pittsford Design

Standards document. This includes the evolution of neighborhoods and characteristics of the federal, greek revival, gothic revival, Italianate, queen anne, colonial revival, four-square, craftsman, and tudor revival architectural styles.

D. **Business District Standards.** The regulation of signs, storefronts, awnings, refuse and mechanical equipment enclosures, lighting, and handicap accessibility for business districts may be found in Section 6 of the Village of Pittsford Design Standards document.

E. **Rehabilitation of Historic Structures.** Standards for the rehabilitation of historic buildings and structures may be found in Section 5 of the Village of Pittsford Design Standards document. This includes, but is not limited to, the regulation of windows and shutters, door, garage doors, siding and exterior walls, architectural trim, porches and decks, roofing, chimneys, foundations, garages and barns, modern amenities, fencing, and paint and color.

F. **Applicant Guidance.** Guidance for development review applicants may be found in Section 4 of the Village of Pittsford Design Standards document. However, the powers and duties of the Architectural and Preservation Review Board and Application Procedures and Requirements contained therein shall be overridden by the establishment of the Historic Preservation Board and application and review procedures provided in this Chapter.

ARTICLE 22
MIXED USE DISTRICTS

§ 210-22.1 DISTRICTS ESTABLISHED

The mixed use districts of the Village of Pittsford are listed in the following table. When this zoning law refers to mixed use or "MU" zoning districts it is referring to one of the following:

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
Mixed Use Erie Canal	MU-EC
Mixed Use Office	MU-OF

§ 210-22.2 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished within a mixed use district without obtaining the following approvals, as applicable:

A. **Historic Preservation Board Review.** A Certificate of Appropriateness (Article 33 of this Chapter) shall be required for the construction or exterior alteration of any building, structure, or architectural feature in the Pittsford Village Historic (H) District that is, in any respect, visible form a public street, public or private park, the Erie Canal, or any other public or private space that is accessible to the public.

B. **Site Plan Review.** Site plan review shall be required as provided for in Article 34 of this Chapter. This shall include, but is not limited to, new construction, alteration, or demolition of structures.

C. **Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by Article 35 of this Chapter.

D. **Local Waterfront Consistency Review.** All actions considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by Chapter 121 of the Village of Pittsford Code.

§ 210-22.3 PURPOSE & INTENT

A. **Mixed Use Erie Canal (MU-EC) District.**

1. Purpose & Intent. The purpose of the MU-EC district is to recognize and preserve the history, presence, and character of land use along the Erie Canal within Pittsford Village. The intent of the MU-EC District is to achieve the following:

   a) Implement the vision and policies of the Village's Comprehensive Plan;

   b) Enhance the canal waterfront in conformance with the principles of the Village's Local Waterfront Revitalization Program (LWRP);

c) Implement the vision and goals of the Erie Canalway Preservation and Management Plan, including:

- Ensuring that new construction and the development of recreational opportunities are executed in harmony with the protection of heritage resources.
- Protecting the Erie Canal Corridor's distinctive sense of place.
- Preserving existing scenic views along the canal waterfront, wetlands, and other natural features, trails, and existing residential neighborhoods by ensuring that new construction and investment is appropriately located, designed, and landscaped.

d) Ensure the preservation and adaptive reuse of existing historic mills, warehouses, and other structures for retail, service, and other uses; and

e) Conserve the canal waterfront and adjacent natural areas for recreational uses and public enjoyment.

2. Conservation Lands.

a) A portion of the MU-EC District lies adjacent to conservation easement protected agricultural lands, formerly known as the Hawley-Zornow farm. This land is subject to a 1998 Conservation Easement enacted by the Town of Pittsford. The conservation easement was funded in part with a grant from the NYS Department of Agriculture and Markets and is subject to the restrictions of that grant.

b) The preservation of this land reserves the historic physical context of the Village and Schoen Place and preserves the interpretive value of the barns and mills located within the Schoen Place and Northfield Common areas. Proposals adjacent to this land shall therefore be evaluated based on appropriateness in this context and effect on the conservation easement lands.

B. **Mixed Use Office (MU-OF) District.** The purpose and intent of the MU-OF District is to implement the future land use vision and recommendations of the Pittsford Village Comprehensive Plan in the mixed use office / residential areas. The application of the MU-OF District shall serve the following objectives:

1. Maintain and enhance the District as a location for the provision of low impact retail, office, service, and residential uses in close proximity.

2. Provide increased economic opportunity through the reuse and rehabilitation of existing buildings for office, residential, or limited commercial use.

3. Capitalize on already developed space by permitting an increased development density with the addition or use of upper floors.

4. Enhance the aesthetic character and walkability of the District through streetscape and landscaping improvements.

5. Ensure infill and redevelopment opportunities are compatible with the context of the Village's traditional character, form, and scale.

§ 210-22.4 USE LISTS

Uses are allowed in the mixed use districts in accordance with the following table.

A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.

B. Uses identified with a "SP" may be allowed if reviewed and approved in accordance with Article 35 (Special Use Permits) of this Chapter.

C. Uses not listed and those identified with a "-" are expressly prohibited.

D. Article 24 (Additional Use Regulations) section references have been noted where applicable. Uses identified with an "NA" are not addressed in Article 24, and therefore; are not subject to use specific restrictions.

LAND USE	ZONING DISTRICT MU-EC	ZONING DISTRICT MU-OF	ADDITIONAL REGULATIONS
RESIDENTIAL			
Single- or Two-Family Dwelling	P	P	NA
Multi-Family Dwelling, Max 10 Units	SP	SP	NA
Bed and Breakfast	P	-	§ 210-24.6
Home Occupation	P	P	§ 210-24.9
Hospice, Nursing Home, or Assisted Living Facility	SP	SP	NA
First Floor Dwelling Units, in Mixed Use Structure	-	P	NA
Upper Floor Dwelling Units	P	P	NA
COMMERCIAL			
Animal Grooming Shop	P [1]	-	§ 210-24.5
Brewery or Distillery	SP	-	§ 210-24.15
Dance, Art, Music, or Photo Studio	SP	P [1]	NA
Day Care Center, Child or Adult	SP	P [1]	§ 210-24.7
Financial Institution	P [1]	P [1]	NA
Gym or Fitness Club	SP	P [1]	NA
Hotel or Inn	SP	SP	NA
Laundromat	P [1]	P [1]	NA
Office, Administrative or Professional	P [1]	P	NA
Office or Clinic, Medical	-	P	NA
Personal Service Shop or Spa	SP	-	§ 210-24.12
Recreation or Entertainment Facility, Indoor	SP	-	NA
Repair or Service Shop, Except Vehicles	SP	SP	NA
Restaurant or Tavern	SP	-	§ 210-24.15
Retail Store	P [1]	-	NA
Self-Storage Facility	-	SP	NA

NOTE: (1) Provided the use occupies a gross floor area of no more than 2,000 square feet.

~ USE TABLE CONTINUED ON FOLLOWING PAGE ~

LAND USE - CONTINUED	ZONING DISTRICT MU-EC	ZONING DISTRICT MU-OF	ADDITIONAL REGULATIONS
OTHER			
Municipal Structure or Use	P	P	NA
Museum or Library	SP	SP	NA
Social Club	P	SP	NA
Place of Worship	SP	SP	NA
Public Park or Playground	P	P	NA
Public Utility	SP	SP	§ 210-24.13
Telecommunications Equipment	SP	SP	§ 210-24.17
Mix of Uses in a Single Structure or Lot	Refer to Each Use		
Permitted Uses Over 2,000 Square Feet	SP	SP	See Use
ACCESSORY			
Residential Accessory Use or Structure	P	P	§ 210-24.4
Nonresidential Accessory Use or Structure	SP	SP	§ 210-24.4
Drive-Through Facility	-	-	-
Outdoor Assembly, Seating, Sales, or Display Area	SP	SP	§ 210-24.10
Outdoor Storage Area	-	SP	§ 210-24.10
Pond	SP	SP	§ 210-24.11
Temporary Storage Unit	-	P	§ 210-24.16

§ 210-22.5 DIMENSIONAL REQUIREMENTS

The following dimensional requirements shall apply to the mixed use districts as noted.

REQUIREMENT	ZONING DISTRICT MU-EC	ZONING DISTRICT MU-OF
MINIMUM LOT SIZE [1]		
Residential Use	2,000 sf / unit	2,500 sf / unit
Nonresidential Use	-	15,000 sf
MINIMUM LOT WIDTH		
Residential Use	40 ft	65 ft
Nonresidential Use	50 ft	85 ft
FRONT YARD		
Residential Use	10 ft MIN	20 ft MIN
Nonresidential Use	0 ft MIN 20 ft MAX	10 ft MIN 30 ft MAX
MINIMUM SIDE YARD [2]		
Primary Use or Structure	0 / 10 ft	0 / 10 ft
Accessory Use or Structure	5 ft	5 ft
MINIMUM REAR YARD [2]		
Primary Use or Structure	15 / 35 ft	25 / 35 ft
Accessory Use or Structure	5 ft	5 ft

NOTES: (1) The notation "sf / unit" indicates square feet per dwelling unit.
(2) The larger requirement shall apply to residential uses and nonresidential uses adjacent to a residential use or district.

§ 210-22.6 BULK REQUIREMENTS

The following bulk requirements shall apply to the mixed use districts as noted.

REQUIREMENT	ZONING DISTRICT MU-EC	MU-OF
MAXIMUM BUILDING HEIGHT		
Primary Structure [1]	**55 ft (4 stories)**	**40 ft (3 stories)**
Accessory Structure [2]	**20 ft**	**15 ft**
MAXIMUM BUILDING FOOTPRINT [3]		
Per Individual Building Section	**5,000 sf**	**-**
MAXIMUM LOT COVERAGE		
Gross Impervious Surface	**-**	**50%**

NOTES: (1) Building height shall be determined in feet; while the visual scale or appearance in height of the structure shall be determined in stories.
(2) No accessory structure may exceed the height of the primary structure on the lot.
(3) An individual building section shall be considered a structure built to stand alone and/or connect to adjacent structures such as a wing or addition adjoined via a fire wall, breezeway, or other structural element providing for the articulation of the primary structure(s) to appear as a smaller scale.

§ 210-22.7 MIXED USE DISTRICT DESIGN STANDARDS & GUIDELINES

A. **Village of Pittsford Design Standards Incorporated.** The Village of Pittsford Historic and Architectural Design District Building Design Standards shall hereby be incorporated into this Chapter for the purposes of guiding development application review in the mixed use districts by the Historic Preservation Board, Planning Board, and/or Village Board. Development applications include, but are not limited to, Certificates of Appropriateness, site plan review, and special use permits as provided for in Part 3 of this zoning law.

B. **Historic Design Principles.** Guidance regarding the historic design principles of the Village may be found in Section 3 of the Village of Pittsford Design Standards document.

1. General principles of design, including scale, proportion, rhythm, location and orientation, balance, massing, and materials.

2. Design considerations for new construction, including height, scale, width, orientation, setback, proportion and rhythm of openings, neighborhood rhythms, roof form, massing, horizontal versus vertical elements, materials, landscape treatment, and outbuildings.

3. Design consideration for additions, alterations, demolition, and relocation.

C. **Architectural Styles.** Guidance regarding the historic character and architectural styles of the Village may be found in Section 2 of the Village of Pittsford Design Standards document. This includes the evolution of neighborhoods and characteristics of the federal, greek revival, gothic revival, Italianate, queen anne, colonial revival, four-square, craftsman, and tudor revival architectural styles.

D. **Rehabilitation of Historic Structures.** Standards for the rehabilitation of historic buildings and structures may be found in Section 5 of the Village of Pittsford Design Standards document. This includes, but is not limited to, the regulation of windows and shutters, door, garage doors, siding and exterior walls, architectural trim, porches and decks, roofing, chimneys, foundations, garages and barns, modern amenities, fencing, and paint and color.

E. **Applicant Guidance.** Guidance for development review applicants may be found in Section 4 of the Village of Pittsford Design Standards document. However, the powers and duties of the Architectural and Preservation Review Board and Application Procedures and Requirements contained therein shall be overridden by the establishment of the Historic Preservation Board and application and review procedures provided in this Chapter.

ARTICLE 23
SPECIAL PURPOSE DISTRICTS

§ 210-23.1 DISTRICTS ESTABLISHED

The special purpose districts of the Village of Pittsford are listed in the following table.

DISTRICT NAME	ABBREVIATION & MAP SYMBOL
Pittsford Village Historic	H
Local Waterfront Overlay	LWO
Open Space	OS

§ 210-23.2 REVIEWS REQUIRED

No building, structure, or lot shall hereafter be erected, altered, or demolished within a special purpose district without obtaining the following approvals, as applicable:

A. **Historic Preservation Board Review.** A Certificate of Appropriateness (Article 33 of this Chapter) shall be required for the construction or exterior alteration of any building, structure, or architectural feature in the Pittsford Village Historic (H) District that is, in any respect, visible form a public street, public or private park, the Erie Canal, or any other public or private space that is accessible to the public.

B. **Site Plan Review.** Site plan review shall be required as provided for in Article 34 of this Chapter. This shall include, but is not limited to, new construction, alteration, or demolition of structures.

C. **Special Use Permit.** A special use permit shall be required as indicated in this Article and as provided for by Article 35 of this Chapter.

D. **Local Waterfront Consistency Review.** All actions considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by Chapter 121 of the Village of Pittsford Code.

§ 210-23.3 PITTSFORD VILLAGE HISTORIC (H) DISTRICT

A. **Enabling Authority.**

1. Pursuant to Article 5, § 96-a; Article 5-G, Article 5-J and Article 5-K and § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historical Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of buildings and structures in the Village of Pittsford are necessary to promote the cultural, economic and general welfare of the public.

2. The Village Board finds that there exist within the Village of Pittsford places, sites, structures, and buildings of historical and/or architectural significance,

antiquity, uniqueness of exterior design or construction, which should be conserved, protected and preserved to maintain the architectural character of Pittsford Village (as a historic District in the National Register of Historic Places in 2015), to contribute to the aesthetic value of the Village and to promote the general good, welfare, health and safety of the Village and its residents.

3. To ensure the greatest extent of compatibility with this zoning law and further provide for coordinated development review and enforcement, the standards, regulations, and procedures of Village Code Chapter 211 (Historic Preservation and Architectural Preservation) have been incorporated herein. Should the standards, regulations, or procedures of this Chapter (210) and Chapter 211 be in conflict, this Chapter shall prevail.

B. **Purpose.** The purpose the Pittsford Village Historic (H) District is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and utilization of buildings, structures, signs, features, improvements, sites, and areas within the Village that reflect special elements of the Village's historical, architectural, cultural, economic or aesthetic heritage for the following reasons:

1. To foster public knowledge, understanding, and appreciation of the historical and architectural character of the Village and in the accomplishments of its past;

2. To ensure the harmonious, orderly, and efficient growth and development of the Village;

3. To enhance the visual character of the Village by encouraging new design and construction that complements the Village's buildings;

4. To protect and promote the economic benefits of historic and architectural preservation to the Village, its inhabitants and visitors;

5. To protect property values in the Village;

6. To promote and encourage continued private ownership and stewardship of historic buildings within the Village;

7. To identify as early as possible and resolve conflicts between the preservation of buildings and structures in the Village and alternative land uses; and

8. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

C. **Applicability.**

1. Due to the unique characteristics of the Village, the Village Board has determined that all Village buildings or structures constitute contributing buildings or structures to a historic district. Therefore, the previous determination of the Village Board that the entirety of the Village be designated a historic district is hereby continued. Any prior landmark designations shall also be continued.

2. Therefore, the H District shall consist of the entirety of the corporate limits of the Village of Pittsford and shall hereby apply to all buildings, structures, and lots therein. For the purposes of this Chapter, the H District shall be considered an overlay or floating district.

D. **Use, Dimensional, and Bulk Regulations.** The use, dimensional, and bulk regulations of the underlying zoning districts shall apply to all uses, buildings, and lots of the H District as provided thereto.

E. **Designation of Landmarks.** The Historic Preservation Board may delineate additional landmarks or historic districts and recommend them to the Village Board for designation under local law. The criteria for such designation shall be as follows.

1. Individual Landmark. An individual property may be designated as an individual landmark if it:

   a) Exemplifies or possesses special character or historic or aesthetic interest of value as part of the political, economic or social history of the Village;

   b) Is identified with persons or events significant in local, state or national history;

   c) Embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or building;

   d) Represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; or

   e) Has yielded or may be likely to yield information important in prehistory or history.

2. Historic District. A group of properties within the Village may be designated as a historic district if a majority of properties therein:

   a) Contain buildings or structures which meet one or more of the criteria for designation as a landmark and which may have other buildings or structures that, while not of historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and

   b) Constitute a unique section of the Village by reason of possessing those qualities that would satisfy such criteria.

3. Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for delineation. However, such properties may qualify if they are:

   a) Integral parts of historic districts that meet the criteria for designation; or

   b) If they are properties of exceptional importance.

§ 210-23.4 LOCAL WATERFRONT OVERLAY (LWO) DISTRICT

A. **Purpose.** The purpose of the LWO District is to provide special controls to guide land use and development within the waterfront areas of the Village of Pittsford. The regulations are designed to protect the sensitive waterfront areas and to maintain consistent land use of the Town and Village of Pittsford's Local Waterfront Revitalization Program (LWRP).

B. **Applicability.** The LWO District is not intended to be substituted for other zoning district provisions. The overlay is to be superimposed on the principal zoning district provisions and should be considered as additional requirements to be met in establishing a use within the underlying zoning district.

C. **Use, Dimensional, and Bulk Regulations.** The use, dimensional, and bulk regulations of the underlying zoning districts shall apply to all uses, buildings, and lots of the LWO District as provided thereto.

D. **Local Waterfront Revitalization Program Consistency.** In addition to any other provisions of this Chapter applying to them, lots, lands, and structures in the LWO District shall be subject to the policy standards, conditions, and design guidelines contained in the Village of Pittsford's Local Waterfront Revitalization Program.

§ 210-23.5 OPEN SPACE (OS) DISTRICT

A. **Purpose.** The purpose of the Open Space (OS) District is to preserve and enhance the Village's open spaces, natural areas, and parks by restricting development that would not otherwise be compatible with or respect the natural environment. The intent of this District is to ensure ample passive and active recreational opportunities for residents and visitors and to identify areas of valued green space.

B. **Applicability.** Areas applicable to and designated under the OS District include, but are not limited to, privately or publicly owned parkland and recreational facilities, farmland, woodlots, wetlands, environmentally sensitive areas, and otherwise undeveloped lands.

C. **Use Lists.** Uses are allowed in the OS District in accordance with the following table.

1. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.

2. Uses identified with a "SP" may be allowed if reviewed and approved in accordance with Article 35 (Special Use Permits) of this Chapter.

3. Uses not listed and those identified with a "-" are expressly prohibited.

4. An Article 24 (Additional Use Regulations) section reference has been noted where applicable. Uses identified with an "NA" are not addressed in Article 24, and therefore; are not subject to use specific restrictions.

LAND USE	OS DISTRICT	ADDITIONAL REGULATIONS
RESIDENTIAL		
Dwelling, New Construction	-	-
RECREATIONAL		
Entertainment Facility, Outdoor (Ex. Amphitheatre, Band Shell)	SP	§ 210-24.14
Recreation Facility, Outdoor (Ex. Ball Fields, Tennis Courts)	P	§ 210-24.14
Recreation or Entertainment Facility, Indoor	SP	NA
Public Park or Playground	P	NA
ENVIRONMENTAL		
Botanical Garden, Arboretum, or Conservatory	SP	NA
Farm or Agricultural Operation	P	NA
Greenhouse or Community Garden	P	NA
Pond	SP	§ 210-24.11
OTHER		
Community Center	SP	NA
Cultural Facility (Ex. Observatory)	SP	NA
Municipal Structure or Use	P	NA
Off-Street Parking Area	SP	Article 25
Public Utility	SP	§ 210-24.13
ACCESSORY		
Nonresidential Accessory Structure or Use	SP	§ 210-24.4
Concessions, Food, or Retail Sales	SP	NA
Outdoor Assembly, Seating, Sales, or Display Area	SP	§ 210-24.10
Outdoor Storage Area	SP	§ 210-24.10
Temporary Storage Unit	SP	§ 210-24.16

D. **Dimensional and Bulk Requirements.** The following shall apply to all lots and structures within the OS District.

REQUIREMENT	OS DISTRICT
MINIMUM LOT SIZE	
Lot Area	10,000 sf
Lot Width	50 ft
MINIMUM YARDS [1]	
Front	20 ft
Side / Rear, Primary Structure	15 / 50 ft
Side / Rear, Accessory Structure	5 / 25 ft
MAXIMUM BUILDING HEIGHT	
Primary Structure	25 ft (1 story)
Accessory Structure	10 ft
MAXIMUM LOT COVERAGE	
Gross Impervious Surface	20%

NOTE: (1) When adjacent to a residential use or district the larger requirement shall apply.

ARTICLE 24
ADDITIONAL USE REGULATIONS

§ 210-24.1 PURPOSE & INTENT

A. **Purpose.** This Article provides additional regulations for uses that are generally considered to have a higher potential for incompatibility with residential or low impact commercial uses without proper mitigation measures. The purpose of the regulations contained herein is to promote the health, safety, and general welfare of the public, while also protecting property values and the character of the immediate neighborhood and greater Pittsford community.

B. **Intent.** These regulations are intended to mitigate the potentially undesirable impacts of certain uses, which by reason of nature or manner of operation, are or may become hazardous, obnoxious, or offensive owing to excessive and undue increases in the production and presence of odors, dust, smoke, fumes, noise, vibrations, refuse matter, vehicular traffic, or human activity.

§ 210-24.2 APPLICABILITY

A. The following requirements are applicable to all uses, permitted (P) and specially permitted (SP), as noted in the use tables of Articles 20, 21, 22, and 23 of this Chapter.

B. Specially permitted uses must obtain site plan approval and a special use permit in accordance with Articles 34 and 35 of this Chapter.

C. Permitted uses do not require a special use permit. However, uses permitted as-of-right must obtain site plan review approval in accordance with Article 34 and conform to the additional use requirements of this Article, where applicable.

D. Should the additional use regulations of this Article conflict with other requirements of this Chapter, the regulations contained herein shall take precedence.

§ 210-24.3 ACCESSORY DWELLING UNITS

A. **Purpose.** The purpose of regulating accessory dwelling units is to:

1. Create new housing units while respecting the design and scale of single-family residential development;

2. Increase the housing stock of existing neighborhoods in a manner that is less intense than multi-family dwelling alternatives;

3. Provide a broader range of affordable housing options that respond to changing family and household needs; and

4. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods while also obtaining extra income, security, companionship, and/or services.

B. **General Requirements.**

1. An accessory dwelling unit (ADU) may be allowable as an accessory use to a single-family dwelling. There shall be no more than one ADU per primary use.

2. No ADU shall be permitted on a nonconforming lot or within a nonconforming principal or accessory structure.

3. ADUs may be allowed within the principal structure under the following conditions:

   a) The principal structure is at least 2,500 square feet in habitable floor area.

   b) The ADU is served by no more than one external entrance and such entrance is located on the side or rear façade of the principal structure.

4. ADUs may be allowed in a detached garage or other accessory structure under the following conditions:

   a) The garage or accessory structure is located in the rear yard and is at least 500 square feet in habitable floor area.

   b) The ADU is maintained as an accessory use and under no circumstances may be subdivided from the lot containing the principal use.

5. An ADU shall be a complete, separate housekeeping unit containing both a legal kitchen and bath and must meet NYS Uniform Building and Fire Prevention Code requirements. No ADU shall include more than two bedrooms.

6. No ADU shall be permitted if an existing approved driveway cannot accommodate at least one off-street parking space, in addition to the parking spaces required for the primary use.

7. The construction, modification, addition, or demolition of an ADU shall not discernably alter the single-family residential character of the lot or structure located thereon.

C. **Owner-Occupancy Requirements**.

1. At least one of the dwelling units is required to be occupied by the property owner and maintained as their primary residence.

2. The property owner shall sign an affidavit before a notary public affirming that the property is their primary residence. Such affidavit shall be submitted to the CEO. Upon sale of the property, a new owner shall be required to sign and submit a new affidavit within 30 days of the close of sale.

3. The individual sale of any ADU apart from the principal use is strictly prohibited.

§ 210-24.4 ACCESSORY USES & STRUCTURES

Accessory uses and structures are allowed in any zoning district in connection with any principal use lawfully existing within such district as noted in the use tables of Articles 20, 21, 22, and 23 of this Chapter. All accessory uses and structures shall conform to the following requirements.

A. **General Requirements.** Accessory uses and structures shall:

1. Be clearly incidental and subordinate to the primary structure or use by height, area, extent, and purpose;

2. Not be located in any required front yard area, unless otherwise permitted in this Chapter;

3. Be in conformance with the dimensional and bulk requirements of the zoning district in which they are located. No accessory use or structure shall cause the rate of lot coverage to exceed the maximum rate permitted;

4. Be finished with materials and/or siding that is consistent and compatible with the existing character of the primary structure and surrounding neighborhood;

5. Maintain a separation of at least 10 feet from the primary building, when established as a detached accessory structure; and

6. Not obstruct, block, or force the enclosure of any structural opening (windows, doors, etc.), open porch, deck, or terrace, or required vehicular or pedestrian accessway.

B. **Residential Accessory Uses and Structures**. The following shall be considered permissible residential accessory uses or structures for the purposes of this Chapter.

1. Decks, patios, terraces, or seating areas.

2. Residential garages or carports.

3. Enclosed storage structures, such as sheds.

4. Fences and walls in accordance with Section XX.

5. Playgrounds or playhouses.

6. Noncommercial nurseries, gardens, or greenhouses.

7. Fire escapes or other such structures intended to maintain the health, safety, and welfare of residents within a dwelling and the general public.

8. Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.

9. Dish or radio antennae no more than one meter in diameter and intended for noncommercial use. Such antennae shall not extend more than 30 inches above the roofline or exceed the maximum building height of the district, whichever is less.

10. Personal generators, air conditioning units, and other small-scale mechanical equipment for noncommercial use, provided such equipment is located, screened, and operated in accordance with the requirements of this Chapter.

11. Solar energy systems or green infrastructure installations, such as rain barrels, rain gardens, or bioswales.

12. Off-street parking areas, including electric vehicle charging stations, provided all applicable parking requirements of this Chapter are met.

13. Other uses and structures which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.

C. **Nonresidential Accessory Uses and Structures**. The following shall be considered permissible nonresidential accessory uses or structures for the purposes of this Chapter.

1. Outdoor assembly or seating areas, sales or display areas, or storage areas in accordance with Section 210-24.10.

2. Decks, patios, terraces, or seating areas otherwise not programmed for public use as part of the primary operation.

3. Garages or carports.

4. Enclosed storage structures, such as sheds.

5. Fences and walls in accordance with Section XX.

6. Playgrounds or playhouses.

7. Nurseries, gardens, or greenhouses.

8. Fire escapes or other such structures intended to maintain the health, safety, and welfare of employees, patrons, and the general public.

9. Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.

10. Dish or radio antennae no more than two meters in diameter when screened from public view and adjacent residential property. Such antennae shall not extend more than five feet above the roofline or exceed the maximum building height of the district, whichever is less.

11. Generators, HVAC systems, and other mechanical equipment, provided such equipment is located, screened, and operated in accordance with the requirements of this Chapter.

12. Solar energy systems or green infrastructure installations, such as rain barrels, rain gardens, or bioswales.

13. Off-street parking and loading areas, including electric vehicle charging stations, provided all applicable parking and loading requirements of this Chapter are met.

14. Other uses and structures which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.

§ 210-24.5 ANIMAL GROOMING SHOPS

A. All services shall be provided within a completely enclosed building.

B. The boarding of animals shall be prohibited.

C. A waste management plan shall be required to ensure proper upkeep of the site and disposal of animal excrement and waste.

§ 210-24.6 BED & BREAKFASTS

In order to protect the residential character of the district in which it is located, a bed and breakfast (B&B) facility shall be regulated by the following:

A. A B&B shall only be permitted in an owner-occupied single-family, detached dwelling. A B&B shall not be permitted on a nonconforming lot or within a nonconforming structure.

B. The minimum lot area required for a B&B shall be 10,000 square feet. The minimum habitable floor area of a B&B shall be 2,500 square feet.

C. The residential character of the lot and structures located thereon shall be preserved. Structural alterations or additions of a nonresidential nature shall be prohibited.

D. No more than one employee shall be permitted that does not reside in the dwelling.

E. The maximum stay of guests shall be no more than 30 consecutive days.

F. Off-street parking shall not be permitted in the front yard. All parking areas shall be screened from adjacent properties and the public right-of-way in a manner approved by the reviewing board.

§ 210-24.7 DAY CARE CENTERS, CHILD OR ADULT

A. No day care shall be permitted without obtaining the proper license and registration, as required by NYS or Monroe County Law.

B. All buildings, structures, and areas of organized activity dedicated to the primary day care use shall maintain a setback of at least 15 feet from all property lines.

C. A landscaped buffer of at least five feet in height and five feet in width shall be provided at all side and rear property lines abutting a residential use or district.

D. Outdoor speakers and public-address or stereo systems are prohibited.

E. Day care centers may be conducted as a home occupation, provided a special use permit is obtained and such use is in conformance with all applicable home occupation requirements.

§ 210-24.8 GASOLINE SERVICE STATIONS

A. Curb cuts and driveways for vehicular ingress and egress shall be spaced at least 40 feet apart from edge to edge. No curb cut or driveway shall be provided within 50 feet of an intersection. Driveways shall be so located as to avoid the necessity of any vehicle backing into any public right-of-way.

B. Minor vehicle repair or service may be permitted provided all activities are conducted within a completely enclosed building.

C. No part of any filling pump, lift, or other service appliance shall be erected within 100 linear feet of a property line of any residential district or use.

D. The sale, rent, or display of vehicles on the property shall be prohibited.

§ 210-24.9 HOME OCCUPATIONS

A. **Purpose.** The purpose of the regulating home occupations is to provide residents with the opportunity to conduct professional office or administrative uses within their home, while still preserving the value and character of the neighborhood.

B. **Permitted Occupations.** Permitted home occupations include a lawyer, accountant, author, engineer, architect, consultant, realtor, insurance agent/broker, counselor, artist, photographer, teacher, tutor, tailor, repairperson, or other such use which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent.

C. **Prohibited Occupations.** Prohibited home occupations include those that would generate adverse impacts to or are incompatible with the existing character of a residential neighborhood. These uses include, but are not limited to, retail stores, medical or emergency services, animal care services, and vehicle sales, service, or repair.

D. **General Regulations.**

1. The home occupation must be clearly incidental and secondary to the use of the dwelling and shall conform to all requirements of the NYS Uniform Building and Fire Prevention Code.

2. The residential character of the lot and structures located thereon shall be preserved. Structural alterations or additions of a nonresidential nature shall be prohibited.

3. The home occupation shall be owned and operated by a full-time resident of the dwelling.

4. All home occupation related activities shall occur wholly within an enclosed structure.

5. No more than one employee shall be permitted that does not reside in the dwelling.

6. There shall be no exterior display or storage of materials, good, supplies, or equipment related to the home occupation.

7. No home occupation shall produce odors, noises, dust, vibrations, glare, or any other nuisance not typically found in a residential neighborhood.

8. On-site retail sales is prohibited, except the sale of items that are clearly incidental to a permitted home occupation.

9. Deliveries to home occupations shall be permitted by two-axle vehicles only.

§ 210-24.10 OUTDOOR ASSEMBLY, SEATING, SALES, DISPLAY & STORAGE AREAS

Outdoor assembly, seating, sales, display, and storage areas are allowable as a nonresidential accessory use, provided all areas are in conformance with the following additional requirements. These standards shall not apply to any residential accessory use.

A. General Requirements.

1. No area shall be located within a residential district or within any public right-of-way.

2. No area shall block windows, entrances, exits, pedestrian or vehicular access, sidewalks, fire lanes, or other travel lanes.

3. No area shall exceed 15% of the gross floor area of the primary use.

B. Assembly, Seating, Sales, and Display Area Requirements.

1. Within the VCB District or MU-EC District, such areas may be allowable in the public right-of-way with site plan approval.

2. All areas shall be located adjacent to the wall of the primary structure and shall not extend more than 20 feet from said wall or beyond any public right-of-way or property line, unless otherwise approved through site plan review.

3. No area shall be used for storage purposes.

4. Seating and all items for sales or display shall be removed, enclosed, screened, and/or secured during non-business hours.

C. Storage Area Requirements.

1. No area shall be permitted in any front yard or within any public right-of-way.

2. All areas shall be fully screened from public view and from adjacent residential uses or districts.

3. No area shall be located within 50 linear feet of the property line of any adjacent residential use or district.

§ 210-24.11 PONDS

A. **Purpose.** It is the purpose of this Section to define and regulate ponds in all zoning districts in the Village in order to protect the environment, preserve the rights of others to natural water flows, and to prevent health and safety hazards that may occur by reasons of the existence of any pond or waterbody.

B. **Site Plan Review and Permit Required.**

1. No pond shall be constructed or maintained without obtaining site plan approval and a special use permit in accordance with Articles 34 and 35 of this Chapter. No building permit may be issued until such approvals are obtained.

2. A site plan for a pond shall show all elements necessary to meet the requirements of this Code, including but not limited to, a survey map of the subject and all affected properties showing the exact location of all proposed improvements including the pond, surface elevation contours for evaluating the drainage flows, both to and from the pond, the size and depth of the pond, and any other data or detail required by the reviewing board and Village Engineer.

3. Related permits, as applicable, must be identified and obtained from any affected county, town, and state agencies.

C. **Performance Standards.**

1. All ponds must be maintained as required by the Village Engineer and the CEO so as to assure that they do not become offensive to neighboring properties by reason of stagnation, algae, mosquito breeding and similar conditions and that they function as intended when constructed.

2. No pond shall interfere with or impede the natural flow of water in such a way as to adversely impact any floodplain, wetland area, public water supply, existing sewage and drainage facilities, public streets and highways, or the property of others.

3. All ponds shall conform to the setback restrictions for buildings in the zoning district in which the pond is located.

4. The special use permit for a pond may be issued subject to conditions deemed necessary by the reviewing board to restrict access to the pond by neighbors, pedestrians, and other persons for their protection and safety.

§ 210-24.12 PERSONAL SERVICE SHOPS & SPAS

A. **Permitted Establishments.** Permitted personal service shops are establishments that provide for the health, care, and wellness of a person's body, mind, hair, skin, or nails. Such uses shall include, but are not limited to, spas, saunas, beauty salons, barber shops, tanning salons, massage therapy, esthetics and dermatology offices, or other such uses which the CEO deems appropriate by virtue of similarity in nature, activity, and/or extent.

B. **Prohibited Establishments.** Prohibited personal service shops are establishments that provide body modification services, surgical procedures, or other medical treatments that penetrate a person's skin. This shall include, but is not limited to, body and ear piercing salon, tattoo parlors, and micropigmentation services.

C. **General Regulations.**

1. Personal service shops and spas shall be prohibited on the first floor of any building in the VCB or MU-EC Districts.

2. Personal service shops and their operators shall obtain all permits and licenses required by local, county, and state law. Such permits and licenses shall be duly displayed and all operations conducted in accordance with the regulatory requirements thereof.

§ 210-24.13 PUBLIC UTILITIES

A. Public utilities shall not be located on a primarily residential street unless no other site is available.

B. The location, design, and operation of public utility structures shall not adversely affect the character of the surrounding area.

C. Public utilities shall be landscaped in a manner approved during site plan review.

D. To the greatest extent practicable, public utility equipment shall be stored and screened so as not to be visible from surrounding properties and the public right-of-way.

E. No public utility structure may exceed the height requirements of the zoning district in which it located.

§ 210-24.14 RECREATION & ENTERTAINMENT FACILITIES, OUTDOOR

A. Permanent, enclosed bathroom facilities for the general public shall be provided on site.

B. No outdoor recreation or entertainment facilities shall be located closer than 200 feet to the property line of any adjacent residential use or district.

C. Hours of operation shall be posted on-site. All outdoor facilities shall be secured and closed to the public outside of operating hours.

D. A waste management plan shall be required to ensure proper upkeep of the site and disposal of trash, litter, animal waste, and other refuse.

§ 210-24.15 RESTAURANTS, TAVERNS, BREWERIES & DISTILLERIES

A. No such use may be established within 100 linear feet of the property line of a residential use or district.

B. All such uses dealing with the importation, manufacture, distribution, or sale of alcohol shall obtain a license as required by the NYS Liquor Authority and operate in accordance of the regulations therein.

C. Breweries and distilleries shall also be duly licensed for on-premise sales or service as defined by the NYS Liquor Authority.

D. Restaurants must have a full kitchen and menu as required by the NYS Liquor Authority when the sale of beer, wine, and/or liquor is provided.

E. Taverns and tasting rooms of breweries or distilleries shall include a minimum food preparation area and menu that satisfies the NYS Liquor Authority's minimum food requirement.

F. A waste management plan shall be required to provide for proper upkeep of the site and disposal of refuse. All refuse containers shall be located in the rear yard and maintain a setback of at least five feet from all property lines.

G. Where the provision of on-site refuse containers is infeasible, a shared waste management agreement may be established between adjacent uses. Under no circumstance shall any shared refuse container be located outside of a 200 foot radius of a single use.

§ 210-24.16 TEMPORARY STORAGE UNITS

A. **Purpose.** The Section has been adopted to ensure that placement of temporary storage units does not negatively impact the character and aesthetics of the Village, as well as to promote the health, safety, and welfare of the general public.

B. **Registration Required.**

1. It shall be unlawful for any person or entity to place or permit the placement of a temporary storage unit on property located within any zoning district without registering such unit with the CEO.

2. Registration shall occur prior to the initial delivery of the temporary storage unit.

3. The registration form shall contain:

a) The name of the registrant to whom the temporary storage unit is supplied;

b) The registrant's property status: owner, renter, lessee, etc.;

c) The address at which the temporary storage unit will be placed;

d) The delivery date and removal date;

e) A sketch depicting the location and the placement of the temporary storage unit on the lot; and

f) Signature of the parcel owner or other legal occupant with the written permission of the parcel owner.

4. Only the property owner may register a unit. A renter, lessee, or other legal resident may register a unit if they have the written permission of the property owner.

C. **Placement of Units.**

1. Units shall only be placed in the driveway, or if access exists, at the side or rear of the lot. The unit may not be placed in unpaved front yard space.

2. Units shall be set back at least five feet from any lot line and five feet from any structure.

3. Approval from the CEO shall be required if the location of a unit meets either of these conditions:

a) There is no driveway; or

b) The property is a corner lot.

4. Placement may not limit visibility of vehicles, pedestrians, or bicyclists.

D. **Allowable Number of Units.** Only one temporary storage unit may be placed upon any lot at one time.

E. **Unit Size.** Units shall not have a footprint exceeding 200 square feet or a height of more than eight feet.

F. **Duration.** The temporary storage unit may be permitted for a maximum of 30 consecutive days, including the days of delivery and removal. The registration may be extended an additional 30 days upon written request to and approval by the CEO.

G. **Maximum Number of Registrations.** Each lot is limited to a maximum of four registrations per 12 month period.

H. **Maintenance.** All temporary storage units shall be fully enclosed structures. The registrant shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

I. **Prohibited Materials and Uses.** The storage of solid waste, chemical substances, and illegal or hazardous material is prohibited.

J. **Inspection.** Upon reasonable notice to the registrant, the CEO may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used in a manner prohibited by this Section.

§ 210-24.17 TELECOMMUNICATIONS EQUIPMENT

A. **Legislative Intent.** The purpose of this Section is to allow for telecommunications equipment installation in accordance with applicable state and federal law. While acknowledging the demand for wireless communications, the Village recognizes that the small-scale residential and commercial districts, agricultural landscapes and canal waterfront comprising the Village are primary community resources. The

erection of telecommunications equipment of unusual height or bulk within the Village may threaten the historic integrity, damage the aesthetic value and reduce residents' opportunities to enjoy these resources. The intent of this Section is to regulate the construction and siting of telecommunications equipment in compliance with the Federal Communications Act of 1996 to achieve the following:

1. Protect the health, safety and general welfare of the residents of the Village of Pittsford.

2. Protect the aesthetic characteristics and historic features of the Village of Pittsford.

3. Ensure that telecommunications equipment planned for locations within the Village of Pittsford are sited and constructed in a manner consistent with sound land use planning, the Village's comprehensive plan and other adopted goals of the Village.

B. **Application.**

1. No freestanding telecommunications equipment, including but not limited to, a tower, satellite dish, antenna, or pole, shall hereafter be used, erected, moved, reconstructed, changed or altered except after approval of a special use permit and in conformity with these regulations.

2. No existing structure shall be modified to serve as a transmission tower or telecommunication facility unless in conformity with this Section.

C. **Height.** The maximum building height requirement of the applicable zoning district shall apply to all telecommunications equipment. The placement of such equipment on a roof or structure shall not cause such structure to exceed the maximum height restrictions of the zoning district in which it is located.

D. **Application Requirements.** In addition to the requirements for a special use permit and site plan application, telecommunication equipment applications shall also include the following, at a minimum:

1. Proof of the landowner's consent if the applicant does not own the property,

2. Location of property lines and permanent easements, including the address, property tax number, and ownership of such properties.

3. Location of the equipment, together with towers, dishes, antennae, guy wires, guy anchors, and accessory structures, if applicable.

4. Location of all structures on the property within 500 feet of the base of the equipment and all structures on any adjacent property.

5. Names of all adjacent landowners and other landowners within 500 feet of property boundaries where the site is proposed.

6. Proposed height of all equipment, including any towers or antennae, and the justification for such proposed height.

7. Construction detail for any towers, dishes, or antennae, including but not limited to, monopole, guyed, freestanding or other.

8. Elevation illustrations, drawn to scale, of the equipment, together will all towers, dishes, or antennae.

9. Final grading plans for the site, including facilities and roads.

10. Plan of how the proposed structures will supplement, detract, or coordinate with existing equipment in the Village and contiguous jurisdictions; any changes proposed or anticipated within the following 24 month period, including a build-out plan for new locations and the discontinuance or relocation of existing facilities. If granted a special use permit, this build-out plan must be updated annually.

11. Location, nature, and extent of proposed fencing, landscaping, and/or screening.

12. Location, nature, and extent of proposed utility easements and access roads, if applicable.

13. Inventory of other existing and proposed equipment within the Village and adjacent communities.

14. Proposed maintenance and inspection procedures, including records systems.

15. Certification that the NIER levels at the proposed site are within threshold levels adopted by the FCC.

16. Certification that the proposed equipment will not cause interference with existing communication devices, including but not limited to, radio, television, telephone, cellular, or wireless reception.

17. Certification that the equipment meets all state and federal structural requirements for loads, wind, ice, fall down specifications, etc.

18. A copy of the applicant's FCC license.

19. Certification that the applicant has utility status from New York State and the Public Service Commissioner.

20. Verification that the proposed facility will comply with all applicable FCC rules and regulations.

E. **Visual Impact Assessment.** The applicant shall also be required to complete a visual impact assessment, including but not limited to:

1. A description of how the equipment can be blended with the viewshed, including any plans for camouflage, such as simulating the appearance of a tree or other structure depending on the context of the proposed location.

2. A Zone of Visibility Map that identifies locations from which the equipment, including all towers, dishes, or antennae, may be seen.

3. Pictorial representations of "before and after" views from key viewpoints both inside and outside the Village, including but not limited to state and Village streets, local parks, NYS Thruway Authority lands and waterways, other public lands, preserves and historic sites, viewsheds that are important to the

community, and from any other location where the site is visible to a large number of visitors or residents. The reviewing board may assist the applicant in determining appropriate key sites.

4. Assessment of the visual impact of the equipment, including all towers, dishes, antennae, guy wires, and accessory facilities or structures from abutting properties and streets, and viewsheds that are important to the community.

F. **Waivers.** The reviewing board is permitted to waive any requirements of this Section which are inapplicable as a result of the applicant proposing a shared use on existing equipment, including any towers or structures.

G. **Shared Use.**

1. An applicant shall be required to present an inventory report of existing equipment within the Village of Pittsford and adjacent municipalities, and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to new construction.

2. Where shared use is unavailable, location of equipment on preexisting structures shall be considered the next preferable location.

3. An applicant intending to share use of existing equipment shall be required to document consent from the existing equipment and property owner for the shared use.

4. The applicant shall pay all reasonable fees and costs of adapting existing equipment to a new shared use. Those adaption costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate the shared use.

5. In the case of new equipment, the applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from owners of existing equipment. Copies of written requests and responses for shared use shall be provided

H. **Aesthetics.** In order to minimize any adverse aesthetic effect on neighboring properties to the maximum extent practicable, the reviewing board shall impose reasonable conditions on the applicant, including the following:

1. All telecommunications equipment and accessory facilities or structures shall be sited to have the least adverse visual effect on the environment.

2. A freestanding tower instead of a guyed tower.

3. Existing on-site vegetation shall be preserved. The cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) may be allowed with review board approval.

4. Evergreen tree plantings shall be required to screen equipment from nearby property, as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, at least one row of 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 screen the equipment, as well as any tower base or accessory facilities. In the case of poor soil conditions, planting may occur on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.

5. The applicant shall show that it has made good faith efforts to collocate on existing equipment and/or to construct new facilities near existing equipment in an effort to consolidate visual disturbances.

6. Equipment should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. The equipment shall not be artificially lighted except as required by the FAA. Any lighting utilized shall not result in glare on adjacent properties. Equipment is to be of a galvanized finish or painted matte gray unless otherwise approved by the review board or required by the FAA.

7. No equipment or accessory facilities or structures shall contain any signs or devices displaying a commercial message. Safety warning signs shall not be considered a commercial message, the size and type shall be determined and approved by the reviewing board.

8. All communication cable and utilities, including water, gas, electric and sewer leading to and away from any new telecommunications equipment shall be installed underground and in compliance with all the laws, rules and regulations of the Village.

I. **Setbacks.**

1. All freestanding telecommunications towers, dishes, antennae, and accessory structures shall be set back from abutting parcels, public property or right- of-way lines a distance sufficient to substantially contain on-site all ice fall or debris from equipment failure, or 200 feet, whichever is greater. In no case shall such equipment be located less than 200 feet from a residential property.

2. All appurtenances and attachments, such as guy wires, must be located at a minimum setback from any property line a distance of at least 200 feet. The minimum setback requirement of this subsection may be increased at the discretion of the reviewing board as part of the site plan approval procedures, or it may be decreased in those instances where the owner/applicant has submitted plans for a tower design in such a manner as to collapse within a smaller area. Such tower design and collapse zone shall be reviewed by and must be acceptable to the Village Engineer and the reviewing board.

J. **Intermunicipal Notification.** In order to keep neighboring municipalities informed, and to facilitate the possibility of directing existing telecommunications equipment in a neighboring municipality be considered for shared use, the reviewing board shall require that the applicant provide an intermunicipal notification for new equipment as follows:

1. An applicant who proposes new telecommunications equipment in the Village of Pittsford shall notify in writing the Towns of Pittsford, Penfield, Perinton and Brighton, and the Town/Village of East Rochester.

2. Notification shall include the exact location of the proposed equipment and a general description of the project, including but not limited to, the height of all proposed equipment and its capacity for future shared use.

3. Documentation of this notification shall be submitted to the reviewing board at the time of application.

K. **Radio-Frequency Effects.** It is recognized that Federal laws [Telecommunications Act of 1996; Public Law 104-104, Section 704 (February 8, 1996)] prohibit the regulation of cellular and PCS telecommunications equipment based on the environmental effects of radio- frequency emissions where those emissions comply with the FCC standards for those emissions. The Board shall, however, impose a condition on the applicant that the communications antennas be operated only at FCC designated frequencies and power levels and require applicants to submit evidence upon approval and periodically thereafter, demonstrating that the proposed use is in compliance with such standards.

L. **Indemnification.** To the maximum extent permitted by law, the applicant shall execute an agreement indemnifying and holding the Village harmless from any and all liabilities, claims of personal injury or property damage arising out of or in any way related to the installation and operation of the telecommunications equipment and its accessory structures and facilities.

M. **Traffic, Access, and Safety.**

1. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with Village standards for private roads and shall at all times minimize ground disturbance and vegetation cutting. Construction of previous roadways (crushed stone, gravel, etc.) is preferred. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential. Public road standards may be waived in meeting the objective of this subsection.

2. All telecommunications equipment and guy anchors, if applicable, shall be enclosed by climb-proof fencing of not less than eight feet to protect it from trespassing or vandalism.

3. The applicant must comply with all applicable state and federal regulations including but not limited to FAA and FCC regulations.

N. **Letter of Credit.**

1. The applicant and the owner of record of the premises shall be required to execute and file with the Village Clerk of the Village of Pittsford a letter of credit acceptable to the Village Attorney as to form and manner of execution in an amount sufficient for the faithful performance of the terms and conditions of this Section, the conditions of the permit or approval issued hereunder, for the observation of all Village local laws or ordinances to cover the maintenance of the equipment during its lifetime, and provide for its removal and restoration of the site to its original condition.

2. The amount required shall be determined by the Village Engineer and shall be not less than 150% of the cost of removal of the equipment, and shall be reviewed and adjusted at five-year intervals.

3. In the event of default upon the performance of any such conditions, the letter of credit or security shall be forfeited to the Village of Pittsford, which shall be entitled to maintain an action thereon.

4. The letter of credit or security shall remain in full force and effect until the removal of all equipment and site restoration. Further, the applicant and owner shall be required to furnish evidence of adequate insurance, the adequacy of which shall be determined by the Village's insurance consultant.

O. **Verification of Compliance.** The applicant shall submit, on an annual basis, a written report of compliance to the authorized official, verifying that the site has maintained compliance with all applicable FCC emission requirements and mechanical safety regulations. Also included in such written report shall be an updated full build-out analysis and capacity for the site and all equipment in and adjacent to the Village of Pittsford together with a summary of complaints received by the applicant and responses thereto in the preceding 12 months.

P. **County Agreement.** An applicant shall agree to permit Monroe County to collocate emergency telecommunications equipment that the County deems necessary in its responsibility for 911 and other public safety or emergency purposes on its equipment.

1. The agreement shall include the use by the County of any and all equipment space, tower space, structure space, rights-of-way, and utility easements.

2. Installation of the County's equipment shall not cause the existing equipment to exceed its permitted weight capacity or cause interference with the radio frequency transmission of the applicant's equipment.

3. There shall be no cost to the County for its use of the applicant's equipment.

4. The County shall have access to the equipment and premises at any time.

Q. **Removal of Facilities.** Approval of new telecommunications equipment or the expansion or a modification of any existing equipment shall be conditioned upon the owner's and applicant's agreement to remove such equipment, facilities, and structures once it is no longer used. Removal of such obsolete and/or unused equipment shall take place within six consecutive months of cessation of use.

R. **Expiration of Approval.** Special use permit and site plan approval shall expire upon:

1. The failure to commence active operation of the telecommunications equipment and/or accessory facilities or structures within six consecutive months of the date of approval.

2. The discontinuance of the active and continuous operation of the telecommunications equipment and/or accessory facilities for six consecutive months, regardless of any reservation of an intent not to abandon or discontinue the use or of an intent to resume active operations. Upon such abandonment or cessation of use the applicant shall remove the equipment and all related facilities and structures.

S. **Exemptions.** The following are exempt from the requirements of securing a special permit and site plan approval pursuant to this Section:

1. The repair and maintenance of existing telecommunications equipment, facilities, towers, antennas, and accessory structures or facilities.

2. Antennas used solely for the residential household television and radio reception which do not exceed the maximum height permitted for primary structures within the zoning district.

3. Satellite antennas measuring one meter (39.37 inches) or less in diameter, building-mounted, installed according to manufacturer's recommendations, adequately secured and meeting all electrical code requirements regardless of the zoning district in which it is located. For safety reasons, no such satellite antenna shall be placed on an ingress or egress to a building or placed within 10 feet of a power line.

ARTICLE 25
PARKING, LOADING & ACCESS MANGEMENT

§ 210-25.1 PURPOSE & INTENT

A. **Purpose.** The purpose of this Article is to ensure that all uses and development within the Village is adequately served by off-street parking and loading areas. The standards contained herein are designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles.

B. **Intent.** This Article is also intended to achieve the following objectives:

1. Reduce congestion on the street network in the Village;

2. Ensure there are adequate amounts of parking and loading facilities to serve the use(s) and users of the property;

3. Encourage alternative parking designs and modes of transportation to reduce dependence on single-occupancy vehicular trips and improve efficiency during travel;

4. Provide safe traveling conditions for motorists, pedestrians, and bicyclists; and

5. Ensure safe, well-planned multi-modal access can be made to all commercial and residential properties within the Village while minimizing potential vehicular and pedestrian conflicts.

§ 210-25.2 OFF-STREET PARKING & LOADING

Off-street parking and loading shall be provided in all zoning districts in accordance with the following:

A. **General Requirements.**

1. Parking and loading spaces shall be prohibited in the front yard and shall never be located at the corner of any street or in front of any building.

2. All spaces shall be hard surfaced and maintained in smooth and well-graded condition. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt and must be permanently marked.

3. All parking and loading areas shall include a designated snow storage area.

4. Newly created or resurfaced parking and loading spaces shall be required to utilize permeable paving material. The Planning Board may waive this requirement should the applicant satisfactorily prove a significant financial hardship.

5. All spaces and their driveways shall be graded so as to provide for the proper mitigation of storm water and runoff.

6. New or reconstructed parking areas must conform to the standards of the Americans with Disabilities Act.

7. All lighting used to illuminate off-street parking or loading areas shall be dark sky compliant. Lighting shall be so arranged and shielded that it will not project light rays directly upon any adjoining property.

B. **Minimum Parking Space Requirements.**

1. Off-street parking spaces shall be provided as noted in the following table.

LAND USE	MINIMUM SPACE REQUIREMENT
RESIDENTIAL	
Single- or Two-Family Dwelling	**1 per unit**
Multi-Family Dwelling	**1.2 per unit**
Upper Floor Dwelling	**1 per unit**
Bed & Breakfast	**1 per room**
Hospice, Nursing Home, or Assisted Living	**1 per room**
COMMERCIAL	
Dance, Art, Music, or Photo Studio, Day Care	**0.5 per person at maximum occupancy**
Hotel or Inn	**1 per room**
Self-Storage Facility	**0.5 per unit**
Other Commercial Use	**3 per 1,000 sf of gross floor area**
OTHER	
Place of Worship or Public Assembly, Social Club	**0.5 per person at maximum occupancy**
Elementary or Middle School, Preschool	**1.5 per classroom**
High School, Technical or Vocational School	**0.5 per person at maximum occupancy**
Other Use Not Listed	**Determined by Planning Board**

2. The maximum number of parking spaces allowable for any use is not to exceed 125% of the minimum requirement.

3. Off-street parking spaces shall be sized as noted in the following table.

PARKING ANGLE	MINIMUM SIZE (WIDTH / LENGTH)
90 or 60 Degree	**9 / 18 ft**
45 Degree	**8 / 18 ft**
Parallel	**8 / 20 ft**

C. **Shared Parking Provisions.**

1. Shared parking areas that extend across property lines are encouraged as they can be more efficiently organized, resulting in more parking capacity with less land devoted to parking.

2. Shared parking areas for two or more uses that are located on the same lot or adjacent lots is permitted, provided the parking area is no more than 1,000 square feet from each use it is intended to serve.

3. The minimum required spaces of a shared parking area shall include the sum of all minimum parking requirement per use, unless it is demonstrated to the satisfaction of the Planning Board that the uses have alternate peak parking demands or operating hours.

4. A Shared Parking Agreement shall be required and must be reflected in a deed, lease, easement or other appropriate legal document.

5. A Maintenance Agreement shall be required documenting the responsibility of each user in the maintenance of said parking facilities.

6. Shared access agreements shall be created by the initial developer and/or owner of a parking area and shall be established in a continuum to adjoining properties as a contingency of site plan approval.

D. **On-Street Parking and Public Space Credits.** On-street and municipally owned parking spaces may be used as a credit for up to 20% of the requirements for off-street parking provided such spaces are no more than 1,000 feet from the use and approval of such credits is obtained from the Planning Board.

E. **Existing Parking Deficit Exemptions.**

1. No lawfully existing use within any nonresidential zoning district shall be required to provide off-street parking in excess of what is currently provided except when the amount of space devoted to such use is expanded.

2. In such case, supplementary off- street parking shall be provided based on the additional space devoted to the use.

F. **Bicycle & Pedestrian Accommodations.**

1. Bicycle parking shall be provided at a rate of at least 10% of vehicle parking requirements. However, in no case shall a use provide less than two spaces or be required to provide more than 10 spaces. .

2. Parking areas of five or more spaces shall include a clearly identified pedestrian route from the parking spaces to the main building entrance and public sidewalk, where applicable.

G. **Loading Space Requirements.** Loading spaces shall be provided as noted in the following table.

GROSS FLOOR AREA OF USE	MINIMUM SPACE REQUIREMENT
Under 5,000 sf	0
Over 5,000 sf	1 at 12 / 24 / 14 ft (width / length / height)

§ 210-25.3 ACCESS MANAGEMENT

A. Well-planned access roads and driveways provide safe travelling conditions for both vehicles and pedestrians to surrounding businesses and residential neighborhoods.

B. The following access management provisions shall apply to all nonresidential properties where vehicular points of ingress or egress are separated by a distance of less than 100 feet.

1. Shared access roads and driveways may be required where vehicular ingress and egress can be more efficiently organized and result in fewer potential pedestrian and vehicle traffic conflicts.

2. Direct vehicular access driveways and curb cuts to public streets shall be minimized to the greatest extent practicable. Curb cuts and driveways to nonresidential uses shall spaces a minimum of 50 feet apart. Minimum spacing is to be measured from the closest edge of the driveway to the closest edge of the nearest driveway on the same side of the street.

3. No access road or driveway shall be located closer than 40 feet to the intersection of public streets.

§ 210-25.4 DRIVEWAY PERMITS

A. The addition or modification of curb cuts, paving of new driveways, or driveway expansions in all districts shall require the issuance of a driveway permit by the CEO, unless otherwise approved as part of site plan review.

B. The CEO may confer with the Village's Superintendent of Public Works to assist with the review of driveway applications.

C. Driveway permit applications shall be submitted to the CEO on forms provided by the Village and shall be accompanied by the following:

1. A to-scale drawing of the parcel indicating the location and dimensions of the proposed driveway;

2. A current survey map completed by a professional land surveyor depicting the proposed location and dimensions of the driveway;

3. A stormwater management and drainage plan, unless the driveway or driveway expansion is to consist of permeable paving materials; and

4. Any other materials deemed necessary by the CEO to conduct an adequate review of the site and proposed driveway or driveway expansion.

D. Applications must meet the following minimum requirements to be considered for approval:

1. The driveway shall be at least one foot away from side and rear property lines.

2. The driveway shall not cause the parcel's total lot coverage to exceed the maximum amount permitted.

3. The driveway shall be no less than 10, but no more than 20 feet in width.

4. The paving of said driveway shall not obscure or in any way alter existing public sidewalks.

5. Notice to the NYS and/or Monroe County Department of Transportation has been made and all necessary approvals obtained.

ARTICLE 26
LANDSCAPING & SCREENING

§ 210-26.1 PURPOSE & INTENT

A. The Village of Pittsford recognizes the value of trees and landscaping and that the preservation and enhancement of these resources is necessary to protect the health, safety and welfare of Village residents.

B. Landscaping is considered an integral part of site design, offering shade and habitat, impeding soil erosion, providing water absorption and retention to inhibit excess runoff and flooding, enhancing air quality, offering a natural barrier to noise and enhancing property values and providing scenic beauty.

C. It is the purpose of the standards and requirements of this Article to achieve the following objectives:

1. Establish minimum standards and criteria for landscaping for multi-family and nonresidential development in the Village, including parking areas.

2. Dissuade the unnecessary clearing and disturbing of land to preserve the natural and existing growth of flora.

3. Ensure the replacement of removed flora, or to establish new flora, that is indigenous to the region.

4. Reduce the effects of wind and air turbulence, noise, and the glare of automobile lights.

5. Provide unpaved areas for the absorption of stormwater runoff, prevention of soil erosion, and improvement of parking area aesthetics.

6. Conserve and stabilize property values, preserve a healthful environment, and facilitate the creation of a convenient, attractive and harmonious community environment.

§ 210-26.2 LANDSCAPE PLAN REQUIREMENTS

A. A landscape plan shall be submitted and approved as a part of the site plan review process.

B. The landscape plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate:

1. Existing and proposed structures and uses,

2. Parking areas and access aisles,

3. Refuse disposal areas/dumpsters,

4. Outdoor storage areas,

5. Drainage patterns, and

6. Provisions for visual and noise screening.

C. The landscape plan shall delineate the location and description of all existing and proposed trees, shrubs and plantings. To insure proper protection of plantings and planted areas, landscape materials to be used on the site shall be identified in a planting schedule to be included on the landscape plan with the following information:

1. Type;

2. Common and botanical names;

3. Size;

4. Quantity; and

5. Pit or bed treatment.

D. The landscape plan shall include all existing plant materials that are to be removed from the site and such other information as may be required by the Planning Board.

E. Landscape plans should include a variety of trees, shrubs, and ornamental planting (annuals and perennials) as part of the site design. The mixing of trees and shrubs helps to avoid a uniform, unnatural appearance, and to protect against extreme loss due to disease or infestation.

F. The landscape plan must be prepared, signed and stamped by a professional, NYS licensed or registered landscape architect, certified nurseryman, or landscape designer.

§ 210-26.3 APPROPRIATE PLANT MATERIAL

A. Plant and landscape materials shall be compatible with soil conditions on site and the regional climate. Native plant species are encouraged.

B. Landscape plantings should be designed to stage blooms and have color throughout the growing season. Ornamental plant material, such as flowering trees and shrubs, perennials, and ground covers are encouraged.

C. Plastic or other artificial plantings or vegetation are prohibited.

D. The planting of Bradford or Cleveland Pear Trees is prohibited.

E. All grasses, trees, and plant material shall be in accordance with those appropriate for the Plant Hardiness Zone of the Village of Pittsford as defined by the United States Department of Agriculture.

F. Under no circumstance shall any site include plant material that is considered by the NYS Department of Environmental Conservation to be a prohibited and regulated invasive species per NYS Law 6 CRR-NY V C 575.

§ 210-26.4 GENERAL STANDARDS & CRITERIA

A. If the minimum requirements herein are insufficient to provide adequate buffering, the Planning Board may require additional height, thickness, or other appropriate measures to achieve the highest quality of screening as practicable.

B. Any and all vegetative buffering shall provide year-round visual screening, either as a result of the nature of the plantings themselves or with the combination of other materials, such as solid wood stockade fencing.

C. All fencing shall be in conformance with Section XX of this Chapter.

D. Ground cover should be provided at a rate of at least 30% of the total lot area. All areas shall be landscaped with an appropriate balance of trees, conifers, shrubs, ornamental plantings and grasses to create a naturalized appearance on the site.

E. The arrangement and spatial location of landscaped areas shall be designed as an integral part of the site development and disbursed throughout the site, and not just located around the perimeter.

F. Provisions for snow removal and snow storage must not adversely impact landscaped areas. Any area damaged as the result of snow removal or storage activities must be fully restored in accordance with the approved landscaping plan within the next planting season.

G. Upon approval of the Planning Board, ornamental lighting and street furnishing may be incorporated within landscaped areas.

§ 210-26.5 GRASS & LAWN AREAS

A. Grass areas shall provide continuous, uniform, and consistent coverage of the lot.

B. Grass areas may be sodded, plugged, sprigged, hydro-mulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion.

C. In areas where other than solid sod or grass seed is used, over-seeding shall be sown for immediate effect and protection until coverage is otherwise achieved.

D. Replacement or over-seeding mixes shall match or compliment the original lawn installation.

§ 210-26.6 BUILDING FOUNDATION LANDSCAPING

A. A mix of landscape plantings shall be installed around all building foundations.

B. Plant material shall be placed intermittently against long expanses of buildings walls, fences, and other barriers to soften the effect and to help break-up walls.

§ 210-26.7 OFF-STREET PARKING AREAS

A. Screening and Buffering.

1. Off-street parking and loading spaces shall be screened from public view from the Erie Canal, conservation easement lands, and streets. Such screening shall consist of fencing, landscaping, or some combination thereof which is densely planted with a mixture of trees and shrubs to create an effective visual barrier. Such screening shall maintain a height of at least four feet.

2. Where properties abut lands protected by conservation easement, historically appropriate landscaping (e.g. rows of sugar maples) shall be provided to protect viewsheds and the historic integrity of the rural landscape.

3. Parking areas must also be screened along side and rear lot lines bordering residential uses or districts. Such screening shall consist of fencing, landscaping, or some combination thereof which is densely planted with a mixture of trees and shrubs to create an effective visual barrier. Such screening shall maintain a height of at least six feet.

B. Islands and Medians.

1. Parking lots containing 8 or more spaces shall be planted with at least one tree per eight spaces, no smaller than two inch caliper (trunk diameter at four foot height).

2. Each tree should be located within a landscaped island or median. Large and medium shade trees (no less than eight feet in height at maturity) are recommended. Due to heat and drought stress and vision clearances, ornamental and evergreen trees are not recommended.

3. The dimensions of all islands and medians shall be a minimum of eight feet wide at the shortest side to protect plant materials installed therein and ensure proper growth (see Figure 1). Landscaped islands shall be protected with concrete curbing, a minimum of six inches in height.

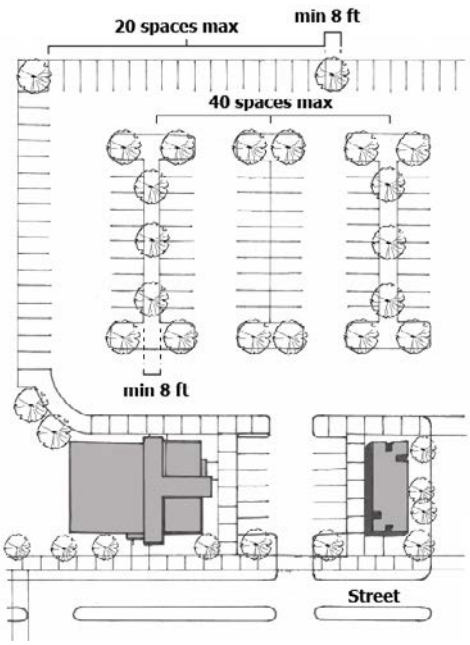

FIGURE 1: Parking Lot Configuration

4. Each median or island shall include at least one tree (see Figure 1). Low shrubs and ground covers will be required in the remainder of the landscaped area. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.

5. Landscaped islands shall be utilized in parking areas to separate parking stalls into groupings of not more than 20 spaces between islands (see Figure 1).

§ 210-26.8 REAR & SIDE YARD BUFFERING

Where the rear yard of a multi-family dwelling or nonresidential use abuts or adjoins that of a residential district or use, the following shall be required:

A. A solid wall, stockade fence, or planting screen at least five feet in height.

B. Where the abutting residential lots are less than 100 feet in depth, the method of screening shall be located not less than five feet from the lot line of the adjoining lots in the residential district.

§ 210-26.9 MECHANICAL EQUIPMENT SCREENING

A. All mechanical equipment, including but not limited to, generators, HVAC systems, and transformers, must be screened from public view and adjacent properties.

B. Mechanical equipment located at ground level shall be screened with a solid wall, fence, vegetation, low berm, or some combination thereof. The height of all enclosures and screening shall be no less than the height of the equipment.

C. Mechanical equipment located on the rooftop shall be screened with solid parapet walls, decorative fencing, and/or gables. Integration with the design and architectural style of the principal structure is required.

D. Mechanical equipment shall be located, screened, and enclosed so as to avoid creating noise, odor, vibration, or other nuisance issues.

§ 210-26.10 LANDSCAPING MAINTENANCE

A. All landscaping and screening must be maintained in accordance with the most current and valid approved site plan for the property.

B. The property owner, or his designated agent, shall be responsible for the proper care and maintenance and replacement, if necessary, of all fencing, landscaping, and screening materials in a good and healthy condition.

C. Maintenance shall include, but not be limited to; watering, weeding, mowing (including trimming at the base of fencing), fertilizing, mulching, proper pruning, and removal and replacement of dead or diseased trees and shrubs on a regular basis.

D. All landscaping and plant material that is missing, dead, decaying, or injured as of September 30th shall be replaced by June 30th of the following year at the property owner's expense. The replacement shall be of the same species and size unless otherwise approved by the CEO.

E. Irrigation systems shall be designed to minimize spray on buildings, neighboring properties, roads or sidewalks; maintained in proper operating condition and conserve water to the greatest extent feasible through proper watering techniques.

ARTICLE 27
SUPPLEMENTAL DISTRICT REGULATIONS

§ 210-27.1 VISIBILITY AT INTERSECTIONS

A. On corner lots no obstruction of vision, other than a primary building in conformance with the standards and regulations of this Chapter, shall be placed within the triangular area formed by the intersecting street lines and a straight-line adjoining said street lines at points which are 20 feet distant from the point of intersection, measured along said street lines.

B. In such area no shrubbery, fences, walls, signs, other material which creates a solid visual barrier, shall be erected higher than three feet from the street grade.

§ 210-27.2 HEIGHT EXCEPTIONS

A. The height limitations of this Chapter shall not apply to church spires, cupolas, standpipes, bulkheads, elevator enclosures, chimneys, ventilators or similar features and such appurtenances necessary and traditionally carried above the roof level.

B. No structure that exceeds the height limitations of this Chapter shall be used for human occupancy.

C. No structure or tower shall exceed the height limitations of this Chapter by more than 40%

§ 210-27.3 FENCES

To be discussed.

ARTICLE 28
PLANNED DEVELOPMENT DISTRICTS

§ 210-28.1 PURPOSE

A. **Enactment.** In addition to any other powers and authority to plan and regulate by zoning, the Village of Pittsford hereby enacts requirements for the review of planned development plans and the establishment and simultaneous mapping of Planned Development (PD) Districts pursuant to the provisions of this Chapter and Section 7-703-A of NYS Village Law.

B. **Purpose.** The purpose of a PD District is to encourage innovations in residential, commercial, and mixed use development in ways that support the Village's vision and goals for historic preservation, environmental and open space conservation, and quality of life enhancement as stated in this Chapter and the Pittsford Village Comprehensive Plan.

C. **Intent.** Conventional use, space, bulk, and use regulations contained in the underlying zoning may not be adequate to protect the unique qualities characterizing the Village's historic, environmental, and aesthetic character. It is the intent of this Article to provide performance criteria in the context of flexible use and design regulations so that the historic resources, environmentally sensitive areas, aesthetic features, important viewsheds, agriculture-related use, and otherwise significant qualities of various Village lands are preserved. The application of planned developments is also intended to achieve more creative land use and a higher quality of site planning and design than can be accomplished through conventional zoning regulations.

D. **Objectives.** This Article recognizes that while standard zoning and subdivision functions are appropriate for the regulation of land use in substantially developed areas, these controls represent a type of pre-regulation, regulatory rigidity, and uniformity which does not permit the land development potential of a planned development. A Planned Development District should provide flexibility in the Village's regulation of development in order to achieve the following objectives:

1. Development in harmony with the general purpose, goals and objectives of the Pittsford Village Comprehensive Plan and this Chapter.

2. Development with no substantial or undue adverse effect upon adjacent property, utility facilities, traffic conditions, and other matters affecting the public health, safety and general welfare of residents.

3. Development constructed, arranged, and operated so as to not interfere with the development and use of neighboring property in accordance with the applicable district regulations.

4. Development served adequately by essential public facilities and services, such as but not limited to, sanitary sewers, public water supply, stormwater drainage facilities, and other services essential to resident quality of life.

5. Development providing an effective and unified treatment of the project site making appropriate provisions for the preservation of local history, architectural integrity, Erie Canal access, viewsheds, natural topography, and open space.

§ 210-28.2 APPLICABILITY

A. **Applicability.** A PD District may be applicable to any area in the Village of Pittsford provided the property under consideration includes at least 30,000 square feet of contiguous open and/or undeveloped land.

B. **Eligibility.** To be eligible for the establishment of a PD District under this Article, applicants must demonstrate the proposed project meets or exceeds two or more of the following criteria:

1. The project proposes a density and/or intensity of use that is not otherwise permitted by the underlying zoning, but may be demonstrated to better meet the purpose and objectives contained herein;

2. The project proposes a use that is compatible with the surrounding context but is otherwise not permitted by the underlying zoning. In determining compatibility, the reviewing board will consider traffic generation, noise, truck traffic, scale, density, intensity of use, impact to historic resources, viewsheds, and aesthetics.

3. The project preserves natural resources, historic resources, and/or important views to a greater degree than would be possible that the underlying zoning herein.

4. Relief of underlying zoning regulations is necessary to maintain an existing agriculture related use.

C. **Relief from Conventional Zoning.**

1. For projects deemed eligible, the reviewing board may waive Village zoning regulations that would ordinarily apply to a property where the applicant demonstrates relief from said regulations is necessary to meet the purposes described herein.

2. It is not the intent of this Article to arbitrarily dispense with underlying zoning regulations, but rather to grant the minimum relief necessary to achieve the objectives of this Article.

D. **Approval Required.** No building permit may be issued for any planned development until approval of a PD District application is obtained in accordance with Article 38 (Planned Development District Review) of this Chapter.

§ 210-28.3 LOT & USE CONSIDERATIONS

A. **Permitted Uses**.

1. Residential uses may be of any variety of types. In developing a balanced community, the use of a variety of housing types and densities shall be

deemed in keeping with the objectives of this Article. The maximum density permitted shall be determined through the PD District review process.

2. Commercial service, office, and retail uses may be permitted where such uses are intended to primarily serve planned development area and where such structures are scaled appropriately for the context of the neighborhood.

3. Public and semi-public uses may be permitted such as passive and active recreational areas, community centers, or civic gathering space.

4. Accessory uses such as private garages may also be permitted.

B. **Min Lot Size**. No lot in a PD District shall be less than 5,000 square feet in area or 40 feet in width.

C. **Use of Conservation Easement Lands.** Properties included in the Town of Pittsford's Purchase of Development Rights Program shall be restricted to the uses described in the general provisions section of the August 11, 1998, conservation easement for said properties.

D. **Viewshed Preservation.** The reviewing board may require the modification of PD District applications for the preservation of significant viewsheds as identified in adopted local plans and studies, such as the Pittsford Village Comprehensive Plan and Town and Village of Pittsford Local Waterfront Revitalization Program (LWRP), as well as the Village's historic building and site inventory.

E. **Public Open Space and Parkland**.

1. The reviewing board may require that the applicant reserve natural areas, open spaces, environmentally sensitive or significant areas, or lands suitable for the development of a park, playground, or other recreational purpose as part of a proposed PD District.

2. Designation and use of such open space and parkland shall be based upon the review board's consideration of the following factors:

   a) Consistency with the Village's adopted plans and studies with respect to environmental conservation and improving public use of and access to local green spaces, passive or active recreational areas, trails, and the Erie Canal waterfront;

   b) Significance of conditions necessitating the protection and preservation of natural resources, local habitats and native species, woodlots, and/or wetlands;

   c) Benefits to the health, safety, and general welfare of the public, relative to the cost burden placed upon the property owner and/or developer in preserving, maintaining, and/or programming such areas.

3. Lands to be preserved as open space may be dedicated in fee to the Village or other such public agency or may remain in private ownership. For public open space that remains in private ownership, the Village may require the granting of an easement guaranteeing the public's right of access and use.

4. The Village may require the property owner and/or developer to maintain all public open spaces and related facilities (and may require that bonding or other security be posted with the Village to guarantee maintenance) or may require payment of an in-lieu fee if the Village maintains the public open space and related facilities.

5. If the applicant or their designee is to maintain public open spaces, prior to the issuance of any permits for construction, a bond or other approved security shall be posted guaranteeing such maintenance.

6. Preservation and maintenance of all public open spaces and recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved PD District and site plan.

§ 210-28.4 INSTALLATION & INSPECTION

A. The installation or improvements of any development shall be subject to observation and inspection at all stages by representatives of the Village of Pittsford and for such purposes. Free access shall be accorded and requested information shall be promptly submitted. All costs of observation, including testing of materials, shall be paid for solely by the developer. A sufficient sum shall be provided by the developer in either a letter of credit or cash prior to project beginning.

B. The Village Board shall require the applicant to furnish a letter of credit or cash for the faithful performance of the plan and specifications as finally approved.

C. The letter of credit or cash furnished for the installation of the required improvements shall be in the amount fixed by the Village Board and approved as to form, sufficiently and manner of execution.

D. The letter of credit shall be issued in favor of the Village of Pittsford and shall assure the complete installation of the required improvements within such period, not longer than three (3) years, as shall be fixed by the Board. The Board, with the consent of all parties to the letter of credit, may extend such period upon written application of the developer filed with the Village Clerk prior to the date of expiration or upon its own motion at any time prior to a declaration of default in the letter of credit by the Village Board.

E. The letter of credit shall be issued to the Village for an initial minimum period of one year.

CHAPTER 210

VILLAGE OF PITTSFORD ZONING CODE

PART 3
APPLICATION & REVIEW PROCEDURES

ARTICLE 30: APPLICATION & REVIEW PROCEDURES

ARTICLE 31: PUBLIC HEARINGS

ARTICLE 32: BUILDING & ZONING CODE COMPLIANCE

ARTICLE 33: CERTIFICATES OF APPROPRIATENESS

ARTICLE 34: SITE PLAN REVIEW

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ARTICLE 36: PLANNED DEVELOPMENT DISTRICT REVIEW

ARTICLE 37: AMENDMENTS (RE-ZONINGS)

ARTICLE 38: VARIANCES, APPEALS & INTERPRETATIONS

PREPARED BY: BARTON & LOGUIDICE, SUSTAINABLE PLANNING & DESIGN DIVISION

ARTICLE 30
APPLICATION & REVIEW PROCEDURES

§ 210-30.1 APPLICABILITY

A. **Application Form.** Applications required under this Chapter must be submitted in a form and in such numbers as outlined. The Village Clerk shall provide checklists of application submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information are available in the Village Office.

B. **Review Boards.** For the purposes of this Chapter the terms "reviewing board" or "review board," shall refer to the Village board charged with review and/or approval authority as enacted under this Chapter. For example, special use permit applications shall fall under the purview of the Village Board, while variance applications require Zoning Board of Appeals review.

C. **Violations Prohibited.** No applications provided for by this Chapter or otherwise provided for by any local law of the Village of Pittsford shall be accepted or processed with regard to any building, structure, premises, property, or use that is in violation of this Chapter or any other section of the Village Code.

§ 210-30.2 PRE-APPLICATION CONFERENCE

A. It is recommended that applicants request a pre-application conference prior to entering the formal application review process to discuss the nature of the proposed application and to determine the best course of action for submittal.

B. Pre-application conferences may be held upon request of an applicant with one or more of the following Village representatives:

1. Code Enforcement Officer;
2. Village Clerk;
3. Planning Board Chair; and
4. Historic Preservation Board Chair.

C. The purpose of the pre-application conference is to provide an opportunity for a potential applicant to consult early and informally with the Village. A pre-application conference will help to build a better understanding of the proposal and property in question and establish an overall approach that respects important features to the Village while maximizing the potential of the property.

D. In no way shall any comments or feedback provided by the Village during pre-application review be construed as an indication of decision or be legally binding in any way.

E. Materials presented during the pre-application conference may be incomplete and/or conceptual in design; however, a formal, complete application is required to be considered for approval.

§ 210-30.3 GENERAL APPLICATION PROCEDURES

A. **Submittal.**

1. Applications where required by this law shall be submitted to the Village Clerk.

2. Only the property owner or their agent, with legally binding and written permission of the owner, may file an application. Where there are multiple land owners, a written consent agreement among all land owners must be included within the application.

3. At least six hard copies and one electronic copy of the required materials shall be provided.

4. Applications must be submitted to the Village Clerk at least two weeks prior to the meeting at which the applicant wishes to be considered.

B. **Acceptance and Processing.**

1. The Village Clerk shall indicate that an application is considered accepted and ready for processing only if it is submitted in the required number and form, includes all required materials, and is accompanied by the required application fee.

2. The acceptance of an application by the Village Clerk shall in no way be interpreted as a determination of the completeness, adequacy, or accuracy of application materials, but rather serve as an acknowledgement to the receipt of required application materials. The Village Clerk may consult with other Village departments, officials, boards, or committees in making such a determination.

3. If an application is determined to be unacceptable, the Village Clerk must provide paper or electronic written notice to the applicant along with an explanation of all known deficiencies that will prevent competent review. No further processing will occur until the deficiencies are corrected. If the deficiencies are not corrected within 62 days, the application will be considered withdrawn.

4. No further processing of unacceptable applications will occur; applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.

C. **Application Fee.** All applications shall be accompanied by the fee established by the Village Board. Failure to submit said fee shall deem an application unacceptable, regardless of the status of submittal on all other required materials. This shall also include application consultant fees as established by Section 210-19.5.

D. **Applicant Responsibilities.** The applicant and/or their agent is expected to attend all meetings at which the application is to be discussed. In all cases, the burden is on the applicant to show that their application complies with the Pittsford Village Code and any other applicable local laws and NYS laws, rules, and regulations.

E. **Agricultural Data Statement.**

1. Any application for a property that is within an agricultural district containing a farm operation or property within 500 feet of a farm operation located in an agricultural district shall include an agricultural data statement.

2. Upon receipt of an application containing an agricultural data statement, the Village Clerk shall mail a copy of the agricultural data statement to the owners of the land identified by the applicant in the agricultural data statement.

3. The applicant shall be required to reimburse the Village for such mailing upon written request.

4. For the purposes of this section an agricultural district shall be defined as an agricultural district recognized by the NYS Agriculture and Markets agricultural district program.

§ 210-30.4 REVIEW BOARD ACTION

A. **Issuance of Decision.**

1. Within 62 days following the close of the public hearing, the reviewing board shall issue a decision by majority vote to approve, approve with conditions or modifications, or deny the proposed application.

2. Prior to issuing a decision on an accepted application, the reviewing board shall by resolution determine the application to be complete, noting any waived requirements therein.

B. **Written Findings.** Decisions shall contain written findings explaining the rationale for the decisions considering the standards contained in this Chapter. Such decision may be amended from time to time to add additional findings of fact. A copy of the decision shall be immediately filed in the Village Clerk's Office and mailed to the applicant.

C. **Waiving Application Requirements.** The reviewing board is authorized to waive, in whole or in part, any of the application requirements if one or more of the following is determined by the review board chairperson that:

1. Any such requirement of part thereof is found not to be requisite in the interest of the public health, safety, or general welfare;

2. Any such requirement is inappropriate or unrelated to the application; or

3. Any such requirement will not mitigate adverse impacts generated by the proposed project or will not aid in the buffering of dissimilar uses.

D. **Additional Application Requirements.** The reviewing board may require additional information not listed herein be submitted as part of an application if such additional material is deemed necessary for a complete and adequate review. Upon request these materials shall be presented in graphic form accompanied by a written text and/or prepared by a licensed professional.

§ 210-30.5 REFERRALS

A. **Internal Referral.** The reviewing board may refer any application to another Village board, committee, department, or official for review and comment. Within 30 days of referral the receiving board or official shall submit its recommendation in writing with a summary of findings to the reviewing board.

B. **Professional Referral.** The reviewing board may seek the opinion of any legal, engineer, design, or other professional to aid in the review of an application in accordance with Section 210-19.5 of this Chapter.

C. **County Referral.** The Village shall refer all materials to the Monroe County Planning Department pursuant to NYS GML 239-m, as amended and in accordance with planning referral agreements between the Village and Monroe County.

§ 210-30.6 EXPIRATION, REVOCATION & ENFORCEMENT

A. **Expiration.** The approval of an application shall expire if one of any of the following occur:

1. The approved use or uses cease operation for more than one year for any reason;

2. The applicant fails to obtain necessary building permits or certificates of occupancy within one year of the approval date;

3. The applicant fails to comply with the conditions of the application's approval within one year of the date of issuance or completion of construction, where applicable;

4. The applicant fails to initiate construction within one year of the approval date;

5. The applicant fails to complete construction within three years of the approval date; or

6. The applicant fails to renew a time limited permit prior to the stated time period ending.

B. **Extensions.** The reviewing board may grant an extension for any condition in Subsection A upon written request by the applicant. The applicant shall include in such request the desired time period for the extension, not to exceed one year, and the reasoning for requesting the extension.

C. **Revocation.** The reviewing board may revoke approval if the applicant violates the conditions of the approval or engages in any construction or alteration not authorized by the approval.

D. **Enforcement.** Any violation of the conditions of approval shall be deemed a violation of this law and shall be subject to enforcement action as provided herein.

§ 210-30.7 LOCAL WATERFRONT CONSISTENCY REVIEW

All applications considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by Chapter 121 of the Village of Pittsford Code.

§ 210-30.8 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

A. **SEQRA Compliance.** The review and approval of all applications shall comply with the provisions of SEQRA under Article 8 of the Environmental Conservation Law and its implementing regulations. Where requirements of this Chapter may come in conflict with SEQRA law, the state regulations shall supersede.

B. **Type I Actions.** The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. As provided for in Part 617 of SEQRA, the Village of Pittsford hereby establishes the following listing of actions. All agencies are subject to this Type I list.

1. Demolition of a structure over 400 square feet or any building deemed to be a contributing building in the National Register Historic District designation of 2015.

2. A change in use from a use permitted as-of-right or a pre-existing nonconforming use to a specially permitted use that requires construction of new parking spaces, expansion of an existing parking lot, or allocation of existing parking on other properties to accommodate the new use.

3. Construction, expansion, or alteration of a nonresidential structure involving more than 4,000 square feet of gross floor area.

4. Construction, expansion, or reconfiguration of a parking lot involving more than 25 spaces.

5. Alteration of more than 0.25 acres of land, unless associated with a single-family, two-family, or three-family dwelling.

6. Removal, replacement, alteration, or pruning of more than 0.25 acres of trees.

7. Alteration of more than 0.25 acres of landscaping or natural growth unless associated with a single-family, two-family, or three-family dwelling.

8. Any unlisted action occurring within the corporate limits of the Village of Pittsford.

ARTICLE 31
PUBLIC HEARINGS

§ 210-31.1 CONDUCTING PUBLIC HEARINGS

A. The reviewing board shall schedule, notice, and conduct a public hearing for applications as required by this Chapter and NYS Village Law.

B. The reviewing board may review multiple applications (e.g. subdivision and site plan review) for a single property or use concurrently and may conduct concurrent or joint public hearings, if desired.

C. Within 62 days from the receipt of a complete application, the reviewing board must convene a public hearing on the application in question.

§ 210-31.2 PUBLIC NOTICE REQUIRED

A. All public notices shall be made at least 10 days prior to the date of the scheduled public hearing.

B. Public notice shall include mailed notices, media notices, and posted notices in accordance with NYS Village Law.

§ 210-31.3 MAILED NOTICES

Where required by this Chapter, the Village Clerk shall provide public notice to the following by mail:

A. Owners of all real property as shown on the current tax map, located within 300 feet of the property that is the subject of the hearing.

B. The Clerks of adjoining municipalities whose boundaries are located within 500 feet of the property that is the subject of the hearing.

C. The Monroe County Clerk where the hearing concerns property adjacent to an existing county road or proposed road shown on the official county map, adjoining other county land, or situated within 500 feet of a municipal boundary.

D. The State Commissions of Transportation where the hearing concerns an application for development of property within 500 feet of a state highway.

§ 210-31.4 MEDIA NOTICES

The Village Clerk shall cause for public notice to be posted to the following media sources:

A. The official newspaper of the Village; and

B. The official website and social media pages of the Village.

§ 210-31.5 POSTED NOTICES

A. The Village Clerk shall post a public notice in a location plainly visible within the Village Office.

B. The applicant shall obtain a sign of public notice from the Village and ensure its placement on the property in question in a manner that is plainly visible to passers-by. Upon close of the public hearing, the applicant shall return the sign to the Village Office.

§ 210-31.6 PUBLIC NOTICE EXPENSES

An applicant shall be required to reimburse the Village for the mailing and posting of a public notice upon written request. If said fee is not received within 62 days of the request, the application shall be considered withdrawn and any decision rendered shall be null and void.

§ 210-31.7 PUBLIC NOTICE CONTENT

The content of all public notices, except notices posted on the property by a Village commissioned sign, shall:

A. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;

B. Describe any property involved in the application by street address or general description;

C. Describe the general nature, scope, and purpose of the application or proposal; and

D. Indicate where additional information on the matter can be obtained.

ARTICLE 32
BUILDING & ZONING CODE COMPLIANCE

§ 210-32.1 BUILDING PERMITS

A. **Building Permit Required.**

1. No person, firm or corporation shall commence the erection, enlargement, alteration, improvement, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, or perform any other work for which a building permit is required by the NYS Uniform Code without first obtaining a separate building permit from the Building Inspector for each such building or structure.

2. No building permit shall be required for the performance of ordinary repairs which are not structural in nature or any other activity for which a building permit is not required by the NYS Uniform Code.

B. **Expiration of Permit.**

1. All work for which such a building permit has been issued shall be fully completed within one year from the date of the issuance of the permit therefor and each permit shall expire one year from the date of its issuance.

2. The Building Inspector, in consultation with the Village Board, may extend the period within which the work may be completed and the duration of the permits therefore upon written request of the permit holder. The permit holder shall identify the requested time period of such extension, not to exceed one year, and the reasoning for the extension.

C. **Revocation.** The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

1. Where the Building Inspector finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

2. Where the Building Inspector finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.

3. Where the permittee fails or refuses to comply with the stop order issued by the Building Inspector or other Village authority.

D. **Licensed Professional Review.**

1. In connection with the work for which a building permit is required for any structure, other than a residential structure as is permitted in a residential district, no building permit shall be issued unless there are the seal and signature of a duly licensed architect or professional engineer on the plans and specifications on file in the Village Office.

2. During construction, it shall be the responsibility of said architect or professional engineer or his designated representative to make periodic visits to the construction site to familiarize himself with the progress and quality of the construction and to determine, in general, if the construction is proceeding in accordance with the drawings, specifications and plans which have been submitted to the Village and constitute a basis for the issuance of the building permit.

3. Said architect or professional engineer shall file reports with the Village Clerk at regular intervals indicating the times of such visits and the status of the construction and shall, in particular, contain notice to the Clerk of any defects or discrepancies affecting structural, fire, health or safety which said architect or professional engineer may observe. It is understood that any such defects or discrepancies shall be corrected by the permittee, and the architect or professional engineer shall advise the Village Clerk when such discrepancies have been corrected.

§ 210-32.2 CERTIFICATES OF OCCUPANCY

A. No building or land shall be used or changed in use wholly or in part nor shall any land be used or occupied until a certificate of occupancy has been issued by the Building Inspector.

B. For all instances in which a certificate of occupancy is required and construction has occurred, other than in residential districts, no certificate of occupancy shall be issued unless there shall be filed with the Village Clerk an affidavit of a registered architect and/or licensed professional engineer who filed the original plans and/or specifications or of the registered architect or licensed professional engineer who supervised the construction of the work or the superintendent of construction who supervised the work and who, by reason of experience, is qualified to superintend the work for which the certificate is sought.

C. This affidavit shall state that the professional has examined the approved plans and specifications of the structure for which the certificate of occupancy is sought and that the structure has been erected in accordance with the approved plans and specifications and, as erected, complies with the provisions of the NYS Uniform Fire Prevention and Building Code and all other laws governing building construction in the Village of Pittsford.

§ 210-32.3 CERTIFICATE OF ZONING COMPLIANCE

A. **Certificate of Zoning Compliance Required.** A Certificate of Zoning Compliance shall be required for the following:

1. Any action requiring the issuance of a building permit;

2. Any change in the use or occupancy of any land or structure; and

3. Any action subject to review and approval under this Chapter.

B. **Issuance of Certificate.** The CEO shall be responsible for the issuance of a Certificate of Zoning Compliance. No certificate shall be issued until the CEO has verified that the action is in full compliance with this Chapter and any other applicable laws, codes, rules and regulations of the Village of Pittsford and New

York State. The CEO shall specify the nature of compliance on the certificate and make note of any approvals obtained as required by this Chapter.

C. **Expiration of Certificate.** A Certificate of Zoning Compliance shall expire six months after the date of issuance unless a building permit is obtained and/or occupancy has commenced. In the case where a building permit is not required, work must commence within six months from the date of issuance.

D. **Voided Certificate.** Any Certificate of Zoning Compliance issued in conflict with the provisions of this Chapter shall be null and void.

E. **Revocation.** The CEO may revoke a Certificate of Zoning Compliance in the following instances:

1. Where the CEO finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the action was based.

2. Where the CEO finds that the use or action authorized by the permit is in violation of this Chapter and any other applicable laws, codes, rules, and regulations of the Village of Pittsford and New York State.

§ 210-32.4 STOP WORK ORDERS

A. Whenever the Building Inspector or CEO has reasonable grounds to believe that work on any building, structure, or premises, irrespective of the zoning area, is being prosecuted in violation of the provisions of the Village Code, building codes, ordinances, rules or regulations, or not in conformity with the provisions of an application, plans, or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, notification shall be given to the owner of the property or the owner's agent to suspend all work. The Building Inspector, CEO, Village Clerk, and Mayor are authorized to provide such notification.

B. Any person, corporation, or agency issued a stop work order shall forthwith stop such work and suspend all building activities until the stop order has been rescinded.

C. The order and notice shall be in writing and shall state the conditions under which the work may be resumed.

D. The order and notice may be served upon a person or corporation to which it is directed whether by delivering it personally or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail to the permittee or their designee.

§ 210-32.5 RIGHT OF ENTRY

A. In the course of performing the duties of the Building Inspector, or other authorized Village official that requires access to a building or the premises thereof, the official shall show the proper credentials and request permission to enter said building or premises.

B. If allowed, the official shall conduct the required inspection.

C. If denied access, the official shall follow the legal procedure for obtaining a warrant to enter the building and/or premises. If the situation warrants, the official shall request law enforcement assistance in gaining the required access.

ARTICLE 33
CERTIFICATES OF APPROPRIATENESS

§ 210-33.1 APPLICABILITY

A. **Certificate Required.** A Certificate of Appropriateness is required for the construction or exterior alteration of any building, structure, or architectural feature in the Pittsford Village Historic (H) District that is, in any respect, visible form a public street, public or private park, the Erie Canal, or any other public or private space that is accessible to the public.

B. **Application Submittal.** All applications for Certificates of Appropriateness shall be submitted, processed, and reviewed in accordance with Article 30 of this Chapter.

C. **Building and Demolition Permits.** No building permit or demolition permit shall be issued prior to Certificate of Appropriateness approval. Demolition or partial demolition may be permitted only after the replacement exterior architectural feature or building or structure has been approved.

D. **Municipal Property.** All changes to Village or other municipality-owned property affecting an individual landmark or within a historic district shall be subject to the provisions of this local law.

E. **Durational Limitation.** Certificates of Appropriateness shall expire after one year if work has not commenced in furtherance thereof.

§ 210-33.2 REVIEW PROCEDURES

A. **Historic Preservation Board Review.**

1. Certificates of Appropriateness shall be subject to review and approval by the Historic Preservation Board (HPB).

2. A copy of the HPB decision shall be sent to the applicant by mail and a copy filed with the CEO and Village Clerk for public inspection.

B. **Concurrent Application Reviews Permitted.**

1. Additional development review applications may be processed concurrently to a Certificate of Appropriateness application, in accordance with the requirements of this Chapter. Duplicate application materials may be combined to satisfy submittal requirements.

2. Any approval of an application issued prior to the decision of the HPB shall be contingent upon the subsequent approval of the Certificate of Appropriateness by the HPB. In the event that the HPB denies a Certificate of Appropriateness, the prior review board approval decision shall be null and void.

C. **Public Hearing Required.** The HPB shall hold a public hearing in accordance with Article 31 prior to issuing a decision on any application.

D. **Posted Notice Required.**

1. In addition to any other notice required by law, upon submittal of an application for a Certificate of Appropriateness, the applicant shall cause a notice to be posted on the property for a minimum of 10 days prior to the meeting at which the application is first considered.

2. The notice must remain in place until a decision has been made on the application. The notice shall specify the proposed work to whom and by when any public comments are to be communicated.

3. The notice must be placed at or near the property line in the front yard so that it will be plainly visible from the street, and, in cases where a property has frontage on more than one street, an additional sign must be placed at or near the property line on any additional street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.

4. An affidavit of posting shall be submitted to the HPB upon request.

§ 210-33.3 APPLICATION REQUIREMENTS

An application for a Certificate of Appropriateness shall contain:

A. Application form, including the name, address, and signature of the applicant, property owner, and developer, as applicable.

B. A site plan indicating the location of the property and structures thereon, as well as all properties and structures within 200 feet of the subject property lines.

C. Existing photographs of the property and historic photographs, if available.

D. Dimensioned elevation drawings of proposed changes.

E. Perspective drawings, including relationship to adjacent properties.

F. Samples of building materials to be used, including their proposed color.

G. A scale drawing of any proposed signage or lettering showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, the method of illumination, and a plan showing the sign's location on the property.

H. A statement regarding compliance with the SEQRA.

I. Verification from the Village Clerk that the proposed project has received all other approvals from any and all Village boards and officials as required by this Chapter and any other laws, codes, rules, and regulations of the Village of Pittsford and New York State.

J. The application fee and any consultant fees as determined by Section 210-19.5.

K. Other materials and information as required by the HPB.

§ 210-33.4 STANDARDS FOR REVIEW

In making its decision, the HPB shall apply the following regulations and review criteria:

A. **Conformity to Standards.** Properties in the Village shall be retained as appropriate pursuant to the standards for review enumerated by this section with their exterior architectural features altered only in conformity with those same standards. These standards shall include, but are not limited to:

1. The regulations of this Chapter and Chapter 211;
2. The Secretary of the Interior's Standards for Rehabilitation;
3. The Village of Pittsford Design Guidelines; and
4. Any other locally developed laws, standards, or guidelines for historic preservation purposes.

B. **Consideration of Compatibility.** Any alteration to any exterior architectural feature of any building or structure in the Village and any construction of any building or structure in the Village of Pittsford shall be compatible with properties in the Village. In applying the principles of compatibility, the HPB shall consider the following:

1. The general design and character of the proposed alteration or construction relative to existing features of the property or improvement, surrounding properties, the neighborhood and the Village;
2. The mass and scale of the proposal.
3. The neighborhood context.
4. The scale and visual compatibility of the proposed alteration or construction in relation to the property itself, surrounding properties, the neighborhood and the Village.
5. Texture and materials, and their relation to similar features of the property, other properties in the neighborhood and the Village.
6. Visual compatibility with surrounding properties and properties in the Village, including proportion of the property's façade, proportion and arrangement of windows and other openings within the façade, roof shape, and the rhythm of spacing of properties on streets and the Village, including setbacks.
7. The importance of historic physical and visual features to the significance of the property.
8. Exterior architectural features shall be repaired rather than replaced whenever possible. In the event that replacement of such exterior architectural feature is necessary, the new material shall match the material being replaced in kind including composition, design, texture and other visual qualities.
9. Any other factors relevant to the proposed alteration or construction.

C. **Approval of Materials.** In approving an application for a Certificate of Appropriateness, the HPB shall not review changes to exterior paint colors, but shall approve color changes involving permanent or long-lasting materials.

D. **Archaeological Resource Protection.** Where the HPB grants a Certificate of Appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the HPB shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not feasible, the HPB shall nonetheless impose appropriate and reasonable conditions to insure that the archaeological resource is made accessible for a reasonable period to qualified persons.

§ 210-33.5 HARDSHIP RELIEF PROCESS & CRITERIA

A. **Relief for Economic Hardship.** An applicant whose Certificate of Appropriateness for a proposed alteration or new construction of a property has been denied may apply for relief on the ground of economic hardship.

B. **Consultation Required.** As promptly as is practicable after receiving an application for hardship relief as provided in this local law, the HPB, with the aid of such experts as it deems necessary, shall, in consultation with the applicant, endeavor to develop a plan whereby the property or properties may be preserved and perpetuated in such manner as to effectuate the purpose of this local law, and also rendered capable of earning a reasonable return. The consulting parties may include interested purchasers, as well as preservation and other interested organizations, public agencies, developers, real estate agents and individuals who may be instrumental in developing an economically feasible solution.

C. **Public Hearing Required.** The HPB shall hold a public hearing in accordance with Article 31 prior to issuing a decision on a hardship application.

D. **Decision.**

1. If the HPB finds that the applicant's burden of proof has not been met, the application for a hardship relief shall be denied.

2. If the HPB finds that the applicant's burden of proof has been met, a determination shall be made granting the hardship relief and issuing a Certificate of Hardship.

3. The parameters of the hardship relief, and any modifications and/or conditions imposed, shall be set forth in writing in the decision of the HPB.

E. **Application Requirements.** An application hereunder must contain, at a minimum, the following information:

1. Current level of economic return;

2. Amount paid for the property, date of purchase, party from whom purchased, and relationship between the property owner, the applicant, and person from whom property was purchased;

3. Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

4. Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;

5. Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;

6. All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;

8. Any state or federal income tax returns relating to the property for the last two years;

9. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:

   a) Any real estate broker or firm engaged to sell or lease the property;

   b) Reasonableness of price or rent sought by the applicant; or

   c) Any advertisements placed for the sale, or rent of the property.

10. Feasibility of alternative uses for the property that could earn a reasonable economic return;

11. Report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation;

12. Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness;

13. Estimated fair market value of the property:

   a) In its current condition; and

   b) After any modification proposed by the application for Certificate of Appropriateness.

14. Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation;

15. Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; and

16. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

F. **Criteria for Hardship.** In order to prove the existence of economic hardship related to a proposed alteration or new construction, the applicant shall establish the following factors:

1. The applicant cannot realize a reasonable return if compliance with the HPB's decision is required, provided, however, that the lack of reasonable return is

proven by the applicant to be substantial as demonstrated by competent financial evidence;

2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

3. That the requested relief, if granted, will not alter the essential character of the neighborhood;

4. That the alleged hardship has not been self-created;

5. The character of the request is the minimum necessary to achieve reasonable relief from the alleged hardship; and

6. The feasibility of a plan developed pursuant to subparagraph B.

ARTICLE 34
SITE PLAN REVIEW

§ 210-34.1 PURPOSE & APPLICABILITY

A. **Purpose.** The physical form of the Village of Pittsford contributes to its aesthetic character, charm, quality of life, function, economic vitality, and historic integrity. The intent of the site plan review process is to preserve and enhance the physical form of the Village, achieve compatibility with adjacent development, mitigate potentially negative impacts on traffic, parking, drainage and similar environmental concerns, improve the overall visual and aesthetic quality of the Village, and increase the capability of the Zoning Code to adapt to a variety of unique circumstances.

B. **Applicability.** No building permit may be issued, or site improvement work commence, until minor or major site plan approval has been granted by the Planning Board. Site plan review applications shall be submitted, processed, and reviewed in accordance with Article 30 of this Chapter.

C. **Exempt Actions.** The following actions are exempt from site plan review:

1. Ordinary repair or maintenance or interior alterations to existing structures or uses.
2. Construction of decks, porches, or patios ancillary to a residential use.
3. Ordinary repair, maintenance, or replacement of landscaping, fencing, exterior lighting, decks, patios, porches, parking areas, or driveways.
4. Installation, maintenance, or replacement of permitted signs.

D. **Pre-Application Conference.** Applicants are encouraged to prior to submitting a site plan application.

§ 210-34.2 MINOR SITE PLAN REVIEW

A. **Minor Actions.** Minor site plan review shall be required for:

1. Minor subdivisions, subject to the requirements of Chapter 212.
2. Siting, constructing, or demolishing single-family dwellings in residential districts.
3. Constructing, altering, reconfiguring, or demolishing structures and additions not exceeding 400 square feet in gross floor area and one-story in height.
4. Siting, planting, erecting, or reconfiguring landscaping, fencing, screening, or exterior lighting on lots in all districts, except for properties containing single- or two-family dwellings in residential districts.
5. Constructing, altering, reconfiguring, or demolishing decks, patios, porches, or other outside seating areas accessory to a nonresidential use.

6. Siting, paving, altering, reconfiguring, or removing off-street parking areas of 25 spaces or less.

7. Siting, erecting, reconfiguring, or removing mechanical equipment, such as generators or HVAC systems, in residential districts.

B. **Planning Board Procedure.** Minor site plans shall be subject to review and approval by the Planning Board as provided herein.

1. Upon approval, the Planning Board Chair shall endorse its approval via signature on a copy of the site plan. For conditionally approved plans, the Planning Board Chair shall endorse its approval only after adequate demonstration to the Planning Board that all conditions have been met.

2. A copy of the decision and site plan shall be filed with the Village Clerk and mailed to the applicant.

C. **Public Hearing Optional.** No public hearing shall be required for a minor site plan. However, the Planning Board may elect to hold a public hearing as part of their review if deemed necessary.

D. **Minor Application Materials.** A minor site plan application shall include the following materials, as applicable.

1. Application form, including the name, address, and signature of the applicant, property owner, and developer.

2. Description or narrative of all proposed uses and structures.

3. A certified land survey, or other document deemed acceptable by the CEO

4. A site plan showing the following:

a) Property lines and dimensions of the lot(s) in question;

b) Complete footprints of all existing and proposed structures with dimensions.

c) Setback dimensions from property boundaries to all existing and proposed structure(s), driveways, and parking areas.

d) Exterior building elevations (existing and proposed) showing all sides exposed to view and showing the location and size of all windows, doors, trim, architectural details and indicating the type of all exterior materials to be used for the proposed structure.

e) Location, height, intensity and bulb type of all external lighting fixtures.

f) Placement and type of all landscaping, vegetation, or other natural features.

5. Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

6. Plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

7. All NYS SEQR documentation as required by law.

8. The application fee and any consultant fees as determined by Section 210-19.5.

§ 210-34.3 MAJOR SITE PLAN REVIEW

A. **Major Actions.** Major site plan review shall be required for:

1. Major subdivisions, subject to the requirements of Chapter 212.

2. Siting, constructing, or demolishing single-family dwellings in nonresidential districts.

3. Siting, constructing, or demolishing two-family or multi-family dwellings.

4. Constructing, altering, reconfiguring, or demolishing structures occupied by a specially permitted use.

5. Constructing, altering, reconfiguring, or demolishing structures and additions exceeding 400 square feet in gross floor area or one-story in height.

6. Siting, paving, altering, reconfiguring, or removing off-street parking areas of more than 25 spaces.

7. Minor site plan review actions resulting in the erection, alteration, reconfiguration, of removal public or private utility infrastructure.

B. **Planning Board Procedure.** Major site plans shall be subject to review and approval by the Planning Board as provided herein.

1. Upon approval, the Planning Board Chair shall endorse its approval via signature on a copy of the site plan. For conditionally approved plans, the Planning Board Chair shall endorse its approval only after adequate demonstration to the Planning Board that all conditions have been met.

2. A copy of the decision and site plan shall be filed with the Village Clerk and mailed to the applicant.

C. **Public Hearing Required.** A public hearing shall be held by the Planning Board prior to issuing a decision on any major site plan application.

D. **Major Application Materials.** An application for major site plan review shall include the following materials, as applicable. A licensed professional engineer or registered land surveyor shall prepare all site plan materials unless otherwise approved by the Planning Board.

1. Application form, including the name, address, and signature of the applicant, property owner, and developer, and seal(s) of the engineer, architect, or landscape architect who prepared the site plan materials.

2. Description or narrative of all proposed uses and structures, including but not limited to hours of operation, peak number of employees, maximum seat capacity, and proposed number of off-street vehicle and bicycle parking spaces.

3. A site plan drawn at a scale of one-quarter inch equals 1 foot or such other scale as the Planning Board may deem appropriate, on standard 24 inch by 36 inch sheets, with continuation on 8 ½ inch by 11 inch sheets as necessary for written information.

4. A certified land survey showing the boundaries of the applicant's property under consideration in its current state plotted to scale with the north point, scale, and date clearly indicated, or other document deemed acceptable by the CEO.

5. Plans indicating the following with regard to the property in question, where applicable.

    a) The location of all properties, their ownership, uses thereon, subdivisions, streets, easements, and adjacent buildings within 100 feet of the property in question.

    b) The location and use of all existing and proposed structures on the property in question, including all dimensions of height and floor area, exterior entrances, and anticipated future additions and alterations.

    c) The location of all existing and proposed topography features, including but not limited to, site grading, open spaces, woodlands, watercourses, steep slopes, wetlands, floodplains, and watersheds.

    d) The location of existing and proposed landscaping, screening, walls, and fences, including information regarding the size and type of plants and building materials proposed.

    e) The location of existing and proposed public and private streets, off-street parking areas, loading areas, driveways, sidewalks, ramps, curbs, and paths. Such plans shall include considerations for vehicular, pedestrian, and bicycle traffic circulation, parking, and access.

    f) The location of existing and proposed utility systems including sewage or septic, water supply, telephone, cable, electric, and stormwater drainage. Stormwater drainage systems shall include existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales, subject to the requirements of Chapter 175 of the Village Code.

    g) The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures, subject to the requirements of Chapter 117 of the Village Code.

    h) The location, height, size, material, and design of all existing and proposed signs.

6. A detailed traffic study, upon request of the Planning Board, to include:

    a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

    b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;

c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels and road capacity levels shall also be given.

7. Soil logs, test well, percolation test results, and/or stormwater runoff calculations.

8. Natural resource inventories and/or tree surveys.

9. Elevations at a scale of one-quarter inch equals one foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color or materials to be used.

10. Plans for disposal of construction and demolition waste.

11. Plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

12. A schedule for completion of each construction phase for buildings, parking, and landscaped areas.

13. Identification of any state or county permits required for the project and record of application for and approval status of such permits.

14. All NYS SEQR documentation as required by law.

15. The application fee and any consultant fees as determined by Section 210-19.5.

§ 210-34.4 CONCURRENT REVIEWS

A. **Special Use Permits.**

1. Where a special use permit is also required for a proposed site plan, the application requirements of Article 33 shall also apply. Duplicate application materials may be combined to satisfy submittal requirements.

2. The applications may be considered concurrently; however, the Planning Board shall issue the site plan review decision and special use permit recommendation separately.

3. Site plan review approval shall be contingent upon the review and approval of the special use permit by the Village Board. In the event that the special use permit is denied, the site plan decision shall be null and void.

B. **Certificates of Appropriateness.** Where a site plan application also requires a Certificate of Appropriateness, site plan approval shall be contingent upon the issuance of such certificate by the Historic Preservation Board. In the event that the Certificate of Appropriateness is denied, the site plan decision shall be null and void.

C. **Subdivision.** A subdivision application may be submitted in conjunction with a site plan application and processed concurrently. All subdivision applications related to a site plan must comply with Chapter 212 of the Village of Pittsford Code and shall be reviewed as outlined therein.

§ 210-34.5 SITE PLAN REVIEW CONSIDERATIONS

The Planning Board shall consider the following when reviewing a major or minor site plan and shall include a statement of findings for such considerations in any decision rendered herein:

A. Conformance with the Pittsford Village Comprehensive Plan and Town and Village Local Waterfront Revitalization Program, where applicable.

B. Conformance with the district, building, use, and lot requirements of this Chapter.

C. Adequacy and arrangement of vehicular traffic and circulation, including intersections, road widths, traffic controls, and traffic-calming measures.

D. Adequacy and arrangement of pedestrian and bicyclist access and circulation, including separation from vehicular traffic and connections provided internally and externally to the site.

E. Compatibility of proposed uses to adjacent uses, including but not limited to building orientation and scale, site design, and transitional treatments.

F. Adequacy of off-street parking, loading, and access management provisions, as provided for by Article 25 of this Chapter.

G. Adequacy of landscaping and screening provisions, as provided for by Article 26 of this Chapter.

H. Location, arrangement, size, and design of proposed on-site signage, external lighting, and other incidental building or site amenities.

I. Adequacy of existing and/or proposed stormwater, drainage, and erosion management plans.

J. Adequacy of existing and/or proposed water and sanitary sewer systems.

§ 210-34.6 CONDITIONS & AMENDMENTS

A. The Planning Board may impose conditions on or require modifications of a site plan as necessary to satisfy the application review criteria to the greatest extent practicable.

B. Any conditions or modifications included as part of approval shall be expressly set forth in the motion approving the site plan and incorporated into the written decision.

C. Proposed amendments or revisions to an approved site plan shall be subject to review and approval in accordance with this Article. The issuance of a new, updated site plan shall be required.

ARTICLE 35
SPECIAL USE PERMITS

§ 210-35.1 APPLICABILITY

A. **Purpose of Review.** Special uses are generally considered to be uses that have a higher potential for incompatibility with adjacent uses. By requiring the individual review of special use permit applications, the Village Board helps to determine the level of compatibility of a use in its proposed location.

B. **Application Submittal.** A special use permit application shall be submitted for any proposed use or activity requiring a special use permit under this Chapter. Such applications shall be subject to the review and approval procedures of Article 30 of this Chapter.

§ 210-35.2 REVIEW PROCEDURE

A. **Planning Board Review.** The Planning Board shall review special use permit applications and provide a written recommendation of decision to the Village Board.

B. **Village Board Decision.** The Village Board shall hear and decide all applications for special use permits, upon receipt of recommendation by the Planning Board.

C. **Public Hearing Required.** A public hearing shall be held by the Village Board prior to issuing a decision on any special use permit application.

D. **Concurrent Reviews.**

1. Where site plan review is also required for a special use permit, the application requirements of Article 34 shall also apply. Duplicate application materials may be combined to satisfy submittal requirements.

2. The applications may be considered concurrently; however, the Planning Board shall issue the site plan review decision and special use permit recommendation separately.

3. Site plan review approval shall be contingent upon the review and approval of the special use permit by the Village Board. In the event that the special use permit is denied, the site plan decision shall be null and void.

§ 210-35.3 APPLICATION REQUIREMENTS

A special use permit application shall include, at a minimum, the following:

A. An application form, including the name, address, and signature of the applicant, property owner, and developer, as applicable.

B. A site plan denoting the location of the subject property and all structures thereon, as well as all property, uses, and structures within 200 feet of the proposed use.

C. A description of the proposed use and nature of its operation, including but not limited to:

1. A business plan, vision, or model, and/or summary of products, goods, and services to be sold or provided;

2. The proposed hours of operation;

3. The number of employees at maximum shift;

4. The maximum seat capacity;

5. The timing and manner of any and all anticipated deliveries;

6. A recycling and waste management plan; and

7. The nature and type all mechanical equipment provided and/or required.

D. An interior floor plan, including, but not limited to, the arrangement of seats, kitchen and/or bar size and location, storage areas, and location of machines or other mechanical equipment.

E. A narrative describing how the proposed use will satisfy the special use permit consideration (Section 210-34.4).

F. All SEQR Documentation as required by NYS Law.

G. The application fee and any consultant fees as determined by Section 210-19.5.

§ 210-35.4 SPECIAL USE PERMIT CONSIDERATIONS

The reviewing board shall consider the following when reviewing an application for special use permit and shall include a statement of findings for such considerations in any decision rendered herein:

A. Conformance with the Pittsford Village Comprehensive Plan and Town and Village Local Waterfront Revitalization Program, where applicable.

B. Conformance with the district, building, use, and lot requirements of this Chapter.

C. Conformance with all applicable regulations for certain uses, as provided for by Article 24 of this Chapter.

D. Adequacy of off-street parking, loading, and access management provisions, as provided for by Article 25 of this Chapter.

E. Adequacy of landscaping and screening provisions, as provided for by Article 26 of this Chapter.

F. Compatibility of the proposed use with adjacent properties, uses, and structures, as defined by the potential of the specially permitted use to:

1. Create a hazard to the public health, safety and general welfare;

2. Alter the character of the neighborhood or be detrimental to the residents thereof through the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions;

3. Cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area;

4. Cause adverse environmental impacts such as significant erosion, runoff, sedimentation, slope destruction, flooding, or degradation of water quality;

5. Destroy or adversely impact historic properties; or

6. Otherwise result in an excessive or significant negative impact on the community that cannot be mitigated.

G. Adequacy of existing and/or proposed water and sanitary sewer systems.

H. Location, arrangement, size, and design of proposed on-site signage, external lighting, and other incidental building or site amenities.

§ 210-35.5 CONDITIONS & AMENDMENTS

A. The reviewing board may impose conditions on or require modifications of the premises benefited by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood, including limitations on the time for which the permit is granted.

B. Such conditions shall be expressly set forth in the motion authorizing the special use permit.

C. Proposed amendments or revisions to an approved special use permit shall be subject to review and approval in accordance with this Article. The issuance of a new, updated special use permit shall be required.

ARTICLE 36
PLANNED DEVELOPMENT DISTRICT REVIEW

§ 210-36.1 APPLICABILITY

A. **Approval Required.** Prior to the establishment of a Planned Development (PD) District in accordance with Article 28 of this Chapter, a PD District application shall be submitted, reviewed, and approved in accordance with Article 30 of this Chapter.

B. **Pre-Application Conference.** A pre-application conference per Section 210-30.2 is strongly encouraged prior to submitting a PD District application.

§ 210-36.2 REVIEW PROCEDURE

A. **Planning Board Review and Recommendation.**

1. The Planning Board shall conduct a review of the PD District application, site plan, and its related documents and provide a recommendation of decision to the Village Board.

2. The Planning Board shall review the site plan in accordance with Article 34 of this Chapter and as provided herein. Duplicate application materials for site plan review and a PD District may be combined to satisfy submittal requirements.

3. The Planning Board shall issue decisions for each action (site plan review and PD District recommendation) separately. Approval of a site plan shall be contingent upon the applicant receiving PD District approval by the Village Board.

4. The PD District recommendation to the Village Board must be made in writing and detail the findings of the Planning Board as it relates to the application and the requirements of this Article and Chapter. A copy of recommendation shall be filed in the Village Clerk's office and mailed to the applicant.

B. **Historic Preservation Board Review and Recommendation.**

1. The Historic Preservation Board shall conduct a review of the PD District application, site plan, and its related documents and provide a recommendation of decision to the Village Board.

2. Where the issuance of a Certificate of Appropriateness is required for a PD District, the Historic Preservation Board shall conduct said review in accordance with Article 35 and as provided herein.

3. The Historic Preservation Board shall issue decisions for each action (Certificate of Appropriateness and PD District recommendation) separately. Approval of a Certificate of Appropriateness shall be contingent upon the applicant receiving PD District approval by the Village Board.

4. The PD District recommendation to the Village Board must be made in writing and detail the findings of the Historic Preservation Board as it relates to the application and the requirements of this Article and Chapter. A copy of recommendation shall be filed in the Village Clerk's office and mailed to the applicant.

C. **Subdivision.** A subdivision application may be submitted in conjunction with a PD District application and processed concurrently. All subdivision applications related to a PD must comply with Chapter 212 of the Village of Pittsford Code and shall be reviewed as outlined therein. If the requirements of this Chapter are found to be in conflict with that of Chapter 212, the requirements of this Chapter shall take precedence.

D. **Village Board Review and Decision.**

1. Upon receipt of a recommendation from the Planning Board and Historic Preservation Board, the Village Board shall consider such PD District application as a re-zoning provided by Article 37 of this Chapter.

2. As required by NYS Village Law, the Village Board shall hold a public hearing as part of its review. Such hearing shall be duly noticed and conducted.

3. Prior to issuing a decision, the Village Board shall ensure all SEQR documentation is complete. When acting as lead agency, the Village Board shall also provide an official declaration as required under SEQRA.

4. The Village Board final action shall be the approval, approval with modifications or conditions, or denial of the PD District application and site plan.

5. If the Village Board approves the application and site plan, the zoning map and text shall so be amended.

§ 210-36.3 APPLICATION REQUIREMENTS

A. **Materials Required.** The following shall be required of all PD District applications:

1. Application form, including the name, address, and signature of the applicant, property owner, and developer, and seal(s) of the engineer, architect, or landscape architect who prepared the development plan materials;

2. Maps and plans drawn at a scale of forty feet to the inch (1" = 40') or such other scale as the reviewing board may deem appropriate, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information;

3. Certified land survey showing the boundaries of the property under consideration in its current state plotted to scale with the north point, scale, and date clearly indicated, or other document deemed acceptable by the reviewing board;

4. Location of all existing properties, their ownership, and uses thereon, subdivisions, streets, easements, and adjacent buildings both on site and within 300 feet of the property in question;

5. Description or narrative of the proposed land use plan indicating the location, number, and types of uses to be included in the PD District area;

6. Development plan indicating the proposed location and design of the following:

    a) All public and private streets, off-street parking areas, loading areas, driveways, sidewalks, crosswalks, ramps, curbs, and paths;

    b) All structures and their proposed uses, including all dimensions of height and floor area, exterior entrances, and anticipated future phases, additions, or alterations;

    c) All parks, playgrounds, recreational structures and facilities, open spaces, common property;

    d) All methods of waste disposal;

    e) All areas of outdoor storage;

    f) All signs, fences, retaining walls, and other minor site improvements; and

    g) All fire and emergency zones, including fire hydrants.

7. Grading plan with contour intervals of not more than five feet of elevation indicating all existing and proposed topographic features, including but not limited to areas of the site where grades exceed three percent (3%); portions of the site with a moderate to high susceptibility to erosion, flooding or ponding; and proposed site grading;

8. Site plan of principal environmental characteristics, including the location of trees, natural areas, open spaces, streams, floodplains, wetlands, watersheds, and rock outcroppings. For large or environmentally intrusive developments, the reviewing board may require soil logs, test well, percolation test results, stormwater runoff calculations, and tree surveys;

9. Landscaping plan and planting schedule indicating the location and type of proposed natural plantings, including but not limited to trees, shrubs, perennials, and grasses;

10. Utility plan indicating the location of existing and proposed utility systems including sewage or septic, water supply, telephone, cable, electric, and stormwater drainage. Stormwater drainage systems shall include existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales;

11. Plans to prevent the pollution of surface or ground water, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

12. Lighting plan indicating the location, height, intensity, and bulb type (LED, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must be shown;

13. Elevations at a scale of one-square inch equals one foot, (¼" = 1') for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color or materials to be used;

14. Detailed traffic study when requested by the reviewing board, including:

    a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

    b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;

    c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels and road capacity levels shall also be given.

15. Analysis of the relationship of the site to the surrounding community, including principal ties to transportation, circulation, water supply, sewage disposal, adjacent neighborhoods, and other pertinent public utilities;

16. General description of any anticipated community facility needs such as schools, fire protection, and cultural facilities, and some indication of how these needs are to be accomplished;

17. A schedule for completion of each construction phase for buildings, parking, and landscaped areas;

18. All NYS SEQR documentation as required by law; and

19. The application fee and any consultant fees as determined by Section 210-19.5.

B. **Additional and/or Waived Requirements.** The reviewing board may waive application requirements or request additional information for the purpose of enabling it to evaluate the compliance of the proposed PD District with the general intent of this Article.

§ 210-36.4 PD DISTRICT PERFORMANCE STANDARDS

In addition to the provisions of Article 34 (Site Plan Review), the Planning Board shall, in review of a PD District application, make its recommendation based on the following performance standards, as applicable:

A. The development conforms to the design principles outlined in the Village's Comprehensive Plan and Local Waterfront Revitalization Program.

B. The proposal includes safeguards to minimize the possible detrimental effects of the project on adjacent properties and the neighborhood in general.

C. The project includes conservation easements, dedicated open space or parkland, buffer zones, preservation of historic or natural features, social or cultural amenities, or other similar features that will preserve or enhance the Village's scenic, natural, and/or historic resources.

D. Existing mature specimen trees, historic landscape features, mature groves of trees, streams, wetlands, and prominent topography are conserved and incorporated into the development design. An undisturbed buffer is maintained around the perimeter of identified wetland areas to visually screen adjacent uses; to protect associated animal habitat, and plant life; and to ensure a healthy wetland ecosystem is maintained. Site planning for wetlands and adjacent areas is consistent with state and federal guidelines and recommended best practices.

E. Development is arranged in groupings and orientation patterns consistent with the context and historic local design traditions.

F. Primary building facades and primary building entrance entrances face the nearest adjacent street or drive. New streets or drives incorporate sidewalks connecting to the nearest adjacent street unless such improvements would be historically incompatible with the context.

G. Parking is located at the sides and rear of buildings except that parallel parking along edges of streets and drives is permitted. No off-street parking is proposed in front lawn areas.

H. Where new buildings are not part of an existing complex, buildings have a common setback from drives or streets. New drives or streets include curbs sidewalks and street trees.

I. Development utilizes and preserves existing patterns of fences, hedgerows, walls, roadways, drives, paths, walls and other historic landscape elements.

J. Roadways meet the minimum feasible width; 18 feet is recommended for two-way drives; 10 feet for one-way drives.

K. At-grade parking visible from streets, the Erie Canal, abutting properties, or residences are screened with dense landscaping or fencing which provides a year-round visual barrier. Screening incorporates evergreen plantings, fencing, or other materials that are historically compatible with the context.

L. New development includes landscape elements emulating the existing pattern of planting on the property or elsewhere in the Village.

§ 210-36.5 APPROVAL NOT GUARANTEED

The fact that an application complies with all of the specific requirements set forth herein shall not be deemed to create a presumption that the proposed development would result in a more efficient and desirable development that could be accomplished by the use of conventional zoning categories or that it would result in compatibility with the surrounding development; nor shall such compliance, by itself, be sufficient to require the approval of the site plan or the granting of the zoning amendment to create a PD District.

ARTICLE 37
AMENDMENTS (RE-ZONINGS)

§ 210-37.1 AUTHORITY TO FILE

Amendments to the zoning text or zoning map (re-zonings) may be initiated by the Village Board or by recommendation of the Planning Board or petition presented to the Village Board. Zoning map amendment petitions shall be duly signed by the owners of at least 50% of the frontage of the parcels included within the area proposed to be rezoned. Re-zoning petitions may be filed by the owner or by the owner's authorized agent.

§ 210-37.2 NOTICE OF HEARING

Notice of required public hearings on zoning text and map amendments must be provided as required by the Village Board and by state law (See Article 31 of this Chapter for additional information on public hearing notices).

§ 210-37.3 VILLAGE BOARD REVIEW

A. If receiving a report or recommendation by the Planning Board, the Village Board must deny the proposed amendment or convene a public hearing on the proposed amendment.

B. Following the public hearing, the Village Board may act to approve, approve with modifications, or deny the proposed amendment. The Village Board may also return the application to the Planning Board for further consideration.

C. The Village Board may act by a simple majority vote, except when a valid protest petition has been submitted in accordance with this Article and NYS General Municipal Law.

D. The Village Clerk shall notify, by mail, the petitioner of the action taken by the Village Board.

E. If the Village Board approve the amendment, supplement, change, or modification to the text of this Chapter or official zoning map, the text and/or map shall be amended after publication as required by NYS General Municipal Law.

F. The Village Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its resolution approving the petition, additional conditions deemed necessary to achieve the review criteria.

§ 210-37.4 REVIEW CRITERIA

In reviewing and making decisions on zoning amendments the Planning Board and Village Board must consider at least the following criteria:

A. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning law or meets the challenge of a changing condition;

B. Whether the proposed amendment is in substantial conformance with the adopted plans and policies of the Village;

C. Whether the proposed zoning amendment is in the best interests of the municipality as a whole;

D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested re-zoning, if applicable;

E. Whether the re-zoning will substantially harm the public health, safety, or general welfare or the value of nearby properties, if applicable;

F. Whether the re-zoning is compatible with the zoning and use of nearby properties, if applicable;

G. The suitability of the subject property for the uses and development to which it has been restricted under the existing zoning regulations, if applicable; and

H. The gain, if any, to the public health, safety and general welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

§ 210-37.5 REFERRALS

A. **Optional Planning Board Referral.** The Village Board may refer re-zoning applications to the Planning Board for review and recommendation as provided herein.

1. Upon referral by the Village Board, the Planning Board shall prepare a report that evaluates the proposed amendment in light of the Village Comprehensive Plan, Local Waterfront Revitalization Plan, other adopted plans, the relevant provisions of this zoning law, and the review criteria of this Article.

2. The Planning Board's report shall be provided to the Village Board as a written summary of findings with a recommendation by resolution to approve, approve with conditions or modifications, or deny the re-zoning request.

B. **County Referral.** In accordance with Section 239-m of NYS General Municipal Law, zoning text and map amendments must be forwarded to the Monroe County Planning Department for review prior to the public hearing and final action by the Village Board.

C. **Municipal Referrals.** If any proposed amendment consists of a change in the district classification applying to real property within 500 feet of a municipal boundary, the Village Clerk shall serve notice of the proposed amendment to the chief elected official of the affected municipality, prior to the public hearing and final action.

ARTICLE 38
VARIANCES, APPEALS & INTERPRETATIONS

§ 210-38.1 NYS VILLAGE LAW SECTION 7-712

The rules, regulations, and procedures of NYS Village Law Section 7-712 (Zoning Board of Appeals) shall apply to all applications for variances, appeals, and interpretations considered under this Chapter.

DRAFT JUNE 6, 2019

CHAPTER 212

VILLAGE OF PITTSFORD SUBDIVISION CODE

PITTSFORD VILLAGE
SUBDIVISION CODE

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ARTICLE 1
AUTHORITY & PURPOSE

§ 212-1.1 LEGISLATIVE AUTHORITY

A. By authority of resolution of the Village Board of Trustees of Pittsford, Monroe County, New York, adopted on [insert adoption date] pursuant to Section 7-728 and other applicable provisions of Article 7 of NYS Village Law, the Planning Board of the Village of Pittsford is hereby authorized and empowered to review and approve subdivision plats.

B. The Planning Board may review and approve plats showing lots, blocks, or sites, with or without streets or highways and entirely or partially undeveloped plats already filed in the Office of the Monroe County Clerk prior to the granting of such power to the Planning Board.

C. Upon authorization of the Planning Board to approve plats the Village Clerk shall immediately file a certificate of that fact with the Monroe County Clerk.

§ 212-1.2 PURPOSE & INTENT

A. **Purpose.** The purpose of the Village of Pittsford subdivision law is not only to provide for future growth and development, but also maintain the traditional appearance and physical character of the Village, its multi-modal transportation network, natural environment, and protect the general health safety and welfare of the public. The administration of this law shall be in accordance with the following objectives:

1. Ensuring subdivisions properly provide quality facilities for housing and infrastructure, including all necessary utilities and services;

2. Maintaining proper access and connectivity for pedestrians, bicyclists, and motorists and mitigating the potential negative impacts of increased traffic;

3. Protecting the Village's historic character and traditional settlement pattern from suburban development pressures;

4. Employing the application of clustering and land use conservation principles in subdivision proposals;

5. Providing parks and open space in subdivisions for the betterment of resident quality of life and preservation of property values;

6. Promoting the use of green infrastructure and sustainable design practices in subdivision proposals; and

7. Considering the comfort, convenience, safety, health and welfare of the general population as future development opportunities are considered.

B. **Intent**. It is declared to be the intent of this subdivision law to serve as part of a plan for orderly, efficient and economical development of the Village of Pittsford, in

conjunction with the Village of Pittsford Zoning Code (Chapter 210). Land(s) to be subdivided shall:

1. Be of such character with respect to layout and size of lots to complement the traditional character of the Village and be in harmony with the settlement pattern of neighboring properties;

2. Be of such character with respect to layout and size of lots so that it can be used safely for building purposes without danger to health, or peril of fire, flood, or other menace;

3. Make proper provisions for drainage, water supply, sewage, and other needed improvement and utilities;

4. Include streets of such width, grade, and location as to accommodate prospective traffic, facilitate fire protection, and provide access of emergency equipment to buildings while minimizing disruption to the natural environment;

5. Make proper provisions for leaving natural areas and corridors undeveloped to mitigate the adverse environmental impacts of subdivision, sustain a diverse population of native vegetation and wildlife, protect water resources (including the Erie Canal), and scenic views, and implement the Village's policies of protection of its environmental, historic, and economic resources pursuant to the Village of Pittsford Zoning Code; and

6. Conform to the land use and development recommendations within the Village's most current adopted Comprehensive Plan.

§ 212-1.3 APPLICABILITY OF LOCAL SUBDIVISION APPROVAL

A. No subdivision or lot line adjustment of any lot, tract, or parcel of land shall be effected and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public or private use and travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of these regulations.

B. For re-subdivision, the same regulations shall apply as for a subdivision.

§ 212-1.4 CONFLICTS WITH OTHER LAWS

In their interpretation and application, the provisions of this subdivision law shall be deemed minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Where these regulations may conflict with other local, regional, or state laws, ordinances, or regulations, the greater restriction shall govern.

§ 212-1.5 SELF-IMPOSED RESTRICTIONS

Nothing in these regulations shall prohibit an applicant from placing self-imposed restrictions, not in violation of these regulations, on development. Such restrictions shall be indicted on the plat.

§ 212-1.6 SEVERABILITY

If any provision of this subdivision law or the application thereof to any person, property, or circumstances is held to be invalid, the remainder of this subdivision law and the application of each provision to other persons, property, or circumstances shall not be affected thereby.

ARTICLE 2
APPLICATION & REVIEW PROCEDURES

§ 212-2.1 APPLICATION REQUIRED

A. Whenever any subdivision of land, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the applicant or his/her duly authorized agent shall apply for the approval of such subdivision in accordance with this Article.

B. Applications under this subdivision law must be submitted in such form and numbers as outlined herein. The Village Clerk shall provide checklists of application submittal requirements and make those checklists available to the public. Application forms and checklists of required information are available in the Village Office.

C. Applications for minor subdivisions, as defined in Article 5, are subject to a single-phase review and approval process. Approval of a minor subdivision is required for development to occur.

D. Applications for major subdivisions, as defined in Article 6, are subject to a two-phase review and approval process. The applicant shall first submit a preliminary plat application for review and approval. Within one year preliminary plat approval, the applicant shall submit a final plat application for review. Final plat approval is required for development to occur.

§ 212-2.2 PRE-APPLICATION CONFERENCE

A. It is recommended that applicants request a pre-application conference prior to entering the formal application review process to discuss the nature of the proposed application and to determine the best course of action for submittal.

B. Pre-application conferences may be held upon request of an applicant with one or more of the following Village representatives:

1. Code Enforcement Officer;
2. Village Clerk;
3. Planning Board Chair; and
4. Historic Preservation Board Chair.

C. The purpose of the pre-application conference is to provide an opportunity for a potential applicant to consult early and informally with the Village. A pre-application conference will help to build a better understanding of the proposal and property in question and establish an overall design approach that respects important features to the Village while maximizing the potential of the property.

D. In no way shall any comments or feedback provided by the Village during pre-application review be construed as an indication of decision or be legally binding in any way.

E. Materials presented during the pre-application conference may be incomplete and/or conceptual in design; however, a formal application is required to be considered for approval.

§ 212-2.3 GENERAL APPLICATION PROCEDURES

A. **Submittal.**

1. Applications where required by this law shall be submitted to the Village Clerk.

2. Only the property owner or their agent, with legally binding and written permission of the owner, may file for subdivision. Where there are multiple land owners, a written consent agreement among all land owners must be included within the application.

3. At least six hard copies and one electronic copy of the required materials shall be provided.

4. Applications must be submitted to the Village Clerk at least two weeks prior to the Planning Board meeting at which the applicant wishes to be considered.

B. **Acceptance and Processing.**

1. The Village Clerk shall indicate that an application is considered accepted and ready for processing only if it is submitted in the required number and form, includes all required materials, and is accompanied by the required application fee.

2. The acceptance of an application by the Village Clerk shall in no way be interpreted as a determination of the completeness, adequacy, or accuracy of application materials, but rather serve as an acknowledgement to the receipt of required application materials. The Village Clerk may consult with other Village departments or divisions, the Code Enforcement Officer, the Planning Board, and/or the Village Board in making such a determination.

3. If an application is determined to be unacceptable, within 30 days of submittal the Village Clerk must provide paper or electronic written notice to the applicant along with an explanation of all known deficiencies that will prevent competent review. No further processing will occur until the deficiencies are corrected. If the deficiencies are not corrected within 62 days, the application will be considered withdrawn.

4. No further processing of unacceptable applications will occur; applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.

C. **Application Fee.** All applications shall be accompanied by the fee established by the Village Board. Failure to submit said fee shall deem an application unacceptable, regardless of the status of submittal on all other required materials. This shall also include application consultant fees as established by Chapter 210, Section 19.5 (Consultant Fees).

D. **Complete Applications.**

1. No subdivision application shall be considered complete until all required application materials are submitted with accompanying fee in the required

number and form, and the lead agency has filed a negative declaration, conditioned negative declaration, or notice of completion of a Draft Environmental Impact Statement (DEIS) in accordance with the provisions of SEQRA.

2. The required time periods for public hearing and review of a minor, preliminary, or final plat set by NYS Village Law Section 7-728 shall only begin upon receipt of a complete application as defined herein.

E. **Applicant Responsibilities.** The applicant and/or their agent is expected to attend all meetings at which the application is to be discussed. In all cases, the burden is on the applicant to show that their application complies with the Pittsford Village Code and any other applicable local laws and NYS laws, rules, and regulations.

F. **Agricultural Data Statement.**

1. Any application for a property that is within an agricultural district containing a farm operation or property within 500 feet of a farm operation located in an agricultural district shall include an agricultural data statement.

2. Upon receipt of a subdivision application containing an agricultural data statement, the Village Clerk shall mail a copy of the agricultural data statement to the owners of the land identified by the applicant in the agricultural data statement.

3. The applicant shall be required to reimburse the Village for such mailing upon written request.

4. For the purposes of this section an agricultural district shall be defined as an agricultural district recognized by the NYS Agriculture and Markets agricultural district program.

§ 212-2.4 PLANNING BOARD ACTION

A. **Issuance of Decision.**

1. Within 62 days following the close of public hearing, the Planning Board must issue a decision by majority vote. The Planning Board shall vote to approve or conditionally approve, approve or conditionally approve with modifications, or deny the proposed subdivision application.

2. Prior to issuing a decision on an accepted application, the Planning Board shall by resolution determine the application to be complete, noting any waived requirements therein.

B. **Written Findings.** Decisions shall contain written findings explaining the rationale for the decisions considering the standards contained in this Chapter. Such decision may be amended from time to time to add additional findings of fact. A copy of the decision shall be immediately filed in the Village Clerk's Office and mailed to the applicant.

C. **Conditional Approval.** The Planning Board may grant conditional approval with or without modification to the plat. A conditional decision shall be filed in the same manner as outlined in Article 4. The copy mailed to the applicant shall include a statement of such conditions. The Planning Board Chair shall not sign the plat until it

is certified by the Code Enforcement Officer that the applicant has complied with all conditions.

D. **Default Approval.** In the event the Planning Board fails to act on a subdivision application within the time prescribed herein, or such extended period established by the mutual consent of the applicant and the Planning Board, the subdivision application shall be deemed approved, and a certificate of approval shall be issued by the Village Clerk on demand and shall be sufficient in lieu of written endorsement of other evidence of approval herein required.

E. **Waiving Application Requirements.** The Planning Board is authorized to waive, in whole or in part, any of the application requirements if one or more of the following is determined by the Planning Board Chairperson that:

1. Any such requirement of part thereof is found not to be requisite in the interest of the public health, safety, or general welfare;

2. Any such requirement is inappropriate or unrelated to the application; or

3. Any such requirement will not mitigate adverse impacts generated by the proposed project or will not aid in the buffering of dissimilar uses.

F. **Additional Application Requirements.** The Planning Board may require additional information not listed herein be submitted as part of an application if such additional material is deemed necessary for a complete and adequate review. Upon request these materials shall be presented in graphic form accompanied by a written text and/or prepared by a licensed professional.

§ 212-2.5 REFERRALS

A. **Internal Referral.** The reviewing board may refer any application to another Village board, committee, department, or official for review and comment. Within 30 days of referral the receiving board or official shall submit its recommendation in writing with a summary of findings to the reviewing board.

B. **Professional Referral.** The Planning Board may seek the opinion of any legal, engineering, design, or other professional to aid in the review of an application at the expense of the applicant. The fees shall be determined as outlined in Chapter 210 Section 18.5 of the Village Code.

C. **County Referral.** The Village shall refer all materials to the Monroe County Planning and Development Department pursuant to NYS GML 239-n, as amended and in accordance with planning referral agreements between the Village and Monroe County.

§ 212-2.6 EXPIRATION & REVOCATION OF APPROVAL

A. **Expiration.** The approval of a subdivision application shall expire if at least one of the following occur:

1. The applicant fails to submit for final plat approval within one year of the preliminary plat approval date;

2. The applicant fails to complete and have certified all conditions of plat approval within one year of the approval date;

3. The applicant fails to obtain necessary building and/or zoning permits within one year of the final plat approval date;

4. The applicant fails to initiate construction, if applicable, within one year of the final plat approval date; or

5. The applicant fails to complete construction, if applicable, within three years of obtaining the necessary building permits.

B. **Extensions.** The Planning Board may grant an extension for any condition in Subsection A upon written request by the applicant. The applicant shall include in such request the desired time period for the extension, not to exceed one year, and the reasoning for requesting the extension.

C. **Revocation.** The Planning Board may revoke approval if it is found that the applicant violates the conditions of the approval or engages in any construction or alteration not authorized by the approval.

D. **Enforcement.** Any violation of the conditions of subdivision approval shall be deemed a violation of this law, and shall be subject to enforcement action as provided herein.

§ 212-2.7 LOCAL WATERFRONT CONSISTENCY REVIEW

All subdivision applications considered in the LWO District shall also be subject to Local Waterfront Consistency review as required by Chapter 121 of the Village of Pittsford Code.

§ 212-2.8 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

A. The review and approval of all applications shall comply with the provisions of SEQRA under Article 8 of the Environmental Conservation Law and its implementing regulations. Where requirements of this Chapter may come in conflict with SEQRA law, the state regulations shall supersede.

B. The subdivision of land shall be considered a Type I action, as provided for by SEQRA law.

C. If the lead agency on a subdivision application, through the completion of an Environmental Assessment Form (EAF), determines an action not to have a significant adverse environmental impact, a negative declaration is filed. If an action is determined to potentially have significant adverse environmental impacts, a Draft and Final Environmental Impact Statement (EIS) is required.

D. Applicants are responsible for preparing the Draft and Final EIS, if required. Should the applicant defer to the Planning Board for the preparation of a Draft and/or Final EIS, a written agreement for reimbursement to the Village for such expense shall be required.

E. When required, the public hearing for an EIS may be held jointly with the subdivision application public hearing. However, public notice in this case must increase to at least 14 days prior to the date of the scheduled hearing.

F. When actions consist of several steps or phases of activities, the entire set must be considered the action, even if several separate agencies are involved.

ARTICLE 3
PUBLIC HEARINGS

§ 212-3.1 CONDUCTING PUBLIC HEARINGS

A. Public hearings shall be held by the Planning Board for all subdivision applications, except for lot line adjustments.

B. The Planning Board may review multiple applications (e.g. subdivision and site plan review) for a single property or use concurrently and may conduct concurrent or joint public hearings, if desired.

C. Within 62 days from the date of receipt of a complete application, the Planning Board must convene a public hearing on the application in question.

§ 212-3.2 PUBLIC NOTICE REQUIRED

A. All public notices shall be made at least 10 days prior to the date of the scheduled public hearing.

B. Public notice shall include mailed notices, media notices, and posted notices in accordance with NYS Village Law.

§ 212-3.3 MAILED NOTICES

Where required by this Chapter, the Village Clerk shall provide public notice to the following by mail:

A. Owners of all real property as shown on the current tax map, located within 300 feet of the property that is the subject of the hearing.

B. The Clerks of adjoining municipalities whose boundaries are located within 500 feet of the property that is the subject of the hearing.

C. The Monroe County Clerk where the hearing concerns property adjacent to an existing county road or proposed road shown on the official county map, adjoining other county land, or situated within 500 feet of a municipal boundary.

D. The State Commissions of Transportation where the hearing concerns an application for development of property within 500 feet of a state highway.

§ 212-3.4 MEDIA NOTICES

The Village Clerk shall cause for public notice to be posted to the following media sources:

A. The official newspaper of the Village; and

B. The official website and social media pages of the Village.

§ 212-3.5 POSTED NOTICES

A. The Village Clerk shall post a public notice in a location plainly visible within the Village Office.

B. The applicant shall obtain a sign of public notice from the Village and ensure its placement on the property in question in a manner that is plainly visible to passers-by. Upon close of the public hearing, the applicant shall return the sign to the Village Office.

§ 212-3.6 PUBLIC NOTICE EXPENSES

An applicant shall be required to reimburse the Village for the mailing and posting of a public notice upon written request. If said fee is not received within 62 days of the request, the application shall be considered withdrawn and any decision rendered shall be null and void.

§ 212-3.7 PUBLIC NOTICE CONTENT

The content of all public notices, except notices posted on the property by a Village commissioned sign, shall:

A. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;

B. Describe any property involved in the application by street address or general description;

C. Describe the general nature, scope, and purpose of the application or proposal; and

D. Indicate where additional information on the matter can be obtained.

ARTICLE 4
APPROVED SUBDIVISIONS

§ 212-4.1 FILING OF APPROVED SUBDIVISION

A. Upon approval by the Planning Board a notation shall be made upon the subdivision plat indicating approval and any modifications or conditions.

B. A copy of the approval and any modifications or conditions shall be immediately filed in the Village Clerk's Office and mailed to the applicant.

C. The annotated plat shall be deemed to have final approval when duly signed by the Planning Board Chair and filed by the applicant in the Office of the Monroe County Clerk.

D. Any subdivision plat not filed by the applicant with the Monroe County Clerk within 62 days of the date approval shall become null and void.

§ 212-4.2 PERFORMANCE GUARANTEES FOR REQUIRED IMPROVEMENTS

A. Where required by the Planning Board, the applicant shall either file with the Village Clerk a certified check or irrevocable letter of credit to cover the full cost of required improvements, or a performance bond to cover the full cost of the required improvements. Any such bond shall:

1. Comply with the requirements of Section 7-728 of NYS Village Law;

2. Be satisfactory to the Village Board as to form, sufficiency, manner of execution, and surety.

3. Identify a period of not less than one and no more than three years that the Planning Board deems appropriate within which required improvements must be completed.

B. The applicant shall complete all required improvements to the satisfaction of the Code Enforcement Officer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Planning Board. For any required improvements not so completed, the applicant shall file with the Village Clerk a performance bond or certified check covering the costs of such improvements and installations of any improvements not satisfactorily approved by the Code Enforcement Officer.

§ 212-4.3 PROPER INSTALLATION OF IMPROVEMENTS

A. If the Code Enforcement Officer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the applicant, a report identifying the noncompliance shall be submitted to the Village Board and Planning Board.

B. The Village Clerk shall notify the applicant and if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the performance bond.

C. No subsequent subdivision application shall be reviewed and/or approved by the Planning Board if the applicant is in default on a previously approved plat.

§ 212-4.4 PLAT VOID IF REVISED AFTER APPROVAL

A. No changes, erasures, modifications, or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless the plat is first resubmitted to the Planning Board and such modifications are approved in accordance with this law.

B. If any subdivision plat is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plat stricken from the records of the Monroe County Clerk.

§ 212-4.5 SUBDIVISION ABANDONMENT

The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of Section 560 of New York State Real Property Tax Law.

ARTICLE 5
MINOR SUBDIVISIONS

§ 212-5.1 APPLICABILITY

A. A minor subdivision shall contain no more than three lots with access to a common driveway or street and shall not involve the construction of new streets or extension of municipal utilities.

B. A period of 12 consecutive months shall pass before the Planning Board will accept and review a minor subdivision application for property adjacent to a previously approved minor subdivision under the same ownership.

C. Lot line adjustments shall be considered minor subdivisions under this law and subject to the same application and review procedures. The Planning Board is not required, however, to hold a public hearing on lot line adjustments, but may elect to do so if deemed appropriate.

D. Approval of a minor subdivision plat shall constitute final plat approval.

§ 212-5.2 APPLICATION REQUIREMENTS

An application for minor subdivision shall include the following materials, as applicable. A licensed professional engineer or land surveyor shall prepare all plat materials unless otherwise approved by the Planning Board.

A. Village of Pittsford subdivision application form, including the name and address of the applicant, owner of record, and seal(s) of the engineer or surveyor who prepared the plat materials.

B. A minor subdivision plat drawn at a scale of forty feet to the inch (1" = 40') or such other scale as the Planning Board may deem appropriate, on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written information.

C. A certified land survey showing the boundaries of the applicant's property under consideration in its current state plotted to scale with the north point, scale, and date clearly indicated.

D. A minor subdivision plat shall indicate at a minimum, the following:

1. Date, north point, map scale, name and address of record owner and applicant. The proposed subdivision name and location within the Village of Pittsford and Monroe County shall also be included.

2. The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property as disclosed by the most recent municipal tax records.

3. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.

4. The tax map sheet, block and lot numbers, if available.

5. All the utilities available within 300 feet of the property, and all streets which are mapped or built.

6. The proposed pattern of lots (including lot width and depth) within the subdivided area, the total permitted lot count for the entire tract based upon the density standards in the Zoning Code and the number of lots created by the plat.

7. All existing restrictions on the use of the land including easements, covenants, or land use regulatory boundary lines.

8. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing and distances, made on certified by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by monuments as approved by the Village's Code Enforcement Officer, and shall be referenced and shown on the plat.

9. All existing structures, wooded areas, streams, topography based on available USGS quadrangle maps and other significant physical features within the subdivision and 200 feet thereof.

E. All proposed on site sanitation and water supply facilities shall be designed to meet the minimum specifications of the State Department of Health and Monroe County Health Department, and a letter to this effect issued from each applicable department shall be supplied.

F. Any application for a subdivision plat located in or the property line of which is within 500 feet of a county-adopted, state certified agricultural district shall submit an agricultural data statement along with any other required submittals to assist the Planning Board in its review. Notice shall be sent to applicable property owners and the content of the agricultural data statement shall conform to the Agricultural and Markets Law Article 25-AA, Section 305-a.

G. A copy of such covenants or deed restrictions as is intended to cover all or part of the tract.

H. All New York State SEQR documentation as required by law.

ARTICLE 6
MAJOR SUBDIVISIONS

§ 212-6.1 APPLICABILITY

A. The application for a major subdivision shall include all subdivisions not classified as a minor subdivision, including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring new streets or extension of municipal utilities.

B. Major subdivisions require two stages of review and approval. The applicant shall first submit a preliminary plat for review and approval per Section 212-6.2. Within six months of approval of the preliminary plat, the applicant shall submit a final plat in accordance with Section 212-6.4 incorporating all changes or modifications required by the Planning Board.

§ 212-6.2 PRELIMINARY PLAT APPLICATION

A preliminary plat application for a major subdivision shall include the following materials, as applicable. A licensed professional engineer or land surveyor shall prepare all plat materials unless otherwise approved by the Planning Board.

A. All minor subdivision application requirements as listed in Article 5 of this law.

B. Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.

C. Contours with intervals of 10 feet or less as required by the Planning Board, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.

D. The width and location of any streets or public ways or places shown on the Village's Official Map within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed.

E. The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction flow.

F. The approximate location and size of all proposed water lines, valves, hydrants, and sewer lines and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the NYS Public Health Law. Profiles of all proposed water and sewer lines are also required.

G. Storm drainage plan indicating the approximate location and size of proposed lines and their profiles and connection to existing lines or alternate means of disposal.

H. Plans and cross-sections showing the proposed location and type of sidewalks, lighting, street trees, curbs, water mains, sanitary sewers, storm drains, the character, width and depth of pavements and sub-base, and the location of manholes, basins and underground conduits.

I. Preliminary designs of any bridges or culverts which may be required.

J. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

K. If the preliminary plat application covers only a part of the applicant's entire holding, a map of the entire tract, drawn at a scale of not less than 40 feet to the inch showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract. The part of the applicant's entire holding submitted shall be considered in the light of the entire holdings.

§ 212-6.3 FINAL PLAT SUBMITTAL TIME RESTRICTION

A. Within six months of the approval of preliminary plat the owner shall file with the Planning Board an application for approval of the subdivision plat in final form, including the completion of any modifications provided with the approval of the preliminary plat.

B. If the final plat is not submitted within six months of the approval of the preliminary plat, the Planning Board may revoke the approval of the preliminary plat or grant an extension for periods of 90 days at a time upon written request of the applicant stating such reasons for an extension.

§ 212-6.4 FINAL PLAT APPLICATION

A final plat application for a major subdivision shall include the following materials, as applicable. A licensed professional engineer or land surveyor shall prepare all plat materials unless otherwise approved by the Planning Board.

A. All major subdivision preliminary plat application requirements as listed in Section 212-6.2.

B. The length and bearing of all straight lines, radii, length of curves and central angles of all curves, tangent bearing shall be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true north point.

C. The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made thereof. All offers of cession and covenants governing the maintenance of unseeded open space shall bear the certificate of approval of the Village Attorney as to their legal sufficiency.

D. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Village practice.

E. A stormwater pollution prevention plan (SWPPP) in conformance with the requirements of the NYS Department of Environmental Conservation (NYSDEC) technical standards and the State Pollution Discharge Elimination System (SPDES) Permit requirements. Additional information can be obtained from the NYSDEC Division of Environmental Permits.

F. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and sub-base, manholes, catch basins and other facilities.

G. Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground shall be provided. Permanent reference monuments shall be shown. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the New York State Department of Public Works. Their location shall be noted and referenced upon the plat.

ARTICLE 7
GENERAL STANDARDS

§ 212-7.1 PRESERVATION OF EXISTING FEATURES

A. Existing features which are important to the natural, scenic, and historic character of the Village or which add value to residential development such as large trees or groves, watercourses and falls, wetlands, historic sites, vistas, scenic corridors, and similar irreplaceable assets shall be preserved, insofar as possible, through harmonious designs of subdivisions.

B. The Planning Board may impose restrictions designed to preserve such features, including the limitation of structures to designated building envelopes or the delineation of areas where building or site alternation is prohibited, as a condition of subdivision approval.

C. When final grades have been established and construction activities have been completed, the property shall be suitably graded, and to the extent practicable, recovered with topsoil except that portion of the site covered by buildings or included in the roads.

§ 212-7.2 DRAINAGE IMPROVEMENTS

A. **Stormwater Run-off.** Subdivisions shall be designed to minimize off site stormwater run-off by minimizing grading, cutting, and filling, by minimizing the use of impermeable surface materials on roads, driveways, and other improved area, by retaining existing vegetation, by using gently sloped vegetated swales, and by employing other non-structural or structural measures including retention or detention basins. The objective of such measures shall be to maintain or improve pre-development drainage conditions.

B. **Drainage Structure to Accommodate Potential Development Upstream.** A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The applicant's engineer shall review the design and size of such facilities, based on anticipated runoff from a 10-year storm under conditions of total potential development permitted by Village Zoning Code.

C. **Responsibility from Drainage Downstream.** The applicant's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a five-year storm, the Planning Board shall notify the Village Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.

§ 212-7.3 VIEWSHED PRESERVATION

The Planning Board may require the modification of subdivision applications for the preservation of significant viewsheds as identified in adopted local plans and studies, such as the Pittsford Village Comprehensive Plan and Town and Village of Pittsford Local Waterfront Revitalization Program (LWRP), as well as the Village's historic building and site inventory.

§ 212-7.4 PUBLIC OPEN SPACE & PARKLAND REQUIREMENTS

A. Public open space and/or parkland shall be provided at a rate of at least 20% of the total land area within a subdivision, unless otherwise adjusted and approved by the Planning Board. Such open space shall be comprised of contiguous, useable lands. Parkland and recreational areas may be considered as public open space for the purpose of fulfilling this requirement.

B. The Planning Board may require that the applicant reserve natural areas, open spaces, environmentally sensitive or significant areas, or lands suitable for the development of a park, playground, or other recreational purpose in order to fulfill this requirement.

C. Designation and use of such open space and parkland shall be based upon the Planning Board's consideration of the following factors:

   1. Consistency with the Village's adopted plans and studies with respect to environmental conservation and improving public use of and access to local green spaces, passive or active recreational areas, trails, and the Erie Canal waterfront;

   2. Significance of conditions necessitating the protection and preservation of natural resources, local habitats and native species, woodlots, and/or wetlands;

   3. Benefits to the health, safety, and general welfare of the public, relative to the cost burden placed upon the property owner and/or developer in preserving, maintaining, and/or programming such areas.

D. Lands to be preserved as open space may be dedicated in fee to the Village or other such public agency or may remain in private ownership. For public open space that remains in private ownership, the Village may require the granting of an easement guaranteeing the public's right of access and use.

E. The Village may require the property owner and/or developer to maintain all public open spaces and related facilities (and may require that bonding or other security be posted with the Village to guarantee maintenance) or may require payment of an in-lieu fee if the Village maintains the public open space and related facilities.

F. If the applicant or their designee is to maintain public open spaces, prior to the issuance of any permits for construction, a bond or other approved security shall be posted guaranteeing such maintenance.

G. Preservation and maintenance of all public open spaces and recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land as described in the approved subdivision plat.

§ 212-7.5 LOTS TO BE BUILDABLE

A. The lot arrangement shall be such that buildable land area is available for future development in conformance with the Village of Pittsford Zoning Code (Chapter 210).

B. No subdivision shall be permitted where, at the request of the Planning Board, the applicant fails to prove the existence of sufficient buildable land area for the proposed development. It shall be the responsibility of the applicant to obtain the information necessary to determine the size and adequacy of the buildable land area of a lot, including, but not limited to environmental surveys and assessments.

§ 212-7.6 UNDEVELOPED SUBDIVISIONS

The Village Clerk may contact by mail the property owners(s) of undeveloped subdivisions within the Village of Pittsford on file with the Monroe County Clerk's Office at the time of enactment of this law to inform them of the Planning Board's subdivision review authority. Said contact may also include an invitation to meet and discuss with the Planning Board the possible redesign and resubmittal of their subdivision in accordance with the standards and requirements of this law and NYS Village Law Section 7-728.

ARTICLE 8
ADMINISTRATION & ENFORCEMENT

§ 212-8.1 ADMINISTRATION & ENFORCEMENT

A. **Administration.** This law shall be administered by the Clerk, Code Enforcement Officer, Planning Board, and Board of Trustees of the Village of Pittsford, as described herein.

B. **Enforcement.** These regulations shall be enforced by the Code Enforcement Officer of the Village of Pittsford.

§ 212-8.2 VARIANCES & WAIVERS

A. **Variances.** Where the Planning Board finds that extraordinary and unnecessary hardships result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided such variations will not have the effect of nullifying the intent and purpose of the Official Map, Pittsford Village Comprehensive Plan, or Village Zoning Code.

B. **Waivers.** Where the Planning Board finds that, due to the special circumstances of a plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.

C. **Conditions on Variances and Waivers.** In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

§ 212-8.3 VIOLATION & PENALTIES

Pursuant to Article 16 of NYS Village Law, a violation of these regulations is declared to be a misdemeanor and is punishable by a fine not exceeding 500 dollars or imprisonment for a period not to exceed six months, or both. Each month of continued violation shall constitute a separate violation.

ARTICLE 9
DEFINITIONS

§ 212-9.1 WORD USAGE & INTERPRETATION

Except where specifically defined herein, all words used in this law shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular, unless the natural construction of the term indicates otherwise.

A. The term "shall" is mandatory and directory.

B. The term "may" is permissive.

C. The term "lot" includes the words "plot," "parcel," "tract," or "site."

D. The term "building" includes the word "structure."

E. When doubts arise as to meanings of terms, the Village of Pittsford Code Enforcement Officer shall define or make the interpretation of words, phrases, sentences and sections of this law.

§ 212-9.2 DEFINITIONS

For the purposes of this law, the following words and terms shall be defined as provided herein:

CODE ENFORCEMENT OFFICER — The duly designated Code Enforcement Officer of the Village of Pittsford, New York, to enforce the provisions of the New York State Uniform Fire Prevention and Building Code in the Village.

CONDITIONAL APPROVAL — Approval by the Planning Board of a plat subject to conditions set forth by the Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by the Planning Board Chair and recording of the plat in the Monroe County Clerk's Office as herein provided.

MONROE COUNTY CLERK — The current elected official to the position of County Clerk for Monroe County, New York.

DRIVEWAY — A road providing a means of access from a street to a property or off-street parking area. A "common driveway" shall mean a single road providing a means of access from a street to two or more properties or off-street parking areas.

EASEMENT — The authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER — A person licensed as a professional engineer by the State of New York.

FINAL PLAT — A drawing prepared in a manner prescribed by this law that shows a proposed subdivision, containing in such additional detail as required by this law, and

any modifications required by the Planning Board at the time of approval of the preliminary plat.

FINAL PLAT APPROVAL — The signing of a plat in final form by the Planning Board Chair pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Monroe County Clerk's Office.

LOT LINE ADJUSTMENT — A relocation of lot lines between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

MINOR SUBDIVISION — Any subdivision containing not more than three lots fronting on an existing street, not involving the construction of any new street or road or the extension of municipal facilities. Lot line adjustments shall also be considered minor subdivisions under this law.

NYSDEC — The Department of Environmental Conservation of the State of New York.

OFFICIAL MAP — The map which may be established by the Village Board pursuant to NYS Village Law, showing streets, highways, parcels, and parks.

PLANNING BOARD — The Planning Board of the Village of Pittsford, New York.

PRELIMINARY PLAT — A drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, topography and drainage, all proposed facilities un-sized, including preliminary plans and profiles, at suitable scale and in such detail as required by this law.

PRELIMINARY PLAT APPROVAL — The approval of the layout of a proposed subdivision as set forth in a preliminary plat, but subject to the approval of the plat in final form in accordance with the provisions of this law.

SEQRA — The State Environmental Quality Review Act of the State of New York.

SUBDIVISION — The division of any parcel of land into two or more lots, blocks, or sites, with or without streets or highways, including re-subdivision and lot line adjustments.

SURVEYOR — A person licensed as a land surveyor by the State of New York.

VILLAGE BOARD — The Board of Trustees of the Village of Pittsford, New York.

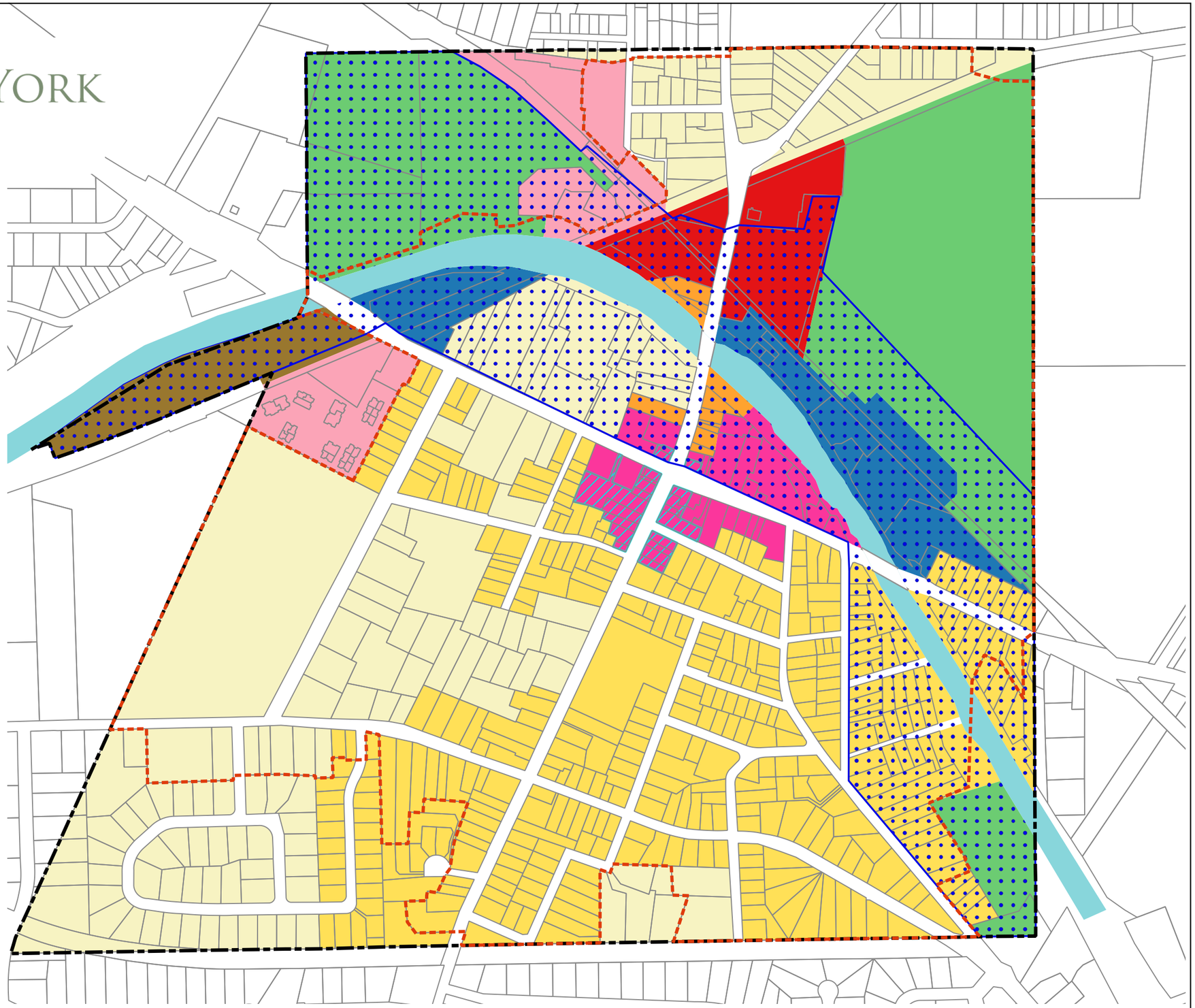
UNDEVELOPED SUBDIVISION — Those subdivisions existing at the time of the enactment of this law that have been filed in the Monroe County Clerk's Office of which twenty percent (20%) or more of the lots within the plat are unimproved, unless existing conditions such as poor drainage, have prevented their development.

VILLAGE OF
PITTSFORD NEW YORK

- Erie Canal
- 2015 Historic District, as listed on the National Register of Historic Places
- Village Boundary and Village of Pittsford Historic (H) District

Zoning Districts

- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- Mixed Residential (MR)
- Limited Office Residential (LOR)
- Village Gateway Business (VGB)
- Village Center Business (VCB)
- Traditional Downtown Design (TDD)
- Mixed Use Erie Canal (MU-EC)
- Mixed Use Office (MU-OF)
- Local Waterfront Overlay (LWO)
- Open Space (OS)



Barton & Loguidice

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DRAFT ZONING MAP - JUNE 6, 2019