

Section 1105: Yard Setbacks

Notwithstanding the provision for setbacks elsewhere in these Regulations, where a setback is measured from a street (but not a private road) having less than a 50-foot right-of-way, the setback requirements set forth in Article IV shall be measured perpendicularly from the center line of the street and 25 feet shall be added to the front setback requirement.

Section 1106: Equal Treatment of Housing

Nothing herein shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing, from the municipality, except upon the same terms and conditions as conventional housing is excluded.

Nothing herein shall have the effect of excluding from the municipality housing to meet the needs of the population as determined by the Pittsford Town Plan as required under Section 4382(a)(10) of chapter 117 of Title 24 of the Vermont Statutes Annotated.

Nothing herein shall be construed to prevent the establishment of mobile home parks in accordance with chapter 153 of Title 10 of the Vermont Statutes Annotated.

Section 1107: Accessory Apartment

Administrative Permit Only: Except as provided below, one accessory dwelling unit that is located within or on the same parcel to an owner-occupied single-family dwelling shall be permitted (subject only to obtaining an administrative permit), provided that all of the following conditions are met:

- A. The unit is an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation; and,
- B. The property has sufficient wastewater capacity; and,
- C. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling; and,
- D. Applicable setback, coverage, and parking requirements specified in this Bylaw are met.

Conditional Use Required: Conditional use review is required if there is to be an increase in the height or floor area of the existing structure in which the accessory dwelling unit is proposed to be located.

Section 1108: Family Child Care Homes/Facilities

- A. A family child care facility serving six or fewer children is considered a single family dwelling for the purposes of this Bylaw.

B. A family child care facility serving no more than six full-time children and four part-time children, as defined in subdivision 33 V.S.A. § 4902(3)(A), is a permitted use in all districts (requiring an administrative permit only), but is subject to site plan review under Article X.

C. Family child care facilities serving more than six full-time and four part-time children are fully regulated by this Bylaw.

Section 1109: Residential Care Homes and Group Homes

A residential care home or group home to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined under 9 V.S.A. § 4501 shall be considered by right to constitute a single-family dwelling, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

Section 1110: Lot Density Limitations

In all districts, only one principal building shall be placed on a lot. Notwithstanding the foregoing, where a lot is used principally for farming, as defined by 10 V.S.A. § 6001(22), two dwelling units are permitted, provided that both dwelling units are used by farm operators or employees. An accessory apartment shall not be considered a principal use.

Section 1111: Lots in More Than One Zoning District

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty (30) feet into the more restricted part, provided the lot has the requisite amount of frontage on a street in the less restricted district. Notwithstanding the foregoing, if any portion of the subject lot is located in either the Rural Commercial or the Commercial districts, the required frontage may exist in either the more or the less restricted district.

Section 1112: Reduction of Lot Area

No lot shall be reduced or otherwise modified in any manner that renders it non-compliant with any provision of this Ordinance, unless the reduction is due to a taking by eminent domain.

Section 1113: Required Area or Yards

Space required under these regulations to satisfy area, yard, or other open space requirements in relation to one (1) building shall not be counted as a part of a required area, yard, or other open space for any other building.

Section 1114: Destroyed or Demolished Structures

Within ninety (90) days after a permanent or temporary building or structure has been destroyed, partially destroyed, demolished, or otherwise rendered unusable for its intended purpose, all

structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

Upon application to the Zoning Administrator, one (1) ninety (90) day extension may be approved.

Section 1115: Recreational Vehicles

Parking a recreational vehicle on any public or private property, is permitted only in accordance with the following regulations:

- A. The recreational vehicle is not used as a permanent living quarters; and
- B. If more than ten (10) feet in length, the recreational vehicle must be parked so as to comply with the setback requirements of the district in which it is located; and
- C. The recreational vehicle cannot be occupied for more than 90 days in any 12 month period.

Section 1116: Height of Structures

No structure shall exceed a height applicable to the district in which it is located, as set forth in Article IV. However, except to the extent necessary to protect historic landmarks and structures listed on the state or national register of historic places, the height restrictions shall not apply to any of the following:

- A. Any structure to the extent regulated by Federal or State law;
- B. The placement of antennae used to transmit and/or to receive communications signals on a property owner's premises if the aggregate area of the largest faces of the antennae is not more than eight square feet, and if the antennae and any mast support does not extend more than 12 feet above the roof of that portion of the building to which the mast is attached;
- C. Windmills with blades less than 20 feet in diameter; or
- D. Rooftop solar collectors less than 10 feet high and mounted on otherwise compliant structures.

Section 1117: Approval of Subdivision Plats

No plat of a proposed subdivision shall be approved unless each of the proposed lots conforms with the provisions of this Ordinance, including the dimensional requirements in the zoning district(s) in which the lots are proposed to be located.

Section 1118: Site Development / Fill

The import or removal of fill, in an aggregate amount of not more than 30 yards, is exempt from regulation, provided that no slope thereby will be caused to exceed 12%, and that there is no undue adverse impact on adjoining properties. The import or removal of fill in an aggregate amount of more than 30 yards shall be done only after the issuance of a zoning permit and only upon a determination by the Zoning Administrator that there will be no undue adverse impact on adjoining properties.

Section 1119: Fences

Fences may be built in front, side and rear yards provided they do not exceed six and one-half (6 1/2) feet in height from ground to peak and are maintained in a proper state of repair with the finished side of such fence facing adjacent properties. Fences shall be so constructed that they can be maintained from the premises of the owner. Boundary line fences shall be allowed if the parties involved agree in writing, which agreement shall include the design and facing of the fence as well as a statement of which party or parties is/are responsible for its maintenance.

Section 1119A: Corner Lot Obstructions

No fence, landscaping, or other opaque object shall be constructed or placed on a corner lot that obstructs the views of drivers approaching the intersection. For the purposes of this Section, the view shall not be obstructed if there is no fence, landscaping, or other opaque object between the height of three and ten feet above the average grade of the intersecting streets or rights of way, within the polygon formed by two lines running along the intersecting streets or rights of way and a third line joining the first two lines at points twenty-five feet from the intersection.

Section 1120: Protection of Ridgelines

Development along ridgelines and closely adjoining slopes is not permitted should such development break the vegetative canopy as seen from a public road, interfere with a known wildlife corridor or significant wildlife habitat, or create risk of significant ecological damage (such as erosion) in providing access to the site.

Section 1121: Agricultural Uses/Farm Structures

Agricultural uses are exempt from regulation under this Bylaw, and no municipal permit for a farm structure is required. However, anyone intending to erect a farm structure must provide prior written notice to the Zoning Administrator, and must comply with the setbacks contained within this zoning ordinance, or with any lesser setbacks approved by the secretary of agriculture, food and markets in accordance with the provisions of Section 4413(d) of the Act. The notification must contain a sketch of the proposed structure, identify the setback distances from adjoining property owners and from any right-of-way, and include the written approval of setback distances, if any, obtained from the secretary of agriculture, food and markets. All farm structures within the Flood Hazard Overlay District must comply with the National Flood

Insurance Program. Nothing herein shall limit the municipality's right to report violations of accepted agricultural or silvicultural practices to the appropriate state authorities for enforcement.

ARTICLE XII: TELECOMMUNICATIONS FACILITIES

Section 1201: Scope of Article

Telecommunications facilities shall include all telecommunication service providers and associated equipment and buildings.

Section 1202: Purposes

The purpose of this Article is to protect the public health, safety and general welfare of the Town of Pittsford while accommodating the communication needs of residents and businesses. This Article shall: Preserve the character and appearance of the Town of Pittsford while allowing necessary telecommunications services to be developed and:

- A. Protect the view corridors, scenic, historic, environmental, and natural resources of the Town of Pittsford.
- B. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of telecommunication facilities and towers.
- C. Minimize tower and antenna proliferation by requiring the sharing of existing communications facilities, towers and sites where possible and appropriate.
- D. Facilitate the provision of telecommunication services to the residences and businesses of the Town of Pittsford.
- E. Minimize the adverse visual affects of towers through careful design and siting standards.
- F. Encourage the location of towers and antennas in non-residential areas and away from other sensitive areas such as areas with schools, hospitals or child care facilities, through performance standards and incentives.

Section 1203: General Requirements

- A. An applicant for a telecommunications tower or facility permit must be a telecommunications provider or must provide a copy of its executed contract to provide land or facilities to an existing telecommunications provider to the administrative officer at the time that an application is submitted. A permit shall not be granted for a tower to be built on speculation.
- B. Pursuant to 24 VSA § 4407, the board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for reasonable costs thereof.

- C. In addition to other findings required, the board shall find that its decision is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. This Article does not: prohibit or have the effect of prohibiting the provision of personal wireless services; does not unreasonably discriminate among providers of functionally equivalent services; and does not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC regulations concerning such emissions.
- D. Notwithstanding the above, all other Articles of the Zoning Bylaws which are applicable to the structure of a telecommunications facility, including fencing, support structures, roads, etc. are in full force and effect. In the event that there is a conflict between the regulations as set forth in Article XII of these regulations and as applicable to specific Zoning Districts as set for elsewhere in these Bylaws, the stricter of the two or more regulations applies in all cases.

Section 1204: Application Requirements

In addition to information otherwise required in the Town of Pittsford's Zoning Bylaws, applicants for telecommunications towers or facilities shall include the following supplemental information.

- A. The name and address of the applicant, the record landowners and any agents of the landowners or applicants as well as an applicant's registered agent and registered office. If the applicant is not a natural person, the name and address of the business and the state in which it is incorporated and has its principal office shall be provided.
- B. The name, address and telephone number of the person to be contacted and authorized to act in the event of an emergency regarding the structure or safety of the facility.
- C. The names and addresses of the record owners of all abutting property.
- D. A report from qualified and licensed professional structural or radio frequency engineers that:
 - 1. Describes the facility height, design and elevation.
 - 2. Documents the height above grade for all proposed mounting positions for antennas to be co-located on a telecommunications tower or facility and the minimum separation distances between antennas.
 - 3. Describes the tower's proposed capacity, including the number, height and type of antennas that the applicant expects the tower to accommodate.
 - 4. Documents steps the applicant will take to avoid interference with any established public safety telecommunications.

5. In the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures within 30 miles of the proposed site cannot reasonably be modified to provide adequate coverage and adequate capacity to the Town of Pittsford.
 6. Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage.
 7. Describes the output frequency, number of channels and power output per channel for each proposed antenna.
 8. Includes written five-year plan for use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town.
 9. Demonstrates the tower's compliance with the municipality's structural standards and setbacks for towers and support structures.
 10. Provides proof that at the proposed site, the applicant will be in compliance with all FCC regulations, standards and requirements and commits to continue to maintain compliance with all FCC regulations, standards and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The Zoning Board of Adjustment (ZBA) may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times.
 11. Includes other information required by the Board that is necessary to evaluate the request.
 12. Includes an engineer's stamp and registration number.
- E. For all telecommunication towers or facilities, the applicant shall provide a letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this bylaw.
- F. An applicant for a permit for a facility to be installed on an existing structure shall provide a copy of its executed contract with the owner of the existing structure to the administrative officer at the time an application is submitted.
- G. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.

- H. A copy of the application or draft application for an Act 250 permit, if applicable.
- I. The permit application shall be signed under the pains and penalties of perjury.

Section 1205: Site Plan Requirements

In addition to site plan requirements found elsewhere in the Town of Pittsford Zoning Bylaws telecommunication facilities shall include the following supplemental information:

- A. Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two mile radius of the proposed tower site.
- B. Vicinity Map showing the entire vicinity within a 2,500 foot radius of the tower site, including the telecommunications facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites and habitats for endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.
- C. Proposed Site Plans of entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.
- D. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
- E. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.
- F. Construction sequence and time schedule for completion of each phase of the entire project.
- G. Plans shall be drawn at a minimum at the scale of one (1) inch equals 50 feet.

Section 1206: Co-Location Requirements

- A. An application for a new telecommunications tower shall not be approved unless the Board of Adjustment finds that the telecommunications facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:
 - 1. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

2. The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.
 3. The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create RFI in violation of federal standards or requirements.
 4. The proposed antennas and equipment either alone or together with existing facilities, equipment or antennas would create RFR in violation of federal standards or requirements.
 5. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the State of Vermont.
 6. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.
 7. There is no existing or approved tower in the area in which coverage is sought.
 8. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.
- B. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights where overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas where overall permitted height allows.

Section 1207: Tower and Antenna Design Requirements

Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment, except where the Federal Aviation Authority (FAA), state or federal authorities have dictated a color.

In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennas and tower-related fixtures shall be not more than 20 feet above the average height of the tree line measured within 100 feet of the highest vertical element of the telecommunications facility. Notwithstanding the above, additional height may be approved upon a finding by the Board of Adjustment that the

additional height is necessary in order to provide adequate coverage in the Town of Pittsford or to accomplish co-location of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.

All buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Board) shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in this bylaw. If the minimum setbacks of the underlying zoning district are less than the height of the tower, including antennas or other vertical appurtenances, the minimum distance from the tower to any property line shall be no less than the height of the tower, including antennas and other vertical appurtenances.

Ground mounted equipment or antennas as well as buildings and structures accessory to a tower, shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood. A planted vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of at least 15 feet at maturity. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

Section 1208: Amendments to Existing Telecommunications Facility Permit

An alteration or addition to a previously approved telecommunications facility shall require a permit amendment when any of the following are proposed:

- A. Change in the number of buildings or facilities permitted on the site;
- B. Material change in technology used by the telecommunications facility; or
- C. Addition or change of any equipment resulting in greater visibility or structural windloading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

Section 1209: Tower Lighting/ Sign

- A. Towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower because of its height. Any lighting required solely as a result of height may be subject to review by the town of Pittsford. Heights may be reduced to eliminate the need for lighting or another location selected.
- B. No commercial signs or lettering shall be placed on a tower.

- C. Noise at the site perimeter from the operation of any machinery or equipment shall be minimized.

Section 1210: Antennas Mounted on Structures, Roofs, Walls, and Existing Towers Governed

The placement of telecommunications antennas on existing buildings, structures, roofs, or walls may be approved by the administrative officer, provided the antennas meet the requirements of this bylaw, upon submission of:

- A. A final site and building plan; and
- B. A report prepared by a qualified engineer, licensed to practice in the State of Vermont indicating the structure's suitability for the telecommunications facility, and that the proposed method of affixing the antenna to the structure complies with standard engineering practices. Complete details of all fixtures and couplings and the exact point of attachment shall be indicated.

Section 1211: Temporary Wireless Communication Facilities

Any telecommunications facility designed for temporary use is subject to the following:

- A. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Town of Pittsford.
- B. Temporary telecommunication facilities are permitted for no longer than five days use during a special event.
- C. The maximum height of a temporary facility is 50 feet from grade.
- D. Temporary facilities must comply with all applicable portions of these Regulations.

Section 1212: Interference With Public Safety Telecommunications

No new telecommunications facility shall be placed or constructed in such a way as to interfere with public safety telecommunications. All applications for new telecommunication facilities shall be accompanied by an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the municipality at least ten calendar days in advance of such changes and allow the municipality to monitor interference levels during that testing process.

Section 1213: Continuing Obligations of Permittee

Upon receiving a permit, the permitted shall annually demonstrate that he or she is in compliance with all FCC standards and requirements regarding RFR, the basis for his or her representations and the most recent time he or she took actual readings of the RFR at the site. The permitted shall provide a list of the RFR readings, their distances from the tower/transmitter, dates of the readings and the name of the person or company who took the readings.

Section 1214: Abandoned, Unused, Obsolete, Damaged or Dangerous Towers or Portions of Towers

Abandoned, damaged or unused towers or portions of towers and their facilities shall be removed as follows:

- A. The owner of a tower shall annually, on January 15, file a declaration with the Town of Pittsford administrative officer certifying the continuing safe operation of every facility installed subject to these regulations. Failure to file a declaration shall mean that the tower is no longer in use and considered abandoned. An owner who has failed to file an annual declaration with the administrative officer may file a declaration of use or intended use and may request the ability to continue use of the tower.
- B. Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Board of Adjustment. In the event the tower is not removed within 180 days of the cessation of operations at a site, the municipality may remove the tower and all associated facilities and the costs of removal shall be assessed against the property and/or tower owner.
- C. Unused portions of towers shall be removed within 180 days of the time that such portion is no longer used for antennas. The replacement of portions of a tower previously removed requires the issuance of a new telecommunication facility permit.

Section 1215: Maintenance of Telecommunications Facilities Insurance

- A. The telecommunications facility owner shall maintain adequate insurance on all telecommunication facilities. All facility sites shall be properly fenced and identified by signage that indicates presence of RFR and any other appropriate warnings required by permit conditions.
- B. The telecommunications facility owner shall provide and maintain a bond as set by the Board of Adjustment adequate to provide sufficient funds to facilitate the removal of any and all structures and provide for the restoration of the site to match the surrounding area within 200 feet, at the termination of the permit, or upon discontinuing the use of the structure in a manner consistent with the zoning permit.
- C. Enforcement and Penalties: The holder of the Zoning Permit and the underlying land owner, if different, and or any lessees, sub lessees, etc are to be held severally and jointly

responsible for the maintenance and removal of any facilities granted a permit under these regulations.

Section 1216: Fees

Fees for filing an application to build or alter a telecommunications facility shall be as set by the Select Board and applicable at the time of the application. Fees may include the reasonable costs of independent technical assessment(s) of the application.

ARTICLE XIII: ADMINISTRATION AND ENFORCEMENT

Section 1301: Municipal Appointments

A. **Administrative Officer**

An Administrative Officer shall be nominated by the Planning Commission and appointed for a term of three (3) years by the Select Board to administer the Zoning Regulations. The Administrative Officer shall be subject to the personnel rules of the municipality adopted under Title 24. The Select Board may remove an Administrative Officer for cause at any time after consultation with the Planning Commission.

An acting Administrative Officer may be nominated by the Planning Commission and appointed by the Select Board, who shall have the same duties and responsibilities as the Administrative Officer when that individual is absent.

The Administrative Officer shall literally administer this Regulation and shall not have the power to permit any land development that is not in conformance with this regulation. In so doing the Administrative Officer shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

B. **Planning Commission**

A Planning Commission shall be appointed by the Select Board in accordance with the Act. At least a majority of members shall be residents of the municipality. Any member of the Commission may be removed at any time by a unanimous vote of the Select Board.

The Planning Commission shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act and Vermont's Open Meeting Law. The Commission shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, include amendments submitted by petition;
- prepare and approve written reports on any proposed amendment to these regulations as required by the Act;
- hold one or more warned public hearings on proposed amendments to these regulations, prior to submission of a proposed amendment and written report to the Select Board;
- applications for site plan approval;
- applications for subdivision approval; and,
- applications for planned residential development.

C. **Board of Adjustment**

The Board of Adjustment shall consist of not less than three (3) or more than nine (9) members appointed by the Select Board for specified terms in accordance with the Act.

The Select Board also may appoint alternates, for specified terms, to serve on the Board in situations when one or more members of the Board are disqualified or are otherwise unable to serve.

Any member of the Board of Adjustment may be removed for cause by the Select Board upon written charges and after public hearing.

The Board shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under the Act and Vermont's Open Meeting Law. The Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- appeals from any decision, act or failure to act by the Administrative Officer;
- any requests for the change, extension, enlargement, or restoration of a use nonconformity;
- any request for the expansion or restoration of a dimensional nonconformity;
- any request for the development on or alteration of a lot with a dimensional nonconformity;
- any request related to a structural use or nonconformity in a regulated Flood Hazard Area;
- any variance requests
- applications for conditional use approval.

Section 1302: Zoning Permits

A. **Applicability**

No land development as defined herein, which is subject to these regulations, shall be commenced in the Town of Pittsford until a zoning permit has been issued by the Administrative Officer. If project is commenced prior to issuance of a zoning permit, fees may be doubled.

B. **Exemptions**

Note: The following exemptions do not apply to the Special Flood Hazard Areas as addressed in the Pittsford Flood Hazard Area Regulations (Attachment A).

No zoning permit shall be required for the following activities:

1. Accepted Agricultural Practices (AAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act. Written notification, including a sketch

plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Administrative Officer prior to any construction, as required for AAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.

2. Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation.
3. Power generation and transmission facilities, which are regulated under 30 V.S.A. § 248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Town Plan.
4. Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.
5. Normal maintenance and repair of an existing structure which do not result in exterior alterations, or expansion, or a change of use.
6. Interior alterations or repairs to a structure which do not result in exterior alterations, or expansion, or a change in use.
7. Exterior alterations to structures which are not located within designated design review districts and which do not result in any change to the footprint or height of the structure or a change in use.
8. Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls less than four (4) feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.
9. Minor grading and excavation associated with road and driveway maintenance, less than 5 feet (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities.
10. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing and snow mobile trails) which do not require the installation of structures or parking areas.
11. Garage sales, yard sales, auctions, or similar activities that do not exceed three (3) consecutive days, nor more than nine (9) total days in any calendar year.
12. Other uses as designated in the Table of Uses.

C. Application

1. Application Requirements. An application for a zoning permit shall be filed with the Administrative Officer on form(s) provided by the municipality. Required application fees, as set by the Select Board, also shall be submitted with each application. In addition, the following information will be required as applicable:
 - (a) Permitted Uses. Applications for a permitted use shall include a sketch plan, no smaller than 8.5" x 11", drawn to scale, that depicts the following:
 - (1) the dimensions of the lot, including existing property boundaries;
 - (2) the location, footprint and height of existing and proposed structures or additions;
 - (3) the location of existing and proposed accesses (curb cuts), driveways and parking areas;
 - (4) the location of existing and proposed easements and rights-of-way;
 - (5) existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands;
 - (6) the location of existing and proposed water and wastewater systems; and
 - (7) other such information as required by the Administrative Officer to determine conformance with these regulations.
 - (b) Uses Subject to Development Review. For development requiring one or more approvals from the Appropriate Municipal Panel prior to the issuance of a zoning permit, application information and fees as required for such approvals shall be submitted concurrently with the application for a zoning permit and referred by the Administrative Officer to the Secretary of the Appropriate Municipal Panel.

D. Concurrent Review

If more than one type of review is required for a project, the reviews, to the extent feasible, shall be conducted concurrently according to the process defining the sequence of review and issuance of decisions described in the rules of procedure of the Town of Pittsford.

E. Issuance

A zoning permit shall be issued by the Administrative Officer only in accordance with the Act and the following provisions:

1. Within thirty (30) days of receipt of a complete application, including all application materials, fees, the Administrative Officer shall act to either issue or deny a zoning permit in writing, or to refer the application to the Appropriate