

- A. The permitted number of single - family dwellings may, in a PUD, be increased by as much as twenty-five (25) percent beyond the number which would otherwise be permitted on such land under these Regulations. In granting a density increase, the Planning Commission shall take into consideration that the objective to be obtained by allowing density increases is to preserve the land areas. The Planning Commission shall review and weigh the amount of any such land that will be preserved by an applicant before granting any zoning density increase and shall also consider the capacities of community facilities and services and the character of the area affected.
- B. If the application of this procedure results in lands available for park, recreation, open space or other municipal purposes, the Planning Commission, as a condition of its approval, may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.
- C. Any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended to the plat.
- D. The land intended to be reserved from development within a PUD shall be owned or under the control of the Applicant and shall only be transferred to a single owner's association or comparable entity and not thereafter be subdivided or developed.
- E. Size, width, front, side, and rear yard setbacks or depth of lots within a PUD, may be varied or waived by the Planning Commission.
- F. Upon final approval of a PUD application, the representations contained in the information, plans, agreements, and supporting materials submitted pursuant to these regulations shall become conditions of the approval. Any changes to the development plans after final approval will deem the application null and void.

ARTICLE VII: PARKING AND LOADING

Section 701: Off-Street Parking Space General Requirements

- A. The dimension of a parking space shall be at least 9' X 20' except those designated as handicapped spaces which shall meet federal requirements.

When fractional spaces result from the computation of required parking and loading spaces, the spaces required shall be rounded up to the next whole number.

- B. Parking spaces will not be permitted directly in front of entrances or exits to buildings.
- C. Driveways serving multi-family residential uses and all non-residential uses shall be so arranged that vehicles are not required to back onto a public road.

- D. In residential districts required parking may not be located within the front setback, unless on a driveway on a permitted curb-cut. Pavement shall not replace lawns or planted areas in the front setback, exclusive of driveways.
- E. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Shielded fixtures shall be used.
- F. All open off-street parking areas containing more than four (4) parking spaces and all off-street loading areas shall be screened on each side adjoining or fronting on any property in a residential area, by a wall, fence, or densely planted hedge not less than three (3) feet nor more than six and one half (6.5) feet in height.
- G. Parking space shall be located on the same lot as the principle use except as otherwise provided.
- H. Parking spaces for any number of separate uses may be combined in one parking lot. Pooled or group parking facilities must meet the provisions of Section 704.
- I. Parking space, access drives, entrances, and exits as required by this section for business buildings, for multi-family dwellings and for dwelling groups shall be adequately paved with macadam, bituminous or concrete and designed so as not to drain onto a public highway or adjacent properties. Multi-family dwellings and dwelling groups may use crushed rock as an alternative.

All parking and loading areas shall have adequate all-weather surfacing except that a porous surface may be approved by the appropriate municipal panel where it is deemed desirable to control water runoff problems. Permanent bumper guards or wheel bumpers shall be required in those locations of the parking and loading area where a matter of safety is involved. Provision shall be made to prevent vehicles from overhanging any sidewalk area.

- J. Except for driveways and other entrances, parking and loading areas shall properly protect adjacent areas against headlight glare by means of a fence, wall, berm or hedge having a maintained height of not less than three (3) feet; nor more than six and one half (6.5) feet high. On the side of the lot adjoining a residential zone the area between the property line of the lot and such fence, wall or hedge shall be planted with lawn, shrubs, or flowers and continuously maintained in good condition.

Section 702: Parking Space Requirements

Residential (1 or 2 family)	Two (2) spaces per dwelling unit
Multi-family dwellings	One (1) per dwelling unit plus one half (½) per bedroom

Home Occupation	Two (2) spaces in addition to the requirements for the dwelling
Resident professional person	Four (4) plus residential requirement
Retail/Office	Four-and-a-half (4.5) spaces per 1,000 square feet of retail/office area.
Rooming Houses	Two (2) spaces per dwelling unit plus One (1) addition per non-family resident.

Section 703: Commercial Loading Areas

- A. One (1) off-street loading space not smaller than 15' x 25' long and 15' high (if covered) shall be provided for every non-residential building.
- B. One (1) additional loading space shall be provided for each twenty thousand (20,000) square feet of floor area, or part thereof.
- C. Loading surfaces shall be paved.
- D. Loading facilities shall be located in the rear or side yards, unless otherwise permitted, and not encroach on required setbacks.

Section 704: Pooled or Group Parking Facilities

- A. For nonresidential uses, two (2) or more distinct and separate establishments may pool or group their parking facilities subject to these conditions:
 - 1. The number of curb cuts will not be increased
 - 2. The spaces shall not be located in front of buildings
 - 3. Vehicular and pedestrian circulation is improved; and
 - 4. The character of the area effected complies to the defined purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the Town Plan
- B. The minimum number of parking spaces for such pooled or grouped parking facilities shall not be less than 50 percent of the amount otherwise required; this requirement may be modified by the Planning Commission if it is demonstrated that fewer spaces would not affect the parking situation in the immediate vicinity. Fractional spaces shall be rounded up. As part of the site plan review, the applicants must demonstrate that there is adequate area

available to meet the parking standards for each enterprise should this need arise in the future.

C. Evidence of a pooling agreement.

ARTICLE VIII: NONCONFORMITIES

Section 801: General

A. Construction Approved Prior to Adoption of Regulations

Nothing contained in these Regulations shall require any change in a nonconformity where such nonconformity conformed to all applicable laws, ordinances, and regulations, or the permit for which was issued, when that permit was in effect at the time or prior to the enactment of these regulations.

B. Nothing in these Regulations or section shall validate any use which was declared unlawful or was prohibited by any prior Regulation whether or not such unlawful or prohibited use had been prosecuted prior to, or at the time these Regulations became effective, and no such unlawful or prohibited use shall be deemed conforming under the terms of these Regulations unless specifically authorized under these regulations.

C. Pre-Existing Uses That Are Conditional Uses

Any use which existed prior to the adoption of these Regulations or amendment thereto which is allowed as a conditional use shall not be deemed a non-conforming use, but shall, without further action be deemed a conforming use.

Section 802: Nonconforming Lots

A. Development of Lot or Parcel with Nonconforming Dimensions

An existing small lot(s) or parcel(s) with nonconforming dimensions may be normally developed provided that all provisions of these regulations, except those which create the dimensional nonconformity, are complied with. See also existing small lots (Section 1102). Any further development must of an equal or lesser non-conforming nature.

B. Alternation of Lot or Parcel with Nonconforming Dimensions

The boundaries of an existing small lot or parcel with nonconforming dimensions may be altered only in a manner that decreases, or does not increase, its degree of nonconformity.

Section 803: Nonconforming Uses

A. Change of Nonconforming Use

A nonconforming use may be changed to another nonconforming use only with the approval of the Board of Adjustment and then only to a use which in the judgment the Board is of a lesser, or no more, nonconforming nature. Whenever a nonconforming use has become conforming, it shall not be changed back to a nonconforming use.

B: Extension of a Nonconforming Use within a Structure

A nonconforming use may be extended throughout the structure, provided no structural alterations or changes are made therein, except those required by law or ordinance or as may be required for safety or necessary to secure or insure the continued, advantageous use of the structure during its lifetime. A non-conforming use in existence at the time of the adoption of these regulations may be extended throughout the entire structure. Any extension shall be of an equal or lesser nature of the existing non-conforming use.

C: Enlargement of a Nonconforming Use

The Zoning Board of Adjustment may, by a conditional use permit, allow a nonconforming use to be enlarged on the same lot provided that:

1. All provisions of these Regulations, except type of use, are complied with;
2. There will be no undue, adverse effect on the character of the neighborhood;
3. Only one such extension is made;
4. The total enlargement does not exceed fifty (50%) percent of the area of the nonconforming use in existence at the time of the adoption of these Regulations.
5. The proposed expansion must reflect the nature and purpose of the existing nonconforming use and must be closely related to the manner in which the property was used at the time the restriction was enacted.

The Board of Adjustment may attach conditions to its decision to assure that the scope of the expansion continues to meet the standards as set forth in items 1 through 5 above.

D: Discontinuance of a Nonconforming Use

Any nonconforming use which has ceased by discontinuance or abandonment for a period of two years (with the possibility of a one year extension) shall thereafter conform to the provisions of these Regulations. Intent to resume a nonconforming use shall not confer the right to do so unless actual resumption occurs within the specified time period.

E: Restoration of a Nonconforming Use

Any nonconforming use which has been destroyed or damaged by fire, explosion, act of God, or by vandalism or public enemy, may be restored within a one year period, to the same nonconforming use as existed before such damage. The Board of Adjustment may extend this for up to an additional year where it can be demonstrated that restoration within one year is not possible.

F: Moving of a Nonconforming Use

No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of these Regulations or amendment thereto unless authorized by the Board of Adjustment.

Section 804: Nonconforming Buildings and Structures

A: Maintenance of a Dimensional Nonconformity

A dimensional nonconformity of a structure may be normally maintained and repaired provided that such action does not increase the footprint of the structure or the degree of nonconformance regardless if it the maintenance of the primary building or an accessory building.

B: Expansion of a Dimensional Nonconformity

A dimensional nonconformity of a structure may be expanded provided that the Board of Adjustment finds that such action:

Does not create a greater nuisance, detriment to the public health, safety, or welfare than the existing dimensional nonconformity; and

Conforms for the extension, expansion, or intensification of the dimensional nonconformity to all other requirements applicable under these Regulations.

Does not exceed fifty (50%) percent of the area of the nonconforming structure in existence at the time of the adoption of these Regulations.

Does not adversely affect the reasonable use of abutting properties by the proposed expansion regardless if it is the expansion of the primary building or an accessory building.

C: Restoration of a Dimensional Nonconformity

Any dimensional nonconformity of a structure which has been destroyed or damaged by fire, explosion, act of God, or by vandalism or public enemy, may be restored within a one year period, to the same dimensional nonconformity as existed before such damage. The Board of Adjustment may extend this for up to an additional year where it can be demonstrated that restoration within one year is not possible.

D: Expansion of Conforming Components of a Nonconforming Building

Those components of any nonconforming building or structure which are conforming may be expanded provided that the expansion is conforming and the use is not changed.

ARTICLE IX: SIGNS

Section 901: Sign Dimensions

The intent of this section is to allow the erection of signs for the purposes of providing information and advertising in an orderly, effective and safe manner. The principal guiding these regulations is that signage should not destroy or detract from the scenic vistas and visual quality of the community, compete unnecessarily with the natural environment which is a major asset to the town, or proliferate in number with competitive advertising sales campaigns.

Therefore, recognizing that any business needs identification and that the public needs direction, the following sign regulations protect the public from hazardous and distracting displays and create an attractive environment which is conducive to business, industry and tourism. These regulations are to encourage the use of street graphics which are compatible with the community character, readable and clear, non-distracting to vehicular traffic and maintained in safe and good repair.

Except where otherwise provided by law, the maximum dimensions of any sign located or erected in the Town of Pittsford shall be:

- A. Area: maximum, thirty-two (32) square feet;
- B. Vertical dimension of the signboard: maximum, six (6) feet;
- C. Width of signboard: maximum, eight (8) feet;
- D. Height of the entire sign structure above highway grade: fifteen (15) feet, except that a signboard on a building may extend six (6) feet above the top of the roof, but in no case shall the highest point on any signboard exceed forty (40) feet;
- E. No sign shall be erected within the side or rear yard setback, and there shall be no more than two (2) signs per business;
- F. Signs on Town Highways shall not be erected closer than thirty (30) feet from the center of the traveled portion of the highway; and
- G. No On Premises sign shall be erected more than five hundred (500) feet from the main entrance to the business or activity being advertised, and in no case shall such sign be erected closer to the main entrance of another business or activity than to the business or activity advertised.
- H. No Off Premise signs shall be erected within the town of Pittsford.

- I. Temporary Signs such as vertical or horizontal banners, sandwich signs and Special Event notices are permitted four weeks in advance of a special event and must be removed within a week after the event. Only one (1) temporary sign, such as an event sign (mentioned above) open, welcome and other such placards, are allowed for each business. Temporary signs shall be displayed only during the hours that the business is open.
- J. No sign shall obstruct visibility of vehicles or pedestrians in a manner which could cause a safety hazard.
- K. A sign that no longer identifies or advertises an ongoing business, product, location, service or activity being conducted on the premises shall be considered abandoned. It is the responsibility of the property owner to fully remove all abandoned signs.
- L. Any business communication on an awning is considered as a sign and must comply with all sections in this Article.

Section 902: Illumination

Signs may only be illuminated externally and then only with the prior review and approval of the Planning Commission. In considering such approval, approval with conditions, or disapproval, the Planning Commission may consider the following:

- A. Residential and/or commercial character of the neighborhood and the zoning district in which the sign is to be located.
- B. Effect of the illumination on traffic, parking and neighboring properties, including those properties not necessarily abutting the premises on which the sign is to be located.
- C. The interest of the town in preserving the rural appearance of a particular area, roadway or portion thereof along which the sign is to be erected.
- D. The need for such illumination as it may affect the applicant’s purpose for which the sign is intended.

Section 903: General Requirements

- A. Construction and Maintenance: All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
- B. Failure to Maintain: Any sign in disrepair (for example unstable attachment or other imminent structural failure) shall be repaired. The Zoning Administrator shall give written notice of failure to maintain, and if the sign is not repaired within 30 days from the receipt of the notice, then the Zoning Administrator shall order the sign removed.

ARTICLE X: SITE PLAN APPROVAL

Section 1001: Scope

A zoning permit shall be issued by the Zoning Administrative Officer for any use or structure or accessory structure only after the Planning Commission grants site plan approval except in the following cases:

- A. One and two family dwellings, accessory dwelling units, building for home occupation, or other types of accessory structures
- B. Any use or structure requiring a variance or conditional use permit will be reviewed by the Zoning Board of Adjustment.

Section 1002: Submission of Site Plan and Supporting Data

- A. Any of the following information can be waived at the discretion of the Planning Commission.

A request for a waiver shall be submitted to the Planning Commission and shall specify which portions of Sections 1002 B 1-5 are requested for waiver. The applicant shall include a preliminary site plan providing sufficient information upon which the Planning Commission can make a decision. The Planning Commission may request additional information.

A request for a waiver shall not be considered as submission of a site plan in relation to Section 1006.

- B. The owner shall submit two (2) sets of the site plan and supporting data to the Administrative Officer which shall include the following information presented in drawn form and accompanied by written text.
 - 1. Name and address of the owner of record of this and adjoining lands; name and address of applicant - if different than owner; name and address of person or firm preparing the plan; address of the property; description of the property giving location; scale of map, north point, and date.
 - 2. Survey of the property showing existing features, including contours, structures, large trees, easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), storm water drainage plans, and the location of proposed structures with distance from lot lines indicated.
 - 3. Site plan showing proposed structure(s), locations and land use areas; streets, access points, driveways, traffic circulation, parking and loading spaces and pedestrian

walks; utilities both existing and proposed, including placement of poles; and including water wells and sewage treatment facilities; landscaping plans, including site grading, planting design, screening or fencing, detailed specifications of planting and landscaping materials to be used; existing and proposed above ground equipment such as propane tanks, transformers, etc.

4. Construction sequence and anticipated time schedule for the completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
5. The location and size of proposed signs.

Section 1003: Site Plan Review Considerations

The Planning Commission shall consider and may impose appropriate conditions and safeguards with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, to protect the use of renewable energy resources, and for the impact of noise, glare, vibration and odors on adjoining properties.

The Commission shall review the site plan map and supporting data taking into consideration the following:

A. Adequacy of traffic access:

The proposed use must provide for safety of pedestrians and vehicular circulation between the site and the street network including location, number and width of access points, curve radii at access points, acceleration or deceleration lanes on adjacent public streets, sight distance improvements, shared access with adjoining properties, and location of sidewalks and/or other walkways. Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of an emergency.

1. Pedestrian Circulation
 - (a) The Planning Commission may require pedestrian walkways to facilitate pedestrian movements.
 - (b) In all districts, the Planning Commission may require provision for sidewalks, pedestrian trails and walkways along waterways or other natural features to connect with similar present or anticipated trails on adjacent properties.
2. Access
 - (a) The Planning Commission may require service roads connecting to public roads, with provision for connection to similar service roads on adjacent

property where it feels that limiting the number of intersections to the public road is in the interest of the health and safety of the community.

- (b) All roads, regardless of whether they are to be provided or taken over by the Town, shall be constructed to meet the applicable Town of Pittsford specifications.

B. Adequacy of parking and loading facilities

Adequacy of on-site circulation, parking, and loading facilities, with particular attention to safety including aisle widths to accommodate emergency vehicles, traffic movement patterns and location of parking areas to prevent conflicts with entering and exiting traffic onto a public street, location of loading docks and number and size of parking spaces. Refuse and service areas shall be included. Provisions for snow removal shall also be made.

C. Adequacy of landscaping and screening

The objective is to achieve compatibility and protection to adjacent property. Particular consideration should be given to the preservation of existing vegetation, visibility of unsightly or incompatible areas from the road and adjoining properties, and the adequacy of landscaping materials to meet seasonal conditions, soil conditions, and light on the site.

1. Landscaping - General

In determining the amount of planting to be required, the Planning Commission shall take into account:

- (a) Existing trees, shrubs, evergreens and other vegetation to be preserved on the site.
- (b) Visibility of incompatible or unsightly areas from roads and/or adjoining properties.
- (c) The need to effectively screen all parking areas from roads and adjacent properties.
- (d) Proximity of lots used for residential purposes.

2. Specific Landscaping Requirements.

- (a) All parking lots shall be screened by a strip with suitable plants, screening or land forms.
- (b) All plants, when initially installed, are to be of a size and shape approved by the Planning Commission. If the Planning Commission determines that the landscaping plan is appropriate in size, scope, etc., but that it will take several

years for the plants to accomplish the screening or buffering goals, the Planning Commission may require that fencing be installed during the interim.

- (c) If the Planning Commission determines that plants are not appropriate, it may approve suitable fencing.
- (d) The remainder of the required yard space shall be landscaped and maintained in good quality appearance.
- (e) Where commercial uses are located adjacent to residential buildings, there shall, to the extent practicable, be plants or attractive solid fencing to screen out, as much as feasible, outdoor lighting from the view of the ground floor of the adjacent residential buildings.
- (f) All landscaping shall be completed and maintained in accordance with the site plan as approved by the Planning Commission. Any dead or diseased planting shall be replaced as soon as seasonally feasible

3. Adequacy of storm water Infrastructure. Each site plan may require a storm water management plan that details the impact of proposed land use on water quantity and quality, both on-site and within the watershed. Storm water drainage shall be treated on site where practical, and shall not cause an adverse impact upon the municipality or neighboring properties. Storm water management plans shall minimize disturbance of natural grades and vegetation, and utilize existing topography for natural drainage systems and shall also preserve natural vegetated buffers along water resources and wetlands.

4. Adequacy of Energy Efficiencies. Energy efficiency shall be considered in the design and orientation of the buildings. (See Efficiency VT)

Section 1004: Bond

The applicant may be required to provide a suitable performance bond or other form of security to the Town to secure compliance with any conditions.

Section 1005: Amendments

Amendments to approved site plans may be made after submitting an application to amend for review and approval by the Planning Commission. This includes modifications required by other reviewing agencies (i.e. District Environmental Commission [Act 250]) subsequent to the initial approval by the Planning Commission.

Section 1006: Public Hearing

Notice shall be given and a public hearing held in accordance with Sections 1701.B and 1702 of this Regulation.

Section 1007: Time for Action

The Planning Commission shall act to approve, approve with conditions or disapprove any site plan within forty-five (45) days of receipt by the Planning Commission of a complete application. Failure to so act within such period shall be deemed approval.

ARTICLE XI: GENERAL REGULATIONS

Section 1101: Compliance with Regulations

Unless expressly exempted herein, or by Federal or State law, no development shall be commenced unless and until an administrative permit has been issued by the Zoning Administrator in conformance with this Zoning Regulation and the Pittsford Flood Hazard Area Regulations (See Attachment A).

No lot shall have an area, width, frontage, or a front, side, corner, or rear yard, less than that set forth herein, unless expressly exempted or otherwise authorized by State or Federal law.

No building or buildings shall be higher, or occupy in the aggregate a greater percentage of lot area, than as set forth herein, unless expressly exempted or otherwise authorized by State or Federal law.

Section 1102: Existing Small Lots

- A. Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from abutting properties, and is in existence on the date of enactment of this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the lot no longer conforms to minimum lot size requirements as long as:
 - 1. The lot is more than one-eighth acre in area; and,
 - 2. The lot has a width or depth dimension of more than 40 feet.
- B. If such lot subsequently comes under common ownership with one or more contiguous lots, the lot shall be deemed merged with the contiguous lot for purposes of this Regulation.

However, such lot shall not be deemed merged and may be separately conveyed if all the following apply:

- 1. The lots are conveyed in their preexisting, nonconforming configuration.
- 2. On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.

3. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
4. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.

Section 1103: Required Frontage

Except as otherwise expressly stated in this Section, land development is permitted only on lots with adequate frontage as specified in Article IV. If a lot does not have adequate frontage, the Planning Commission nevertheless may approve the lot if the Planning Commission determines either that: (i) the lot has a boundary along a private road or public waters, the length of which boundary is not less than the required frontage specified in Article IV; or (ii) the lot has access to a public road or public waters by a permanent easement or right-of-way that is at least twenty-five - (25) feet in width if the lot is for single family residential use, or is at least fifty (50) feet in width if the lot is for any other use.

The design of access or rights of way to public roads or public waters must be approved by the Select Board or its designee.

Section 1104: Home Occupations

Nothing in this Regulation may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

- A. Residents may use a minor portion of a dwelling or accessory structure for an occupation which is customary in residential areas and which does not change the character of those areas as long as:
 1. The dwelling, accessory structures and the lot maintain a residential appearance at all times;
 2. The home occupation is clearly secondary to the use of the site for residential purposes;
 3. The use is conducted within a portion of the dwelling or a building accessory thereto by a resident or the principal practitioner of the home occupation and not more than two (2) employees;
 4. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes, odors or electrical interference; and
- B. A permitted home occupation is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant

and shall neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.

C. Vehicle (auto; truck) bodywork, service or repair, are not considered home occupations.

D. For the purposes of this Bylaw, to be defined as a home occupation:

1. 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 thirty percent (30%) of the gross floor area of the principle dwelling
2. 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
3. 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
4. Any storage of equipment related to the home occupation shall be within an enclosed structure or properly screened from adjacent residential uses and highways.

Section 1105: Yard Setbacks

Notwithstanding the provision for setbacks elsewhere in these Regulations, where a setback is measured from a street or road to include class 4 roads (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.

The front setback requirements for corner lots (the intersection of two public roads) shall be applied to and conform to the property line adjacent to each road.

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 Dwelling Unit

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 in mass, height, and footprint, to the 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.

Section 1108: Day Care Homes/Facilities (Adults or Children)

- A. A care facility serving six or fewer adults or children is considered a single family dwelling for the purposes of this Bylaw.
- B. A care facility serving no more than six full-time adults or children and four part-time adults or 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. Care facilities serving more than six full-time and four part-time adults or children are fully regulated by this ordinance.

Section 1109: Residential / Group Care Facility

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

Permit is required for partial or full demolition of a building or structure. Fees are waived for a demolition permit. 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

Locating 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 dwelling unit; 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. All subdivisions are subject to a Site Plan Review by the Planning Commission.

Section 1118: Site Development / Fill

The import or removal of earthen material, in an aggregate amount of not more than 30 cubic yards, is exempt from regulation. For any amount in excess of 30 cubic yards a zoning permit application shall be filed with the Administrative Officer.

If the administrative officer determines that a slope in excess of 12% will be created or that there is an undue adverse effect, then the Planning Commission shall review the application under its site plan review criteria.

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. A boundary line fence is any fence less than two feet off the boundary line. 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 1120: Corner Lot Obstructions

No fence, landscaping materials, 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 considered 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 1121: Protection of Ridgelines

Development along ridgelines and 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.

1122: Farm Worker Housing

On any operating farm meeting the definition of 10 VSA, Chapter 151, Section 6001(22), not including subsistence farming, a dwelling unit for housing farm workers, excluding the principle farm dwelling occupied by the farm owner or operator and any accessory dwelling to the principle dwelling as permitted under Section 1107 of this Ordinance, is permitted as an accessory dwelling to an operating farm without prior subdivision review and approval. Farm worker housing is subject to the approval of a Zoning Permit by the Administrative Officer and the following requirements:

- A. Farm worker housing must be located on, or adjacent to and in the same ownership as, the parcel being actively farmed. The housing shall be occupied only by the farm workers and their immediate families. Qualifying farm workers may be part-time or full-time, seasonal or year-round, but must do substantial work on the farm.
- B. Farm worker housing may include single-family dwellings, multi-family dwellings, or accessory apartments in, or immediately adjacent to, or attached to another farm building. Farm worker housing also includes manufactured housing (aka mobile homes) and recreational vehicles, except that recreational vehicles shall only be used by seasonal employees during the growing and harvesting season or during some other temporary farm related activity. Recreational vehicles used for farm worker housing shall be restricted to three (3) said vehicles placed on the property at any one time.
- C. Farm worker housing shall be located on the same parcel in the vicinity of other farm structures and utilities, and not on fields or other bare lands that are otherwise undeveloped.
- D. Farm worker housing should share the same access drive with the principle farm dwelling or other farm structures located on-site. The housing shall comply with the same setback and other dimensional requirements required of other dwellings for the zoning district in which it is located. Parking for farm worker housing shall be provided in accordance with this Ordinance.

Farm worker housing shall comply with all applicable State and Federal health and safety regulations to include but not limited to fire codes, potable water systems, and wastewater disposal systems. Recreational vehicles used for seasonal or temporary farm worker housing shall have functioning holding tanks for potable water and wastewater.

Section 1122: Temporary Zoning Permits Due to Catastrophic Events

Zoning permits may be issued by the Administrative Officer for temporary structures used in place of any principle building destroyed by a catastrophic event to include, but not limited to: fire, flood, severe storm. Placement of the temporary structure is exempt from dimensional requirements of the zoning district in which the property is located because of site conditions (for example: severe topography, hydrology, forests and woodlands, sensitive lands such as wetlands,) and other physical circumstances on the property (for example, location of hook-ups to existing well or sewage disposal system). Said permit shall expire 12 months from date of issue and shall require removal of the

temporary structure at the time of expiration. Filing fees shall be waived for these temporary zoning permits.

Section 1123: Outdoor Wood-Fired Boiler (a.k.a. OWB, outdoor furnace)

As per state law, no person shall purchase any OWB unless it is a Phase II OWB. Pursuant to state law, uncertified OWBs that are located within 200 feet of a residence, school or healthcare facility, not served by the OWB must be removed and destroyed by December 31, 2012 as well as older units as specified by state regulations.

- A. The lawful use of any OWB existing at the time of the adoption of this article may be continued, although such use does not conform with the provisions of this regulation and cannot be extended or enlarged. Any existing unit which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be reestablished as a nonconforming use and must be immediately removed by the property owner from the premises.
- B. Any isolation distance must be met within the actual property where the boiler is located and no less than 300 feet.
- C. The use of outdoor wood-fired boilers is prohibited in the Pittsford Village zoning district area. Outside the village (see table of uses) the furnace must be installed on a parcel equal to or greater than two acres and 300 feet from any residence that is neither served by the owner or lessee of the OWB and have a permanent stack extending two feet higher than the peak of the roof being served by the burner. The burner must be located at least 50 feet from the residence of the property owner with the same stack requirement as previously mentioned. Only allowed materials shall be burned (ie. untreated natural wood) and the burning of household trash, cardboard or industrial waste is prohibited. All manufacturer, federal and state regulations regarding installation and use of said burners shall apply.

Section 1124: Mobile Home Parks

- A. A minimum of eight thousand (8,000) square feet of land shall be provided for each mobile home lot within a Mobile Home Park.
- B. Within the Mobile Home Park the minimum width of a lot shall be fifty (50) feet, front setbacks shall be 20 feet and the side and rear setbacks shall be fifteen (15) feet. All buildings not physically connected to a mobile home must be at least fifteen (15) feet from all buildings.
- C. The access right-of-way width to the Park and its Lots shall be a minimum of fifty (50) feet with the traveled portions of the road to be at least twenty four (24) feet in width. There shall be a minimum road base depth of fifteen (15) inches of gravel within the right of way. The Right of Way shall have suitable grade and alignment to allow for servicing of the Lots by fire, rescue, utility and other vehicles ordinarily and necessarily incident to such use.
- D. Minimum radius of curves on access rights-of-way shall be at least thirty (30) feet.

- E. There shall be no dead end rights-of-way unless with a turnaround or cul de sac having at least a fifty (50) foot interior radius.
- F. At least two (2) off street parking spaces shall be provided for each mobile home. Minimum surface treatment of such parking spaces shall be gravel or other accepted permeable surface. The space may be included in the minimum lot area requirement and shall be indicated on the site plan.
- G. Suitable provisions shall be made for the protection of pedestrian traffic.
- H. Each lot should be landscaped according to State regulations and maintained by owner or lessee.

Provisions for the following facilities may be made by the owner: laundry, recreation building, central maintenance shed, and underground utilities, including fuel storage.

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 effects of towers through careful design and siting standards.