

Municipal Panel and/or state for consideration. If the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.

2. No zoning permit shall be issued by the Administrative Officer for any use or structure which requires the approval of the Appropriate Municipal Panel or Select Board until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state.
3. If public notice has been issued by the Select Board for their first public hearing on a proposed amendment to these regulations, for a period of 150 days following that notice the Administrative Officer shall review any new application filed for compliance with the proposed amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150 day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of this bylaw.
4. A zoning permit shall include a statement of the time within which appeals may be taken under Section XIV; and shall require, upon issuance of the permit, posting by the applicant of a notice of permit, on a form prescribed by the municipality, within view of the nearest public right-of-way until the time for appeal has expired.
5. The Administrative Officer, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen (15) days from the date of issuance.

F. Effective Date

No zoning permit shall take effect until the time for appeal under Section 1401 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

G. Completion

All activities as authorized by the issuance of the permit shall be commenced within one (1) year of the effective date of the permit and shall be completed within two (2) years of the effective date or the permit shall become null and void. The applicant must reapply and obtain another zoning permit to complete the activities as initiated under the original permit. The Zoning Administrator may allow extensions of up to two (2) years.

- H. The issuance of a zoning permit does not relieve the applicant of any responsibility for obtaining other required local, state or federal permits or approvals as necessary.

ARTICLE XIV: APPEALS

Section 1401: Appeals of Actions of the Administrative Officer

Any interested person as defined below may appeal a decision or act of the Administrative Officer within 15 days of the date of the decision or act by filing a notice of appeal with the Secretary of the Board of Adjustment and by filing a copy of the notice with the Administrative Officer.

- A. The Board shall hold a public hearing on a notice of appeal within 60 days of its filing. The Board shall give public notice of the hearing, and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
- B. The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant.
- C. All appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 V.S.A. §810]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date and place adjourned hearing shall be announced at the hearing.
- D. A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Town Clerk as part of the public records of the municipality. Failure of the Board of Adjustment to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46th day.

Section 1402: Interested Persons

An interested person includes the following:

- A. the Town of Pittsford or an adjoining municipality;
- B. a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the municipality;

- C. any ten (10) voters or property owners within the municipality who, by signed petition to the Appropriate Municipal Panel, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and
- D. any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

Section 1403: Notice of Appeal

A notice of appeal filed under this section shall be in writing and include the following information.

- A. The name and address of the appellant;
- B. Brief description of the property with respect to which the appeal is taken;
- C. A reference to applicable provisions of these regulations;
- D. The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations; and
- E. The alleged grounds why such relief is believed proper under the circumstances.

Section 1404: Appeals to Environmental Court

An interested person who has participated in a regulatory proceeding of the Appropriate Municipal Panel(s) may appeal a decision rendered by the Panel(s), within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

- A. "Participation" in a Panel proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- B. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Administrative Officer if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

C. Hearing on Appeals

Any hearing held under this Section may be adjourned by the Board from time to time, provided however, that the date and place of the adjourned hearing shall be announced at that time.

ARTICLE XV: VARIANCES

Section 1501: Variance Criteria

The ZBA may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:

- A. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- B. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- C. The unnecessary hardship has not been created by the appellant;
- D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
- E. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the Town Plan.

Section 1502: Variance for Renewable Energy Structures.

Where a variance is requested for a structure that is primarily a renewable energy resource structure, the Board of Adjustment may grant such variance only if *all* of the following facts are found in the affirmative and specified in its written decision:

- A. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;
- B. The hardship was not created by the appellant;
- C. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the

appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

- D. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the Town Plan.

Section 1503: Additional Conditions

In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the Town Plan currently in effect.

ARTICLE XVI: VIOLATIONS & ENFORCEMENT

Section 1601: Violations

The commencement or continuation of any land development that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act, Sections 4451, 4452 and 4454. Each day that a violation continues shall constitute a separate offense. The Administrative Officer shall institute, in the name of the Town of Pittsford, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid to the Town.

Section 1602: Notice of Violation

No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail that a violation exists. The notice of violation also shall be recorded in the land records of the municipality. The notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

Section 1603: Limitations on Enforcement

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the Town.

ARTICLE XVII: PUBLIC HEARINGS

Section 1701: Public Notice

- A. A warned public hearing shall be required for **conditional use review, appeals of decisions of the administrative officer and variances**. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:
1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;
 2. Posting of the same information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made; and posting on the Town web site, and,
 3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- B. Public notice of all other types of development review hearings, including site plan review and nonconformities shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:
1. Posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality, and
 2. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding, is a prerequisite to the right to take any subsequent appeal.
- C. The applicant shall be required to bear the cost of public warning and the cost of notifying adjoining landowners as required above, as determined from the current municipal grand list.
- D. No defect in the form or substance of any required public notice under this section shall invalidate the action of the Appropriate Municipal Panel where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the ZBA or the Environmental Court, the action shall be remanded

to the Board to provide new posting and notice, hold a new hearing, and take a new action.

Section 1702: Hearings

All meetings and hearings of the Appropriate Municipal Panel, except for deliberative sessions, shall be open to the public.

For the conduct of any hearing, and the taking of any action, a quorum shall be not less than the majority of members of the Appropriate Municipal Panel.

The Board of Adjustment, in conjunction with any hearing under this bylaw, may:

- A. Examine or caused to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding;
- B. Require the attendance of any person having knowledge in the premises;
- C. Take testimony and require proof material for its information; and
- D. Administer oaths or take acknowledgement in respect of those matters.

In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under Section 1402 are met. The Board of Adjustment shall keep a record of the name, address, and participation of each of these persons.

The Appropriate Municipal Panel(s) may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

Section 1703: Decisions

Any action or decision of an Appropriate Municipal Panel shall be taken by the concurrence of a majority of the members of the Panel. The Appropriate Municipal Panel shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day. In addition:

- A. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

- B. In rendering a decision in favor of the applicant, the Appropriate Municipal Panel may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the Town Plan currently in effect. This may include, as a condition of approval:
1. the submission of a three-year performance bond, escrow account, or other form or surety acceptable to the Pittsford Select Board, which may be extended for an additional three-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project; and/or
 2. a requirement that no zoning permit be issued for an approved development until required improvements have been satisfactorily installed in accordance with the conditions of approval.
- C. All decisions of an Appropriate Municipal Panel shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Clerk as part of the public record of the municipality.

ARTICLE XVIII: RECORDING

Within 30 days of the issuance of a municipal land use permit or notice of violation, the Administrative Officer shall deliver either the original, a legible copy, or a notice of the permit or violation to the Town Clerk for recording in the land records of the municipality generally as provided in 24 V.S.A. §1154(c), and file a copy in the Municipal Office in a location where all municipal land use permits shall be kept.

The applicant shall be charged for the cost of the recording fees.

ARTICLE XIX: OTHER PROVISIONS

Section 1901: Interpretation of Regulation

The provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as provided to the contrary in the Act or these regulations, it is not intended by these regulations to repeal, annul or in any way impair any regulations or permits previously adopted or issued, provided, however, that where these regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, regulations, permit, easement or agreement, the provisions of these regulations shall control.

Section 1902: Fees

Fees may be established by the Select Board in amounts necessary to cover all costs of the Administrative Officer, the Board of Adjustment and the Planning Commission for such items as processing applications, including costs of material, administrative time, reasonable overhead such as postage, telephone, and the hiring of appropriate professionals to review various aspects of an application, etc.

Section 1903: Amendments

Any provision of this Regulation, as well as the boundaries of the various zoning districts established herein, may be amended or repealed subject to the provisions of Sections 4442 of 24 V.S.A. 117.

Section 1904: Severability

If any provision of this regulation is held invalid, the invalidity does not affect other provisions or applications of this regulation, which can be given effect without the invalid provision or application.

Section 1905: Effective Date

This Regulation shall take effect upon approval in accordance with the procedures contained in Section 4442 of 24 V.S.A. 117.

Section 1906: Precedence of Regulation

The provisions of this regulation shall take precedence over any conflicting and less restrictive local laws.

This Regulation amends all preceding Zoning Regulations for the Town of Pittsford.

ARTICLE XX: DEFINITIONS

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural. The word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; the words "occupied" or "used" shall be considered as through followed by "or intended, arranged, or designed to be used or occupied"; the word "person" includes "individual, partnership, association, corporation, company or organization".

Accessory Dwelling Unit. 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, provided there is compliance with all the following: (i) The property has sufficient wastewater capacity; (ii) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling; and (iii) applicable setback, coverage, and parking requirements specified in this Bylaw are met. See Section 1107 hereof.

Accessory Structure. A use or building customarily incidental and subordinate to the principal use or building and located on the same parcel of property with such principal use.

Adjoining Lands and Landowners: Lands, and owners of those lands, that are adjacent to the land for which a land use permit is being requested. For the purposes of notice, lands across roads and highways shall be considered adjoining.

Affordable Housing means either of the following:

- A. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.
- B. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development. A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

Agricultural Use. Agricultural and silvicultural practices, including the construction of farm structures, as those terms are defined in 24 V.S.A. § 4413(d).

Alteration: Structural changes, rearrangement, change of location, or addition to a building.

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. Excluded are incidental alterations.

Alteration, Incidental: Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

Animal Boarding/Kennels: An establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Appropriate Municipal Panel: A planning commission performing development review, a board of adjustment, a development review board, or a Select Board performing development review.

Attic: The part of a building directly under the roof with headroom of less than 5.5 ft. over three quarters of the floor area. The headroom shall be measured vertically from the top of the floor or floor beams to the bottom or underside of the roof or roof rafters. The floor area shall be measured horizontally from the inside of the exterior walls or underside of the roof or roof rafters at the floor level. The attic generally would not have a finished floor, windows, skylights and/or permanent staircase and would not be occupied or used.

Basement: Any area of the building having its floor sub grade (below ground level).

Bed and Breakfast: A lodging facility located within a residential dwelling with accommodations for up to 10 transient guests.

Building: Structure having a roof (including an awning or other similar covering, whether or not permanent in nature) supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattel.

Building Area: Total of areas taken on a horizontal plane at the main finished grade level of all buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

Building Coverage: The percentage of a lot or development site occupied or intended to be occupied by all buildings and structures.

Building Height: The maximum vertical distance from the lowest elevation of the finished grade immediately surrounding a building to the highest point of the building.

Bulk Fuel Storage: That portion of a lot where combustible or flammable products are received and stored, whether above ground or below ground) for consumption by the occupants of the premises.

Bulk Plant: that portion of a lot where combustible or flammable products are received by pipeline, tank car or tank vehicle and where such products are stored or blended for the purpose of distributing such products by pipeline, tank car or tank vehicle.

Camp: A building suitable for seasonal or temporary living purposes and never occupied for more than three (3) months in any twelve (12) month period and without indoor plumbing facilities.

Community Care Facilities: A dwelling shared by seven or more persons who are developmentally disabled or physically handicapped who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as feasible in order to reach their maximum potential.

Community Center: A public or private meeting hall, place of assembly, museum, art gallery, library, educational facility, or church.

Conditional Uses: A use that is permissible only by approval of the Board of Adjustment, after a hearing, and subject to such conditions as the Board deems necessary to ensure that the proposed use complies with the standards set forth in Article V.

Conformance with the Plan: A proposed implementation tool, including a bylaw or bylaw amendment, is in accord with the Town Plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

- A. Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the Town Plan.
- B. Provides for proposed future land uses, densities, and intensities of development contained in the Town Plan.
- C. Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the Town Plan.

Cottage Industry: An activity, carried out in a dwelling or accessory structure, such as home offices, repair services, business and personal services, and goods produced or manufactured on site and which meets the conditions of Section 504. Cottage industries also include a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Dimensional Nonconformity: A structure, lot or land or part thereof not in conformance with the dimensional requirements of this Regulation.

Development: The division of a parcel into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building(s) or other structure(s), or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Drive-In Establishment: A business so developed that its principal retail or service character is dependent on providing a driveway approach with stacking or parking spaces for motor vehicles so as to either provide service to patrons while in a motor vehicle or intended to permit consumption outside of the building. A drive-in establishment, as it pertains to food service restaurants, shall include self-service restaurants where food is generally served in disposable containers or plates and primarily over the counter. Drive-in establishments include, among other businesses, dry cleaning businesses (processing and non-processing) and photograph developing businesses (processing and non-processing), where such businesses otherwise qualify as drive in establishments under this definition.

Dwelling Unit: Building or part thereof used as a living quarters for one family. The terms "dwelling", "one-family dwelling", "two-family dwelling", "multi-family dwelling", or "dwelling group" shall not include a motel, hotel, boarding house, bed and breakfast lodging, or similar structure but shall include mobile home.

Dwelling, One-Family: A building (including a mobile home) used as living quarters by one family.

A state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, shall be considered a one 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. See Section 1109.

A State licensed or registered family child care facility serving six or fewer children shall be considered a single-family residential use of property.

Dwelling, Multi-family: Building used as living quarters by three or more families, living independently of each other.

Dwelling, Two-family: Building used as living quarters by two families, living independently of each other.

Exempt Structures: Structures which do not require a permit.

External Heating Facility: A combustion facility external to the main residence to provide a source of heat and/or hot water for a residence, residential garage, residential workshop, or any other structure. Term Used to describe wood boiler.

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than five members.

Family Child Care Home or Facility: A home or facility where the owner or operator is to be licensed or registered by the State for child care. A family child care facility serving six or fewer children is considered a single family dwelling for the purposes of this Bylaw. 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. Family child care facilities serving more than six full-time and four part-time children are fully regulated by this Bylaws. See Section 1108 in particular.

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.

Fill: Earthen or stone material placed on the ground.

Flood Hazard Area: Those areas susceptible to flooding and depicted on the Zoning Map; see also Pittsford Flood Hazard Area Regulations (Attachment A).

Floor Area, Gross: See gross floor area.

Front Line, Building: The line parallel to the street line transacting that point in the building face, which is the closest to the street line. The building face shall include porches and decks, whether enclosed or unenclosed, but does not include steps.

Frontage: The length of a lot’s street line.

Grade, Finished: Completed surfaces of ground, lawns, walks, paved areas, and roads brought to grades as shown on plans relating thereto.

Gross Floor Area: The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in any building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Hazard Area: Land subject to landslides, soil erosion, earthquakes, water supply contamination or other natural or human-made hazards as identified within a “local mitigation plan” in conformance with and approved pursuant to the provisions of 44CFR section 201.6.

Historic Site: An area deemed worthy of preservation for historical reasons. The area may be so classified by federal, state or local authority.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
 - 1. By an approved state program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A business use that is conducted in or on the same lot as a one- or two-family dwelling, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the residential character and appearance thereof. For the purposes of this Bylaw, to be defined as a home occupation: (i) the aggregate floor space dedicated to the home occupation, whether located in the principal dwelling or in any accessory structure, may be no more than fifty percent (50%) of the gross floor area of the principle dwelling; (ii) the use must be conducted by a year-round resident of the principal dwelling, who may employ no more than two (2) additional non-resident employees; (iii) the use must be customary in residential areas and must not have an undue adverse effect upon the character of the residential area in which the dwelling is located; and (iv) any storage of equipment related to the home occupation shall be within an enclosed structure or properly screened from adjacent residential uses and highways. Notwithstanding anything to the contrary contained herein, any use that involves vehicle bodywork, service, or repair is not eligible for a home occupation.

Hotel or Lodge: A building or portion thereof kept, used, maintained, advertised, or held out to the public to provide overnight accommodations to said public for compensation, by the renting of rooms or a bed with a room.

Industry: Primarily basic industrial activities, many of which characteristically store bulk quantities of raw or scrap material for processing or manufacture to semi-finished projects. Major manufacturing and related industrial activities are also included. Production performance of the manufacturing industries consists primarily of receiving or storing semi-finished products

or, in some cases, raw agricultural food products (other than livestock) for further processing, refining or assembling into finished or more finished products.

Kennels: An establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Land Development: See development.

Lot: Land occupied or capable of being occupied by a building, together with the required yards and open spaces, having not less than the requisite minimum area, width, and depth for lots in the district in which such land is situated, and having frontage on the street or other means of access. A “corner lot” is a lot abutting two or more streets or rights of way at their intersection.

Lot Area: The square footage or acreage area contained within a Lot excluding any area of the Lot located within access rights of way or Town, State or Federal highways.

Lot Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

Lot Depth: Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the street line.

Lot Width: Distance measured across the width of the lot measured at right angles to the lot depth, at the building front line, or the proposed building front line.

Manufactured or Mobile Home: A structure built on a permanent chassis or base and is designed to be used as a dwelling and includes plumbing, heating, cooling, and electrical systems and is: (i) transportable in one or more sections; (ii) at least eight feet wide or 40 feet long, or when erected has at least 320 square feet, or if the structure was constructed prior to June 15, 1976, is at least eight feet wide or 32 feet long; or (iii) any structure that meets all the requirements of this definition except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code.

Manufactured or Mobile Home Dealership: A business engaged in the sale and/or leasing of manufactured homes directly to consumers, as opposed to wholesale.

Manufacturing, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Medical Center/Clinic: A facility for diagnosis and treatment of patients.

Mobile Home: See Manufactured home.

Mobile Home Park: A parcel or parcels of land under single or common ownership or control which contains, or is designed, laid out or adapted or intended to accommodate more than two (2) manufactured homes. The term “Mobile Home Park” shall exclude lands used solely for storage, sale or display of manufactured homes.

Motel: Building containing rooms which are rented as a series of sleeping units with outside entrances for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.

Motor Vehicle Sales and Service: Land and/or buildings used for the display, sale, and leasing of new or used motor vehicles, recreational vehicles, snowmobiles, trucks, motorcycles, all-terrain vehicles, boats, farm equipment or similar vehicles. Also includes any premises where gasoline and other petroleum products are sold and/or light vehicle maintenance activities are conducted, such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning. Does not include manufactured home dealerships.

Municipal land use permit: Any of the following whenever issued:

- A. A zoning, subdivision, site plan, or building permit or approval, any of which relate to “land development” that has received final approval from the applicable board, commission, or officer of the municipality.
- B. A water and wastewater system permit issued under any municipal ordinance adopted pursuant to 24 VSA § 4402.
- C. Final official minutes of a meeting that relate to a permit or approval described in subdivision (A) or (B) of this definition that serve as the sole evidence of that permit or approval.
- D. A certificate of occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in subdivision (A) or (B) of this definition, if the bylaws so require.
- E. An amendment of any of the documents listed in subdivisions (A) through (D) of this definition.

Nonconforming lots or parcels: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming structure: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Nonconforming use: A use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Nursing Home: An institution or a distinct part of an institution (excluding hospitals) which is primarily engaged in providing to its residents (a) skilled nursing care and related services for two or more persons unrelated to the home owner or operator who require medical or nursing care; (b) rehabilitation services for the rehabilitation of injured, disabled or sick persons; or (c) on a 24 hour basis, health related care and services to individuals who because of their mental or physical condition require care and services which can be made available to them only through institutional care. Nursing homes include residential care homes as regulated pursuant to 33 V.S.A. Chapter 71, except to the extent that such homes are expressly permitted under Section 1109.

Official Zoning Map: The one true copy of the Town Zoning Map located in the office of the Town Clerk.

Outdoor Recreation: Outdoor sports and activities such as skiing, hiking, tennis, golf, horseback riding, fishing, hunting, swimming, and similar activities.

Parking Space: Off-street space which is used for the temporary location of one licensed motor vehicle not including access drive-way and having direct access to a street or other right-of-way.

Personal Services: Includes barber, hairdresser, beauty parlor, shoe repair, shoeshine, laundry/Laundromat, dry cleaner, photographic studio, and businesses providing similar services of a personal nature.

Planned Residential Development (or PRD): An area of land, controlled by a landowner or landowners, to be developed as a unified project and single entity for a number of dwelling units and/or commercial and industrial uses, the proposal for which does not correspond to the requirements with respect to setbacks, coverage, lot size, density, required open space, and/or uses. Specific requirements and uses for a PRD are contained within Article VI, Section 602.

Principal Building: A building in which is conducted the main or principal use of the lot on which said building is located. Attached garages or carports, open at the sides but roofed, are part of the principal building.

Private Club: A building or portion of a building, or use open to club members and their guests, and not to the general public, and not operated for profit; includes associations and lodges.

Private Road: A right of way at least 50 feet in width, over which one or more property owners have a right to pass for ingress and egress to their property, and which is not owned or maintained by the Town of Pittsford.

Professional Office/Business: A building, not attached to or part of a residence, used as the office of a Real Estate Broker, Insurance Agent, Doctor, Dentist, Lawyer, or similar business or professional person or persons. The sale at wholesale or retail of a good or product, or the

manufacturing or assembling of goods, products or materials, except as a minor activity incidental to the service offered, shall not be allowed at such a business or professional office. Display of such products to the outside of or exterior to the building or structure is prohibited.

Professional Residence/Office: Residence in which the occupant has a professional office of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, consultant, podiatrist, engineer, or psychologist, which does not change the residential character thereof.

Property Line: Any segment of the deeded perimeter of a lot.

Recreation, Private: Recreation uses privately owned and operated but may be open to the public, including picnic grounds, archery ranges, rifle/pistol/paint ball shooting ranges, hiking and riding trails, hunting and fishing areas, wildlife sanctuaries, nature preserves, Nordic ski areas, swimming areas and boat launching sites, golf driving range, golf pitch and putt course, par three golf courses, miniature golf, skating rinks, swimming pools, parks, beaches, tennis courts, indoor bowling alley, theater, table tennis and pool hall, gymnasium, health club, spa, fitness centers, gymnasiums, hobby workshop, riding stables.

Recycling Station: A use incidental to the principal use that serves as a local drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi public areas such as churches and schools.

Rear Lot Line: A lot line opposite and most distant from the lot's street line.

Recreational Vehicle: Any vehicle designated for travel over highways which is intended for occasional and short-term occupancy, overnight lodging, office, or camping purposes, capable of being towed or self propelled, including, but not limited to, truck - mounted campers, motorcoaches, trailers, travel trailers, pickup coaches, and self-contained camping vehicles.

Religious Institution: Includes church, temple, parsonage, rectory, parish house, convent, seminary, retreat house, and associated buildings.

Renewable Energy Resources: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat, and geothermal sources. Includes any structures necessary for the collection or conversion of such energy.

Repair Shop: Facility for the repairing of small items or appliances.

Restaurant: An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, and outdoor cafes. It does not include drive-in establishments or other self-service restaurants.

Retail Uses: Includes shop and store for the sale of goods directly to consumers, as opposed to wholesale. Retail uses can include, among other things, department stores, convenience stores, and stores that sell or rent appliances, auto parts and supplies, building materials, computers, fabric, electrical supplies, flooring, furniture, antiques, landscaping materials, hardware, meat, musical instruments, firearms, office equipment, pet shops, pharmacies, plumbing supplies, groceries, sporting and camping goods, and books. Notwithstanding the foregoing, retail uses shall exclude drive-in establishments, auto service stations, and motor vehicle sales and service establishments.

Road: See Street.

Retaining Wall: Any structure composed of any material whose purpose it is to stabilize an earthen bank. A building foundation is not a retaining wall.

Rooming or Boarding house: A residence used, but not specifically designed for, the accommodation of not more than eight non-family members sheltered for profit.

RV Park: A park which may include electrical, water and sewer hookups for the temporary use of recreational vehicles.

Salvage Yard: Includes vehicle wrecking yards. Any land, buildings or structure, excepting a licensed recycling station, used for collecting or storage of discarded material; or for the collecting, wrecking, dismantling, storage, salvaging or sale of machinery parts or vehicles; or the storage of two or more un-licensed or non-operative vehicles not enclosed in a building.

School: Includes parochial, private, or public nursery schools, elementary schools, high schools, colleges, universities, and associated accessory uses, but does not include a day care facility.

Setback: The distance from the street line or a property line to a building or structure, excepting fences, signs, and stonewalls, measured to its nearest wall, porch or deck, but not including normal roof overhangs. Steps, landings, and handicapped access ramps meeting the requirements of the Americans with Disabilities Act shall not be included when determining setbacks.

- A. **Front Setback:** Distance between a building or structure and the street line measured from the closest point of the building to the street line.
- B. **Rear Setback:** Distance between a building or structure and the rear lot line.
- C. **Side Setback:** Distance between a building or structure and a property line other than the street line or the rear lot line.

Shopping Center: A retail shopping area containing three (3) or more retail tenants in one or more buildings all situated on one lot.

Sign: Sign means any structure, display, device or representation which is designed or used to advertise or call attention to or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is intended to be visible from a road. Whenever dimensions or areas of signs are specified, they shall include all panels, frames, and supporting structures excluding the building to which a sign may be attached.

Sign, Area: The area of a sign shall be the area within the smallest rectangle which can be drawn to encompass all letters, designs, tubing, panels and frames which are part of the sign. A sign finished on both sides is considered one (1) sign, and, only the square footage of one side is counted.

Sign, Temporary or Portable: A structure, illuminated or not, which is not permanently affixed to the ground or another permanent structure, meant to convey a message and/or which calls attention to and/or acts as an advertisement for an establishment, property, or the services and products provided therein. Included as temporary or portable signs are metal-framed signs that sit on the ground, sandwich board type signs, etc. A temporary sign is one that is in place no longer than 3 months.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by these regulations. It includes lot lines, streets, building sites, open space, buildings, major landscape features, and proposed utility lines, if any, as well as any other features as may be required by these regulations.

Skyline: The natural ground outline of a range of hills or mountains.

Street or Road: Public way for vehicular traffic that affords the principal means of access to abutting properties.

Street Line: The line dividing the right-of-way limit of a street and a lot. Where the width of a street is not established or cannot be determined, the Street Line shall be considered to be located twenty-five (25) feet on either side of the centerline of the existing traveled portion of the street, except along U.S. numbered Route 7 and Vermont numbered Route 3 where the street line shall be thirty-three (33) feet from the centerline of the existing traveled portion unless otherwise established.

Structure: An assembly of materials for occupancy or use including, but not limited to, a building, manufactured home, mobile home, recreational vehicle, swimming pool, tennis court, sign, water impoundments, wall or fence, satellite dishes. Small sheds typically used for storage and not exceeding 150 square feet in any district are not considered structures.

Subdivision: The process of dividing a single parcel of land into two (2) or more sections for the purpose of sale or lease of one (1) or more of the newly created parcels of land to someone other than the owner or owners of the undivided parcel. All subdivisions are subject to a Site Plan Review.

Telecommunications: See Telecommunications Definitions at the end of Article XVII.

Temporary: A use lasting less than six (6) months.

Terrace or Patio: An improved or graded area located on the ground with no structural supports other than subsurface base materials and/or retaining walls. A terrace or patio shall not be deemed a structure.

Undue Adverse Effect: An “undue adverse effect” shall have the meaning ascribed to it by the Vermont Supreme Court in *In re Appeal of Times & Seasons, LLC*, 2008 VT 7, and as subsequently developed in the case law. Generally, an adverse impact is considered “undue” if any one of the following is true: (1) the project violates a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area, (2) the project offends the sensibilities of the average person, or (3) the applicant has failed to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings. For purposes of determining whether the impact of a proposed land use is unduly adverse, the Board must determine whether the sensibilities of the average person would be offended by the use, without regard to actual opinions held or opposition shown by the community.

Utility, Public: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public, electricity, gas, communications, or transportation.

Warehouse: A building or structure where wares or goods are stored before distribution to jobbers, retailers, or the general public. This definition includes bulk storage and bulk sale outlets.

Wetland: The term wetland refers to those areas of the state that are inundated by surface or ground water with a frequency sufficient to support plants and animals that depend on saturated or seasonally saturated soil conditions for growth and reproduction. These areas are commonly known as ponds, bogs, fens, marshes, wet meadows, shrub swamps, and wooded swamps. Wetlands are determined and defined by State and Federal regulations.

Wholesale Establishment: Any firm doing business on an restricted customer basis and not available to the general retail public.

Yard: Space on a lot not occupied with a building or structure and required to remain open under these Bylaws. Porches and/or decks whether enclosed or not, shall be considered as part of the main building and shall not project into a required yard.

Yard, Corner: All yards abutting roads on any corner lot. The front yard shall face the more major road. Access shall be to the minor road.

Yard, Front: Yard between the street line and the building front line extended to the side lot lines of the lot.

Yard, Rear: Yard between the rear lot line and the rear line of any building extended to the side lot lines of the lot.

Yard, Side: Yard between the principal building or accessory building and a side lot line, and extending through from the front yard to the rear yard.

Yard, Garage, or Similar Private Sales: The sale of personal property on the premises of a dwelling unit for a period not exceeding three (3) consecutive days and not more than nine (9) days in a calendar year. Such use shall be deemed an accessory use to any use otherwise permitted under this ordinance. A sale or sales of a longer duration shall be deemed a commercial use.

Telecommunications Definitions

The following Definitions apply to Article XII of the Town of Pittsford's Zoning Bylaws.

Adequate Capacity: Capacity is considered to be "adequate" if the grade of service is p.05 or better for a least 50% of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna(s).

Adequate Coverage: Coverage is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90dbm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

Affiliate: When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; and when used in relation to the municipality, any agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.

Alternative Design Tower Structure: Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also Stealth Facility).

Antenna: A device, which is attached to a tower or other structure for transmitting and receiving electromagnetic waves.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Applicant: A person who applies for a telecommunications facility siting. An applicant can be the telecommunication service provider or the owner of the property.

Available Space: The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

Base Station: The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

Bulletin 65: Published by the FCC Office of Engineering and Technology specifying radio frequency radiation levels and methods to determine compliance.

Cell Site: A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory structure(s), and parking, and may include others uses associated with and ancillary to cellular communications transmission.

Cellular Service: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.

Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Cellular Telecommunications Facility: A cellular telecommunications facility consists of the equipment and structures at a particular site involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

Channel: The segment of the radiation spectrum to or from an antenna that carries one signal. An antenna may radiate on many channels simultaneously.

Collocation: Locating wireless communications equipment from more than one provider on a single site.

Common Carrier: An entity licensed by the FCC or state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

Communication Equipment Shelter: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.

Communications Facility: A land facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. Communications facilities may include structures, towers or accessory structures.

Communication Tower: A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

dBm: Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

dBu: Unit of measure of the electric field strength of a signal, expressed in an absolute measure for describing service areas and comparing different transmitting facilities independent of the many variables (see dBm above) introduced by different receiver configurations.

Directional Antenna: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

Dish Antenna: A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

Electromagnetically Able: The determination that the signal from and to the proposed new antenna will not significantly interfere with the existing signals from and to other facilities or antennas located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

Facility Site: A property, or any part thereof, which is owned or leased by one or more telecommunications facility(s) and where required landscaping is located.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

Frequency: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

GHz: Gigahertz. One billion hertz.

Hertz: (Hz) One hertz is the frequency of an electric or magnetic field that reverses polarity one each second, or one cycle per second.

Location: References to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true North.

Microwave Antenna: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.

Micro-cell: A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage.

MHz: Megahertz, or one million hertz.

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities, towers, antennas or repeaters.

Monitoring Protocol: The testing protocol, such as the Cobbs Protocol, (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from telecommunications facilities.

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations.

Omnidirectional Antenna: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.

Permit: Embodies the rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its facility within the boundaries of the municipality.

Personal Communications Services or PCS: Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology may allow each consumer the same telephone number wherever he or she goes. Also known as Personal Communication Network (PCN)

Personal Wireless Services: Commercial mobile services, unlicensed wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.

Preexisting Towers and Antennas: Any tower or antenna for which a permit has been issued prior to the effective date of these regulations.

Roof and/or Building Mount Facility: A facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

Radial Plots: Radial plots are the result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial. A threshold plot uses a mark to indicate whether that point would be strong enough to provide adequate coverage – i.e., the points meeting the threshold of adequate coverage. The draw back is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

Radiated-Signal Propagation Studies or Coverage Plots: Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether the telecommunications equipment will provide adequate coverage for that site.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or a nearby object.

Self-Supporting Tower: A communications tower that is constructed without guy wires.

Spectrum: Relating to any transmissions or reception of electromagnetic waves.

Stealth Facility: Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also Alternative tower Structure)

Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennas under all reasonable predictable conditions as determined by professional structural engineering analysis.

System: The communications transmission system operated by a telecommunications service provider in the municipality or region.

Telecommunications Facility: All equipment (including repeaters) and locations of equipment with which a telecommunications provider transmits and receives the waves that carry their