Zoning Regulations

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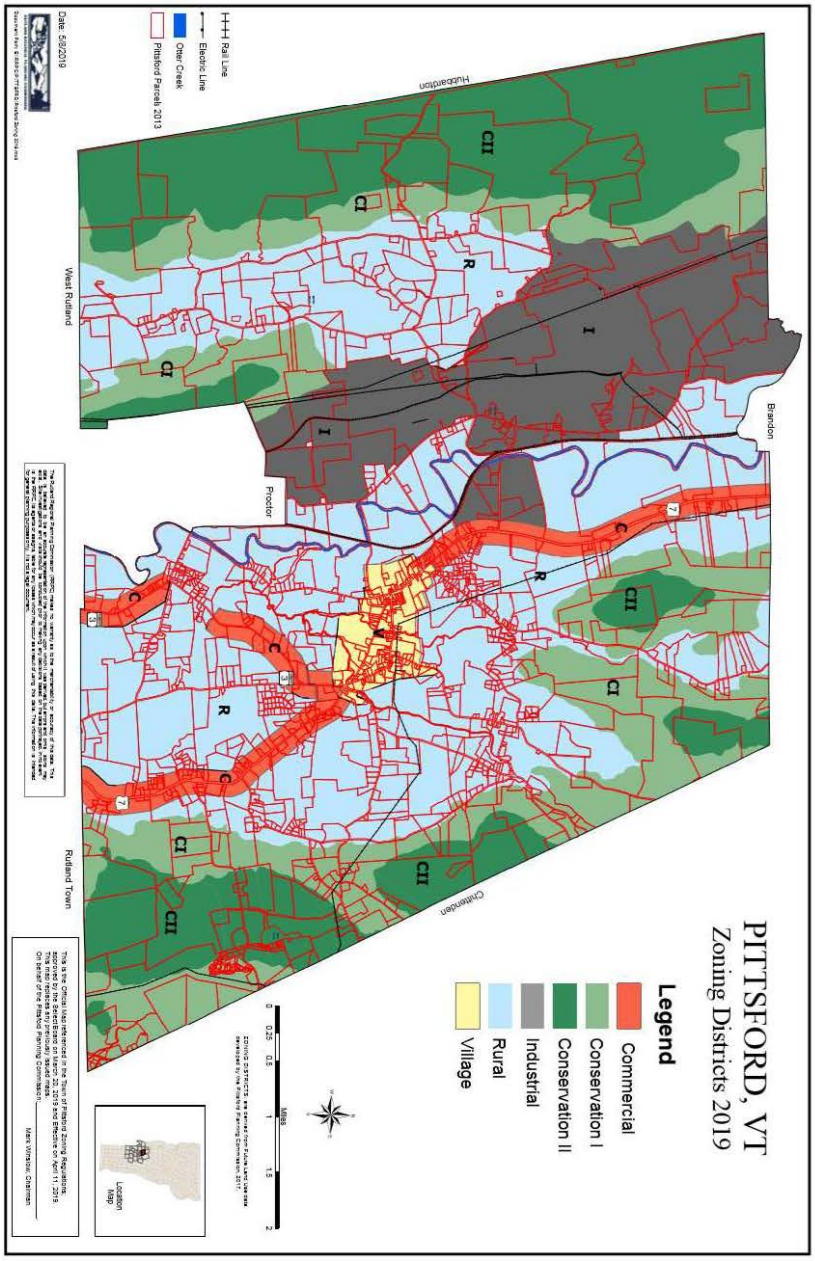
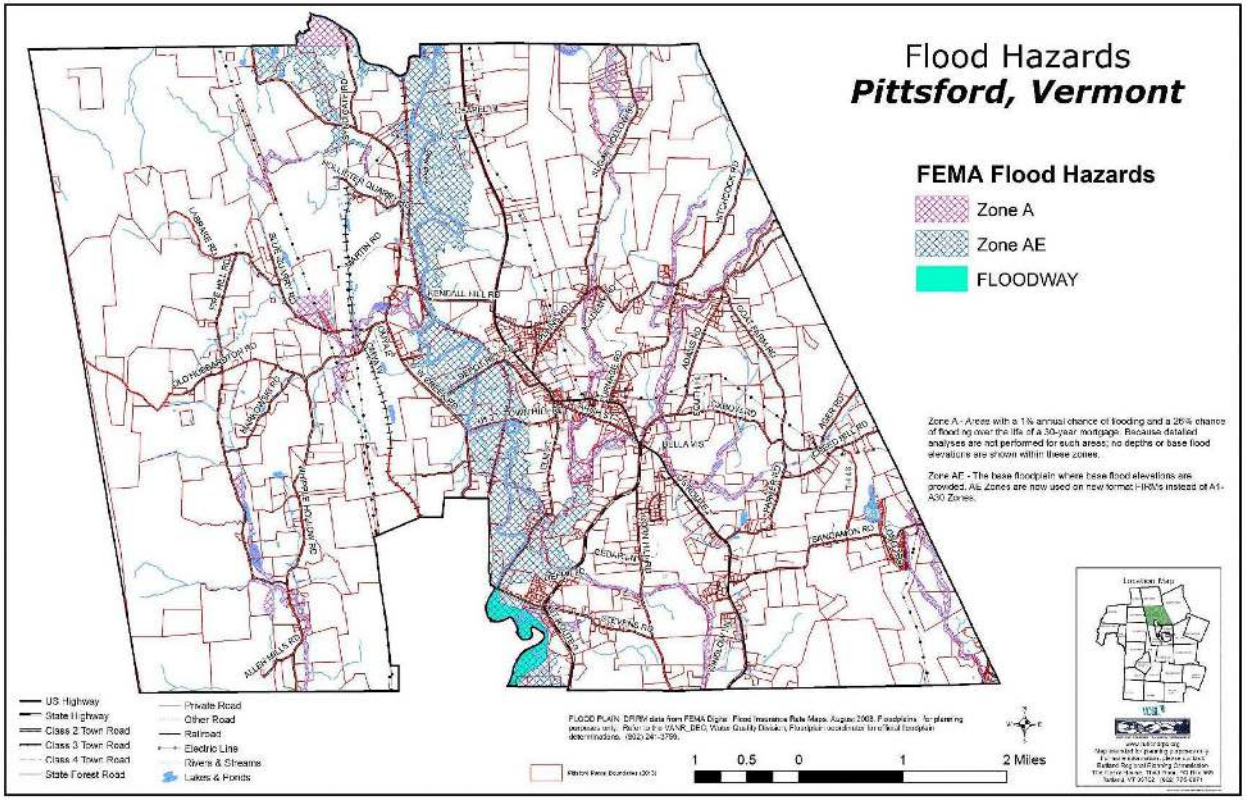
ATTACHMENTS:

A: Flood Hazard Area Regulations
B: Subdivision Regulatio


PITTSFORD, VT
Zoning Districts 2019
Legend
Commercial
Conservation I
Conservation II
Industrial
Rural
Village
Rail Line
Electric Line
Otter Creek
Pittsford Parcels 2013
Date: 5/2/2019
Hubbardton
West Rutland
Brandon
Proctor
Rutland Town
Chittenden
CII
CI
I
R
C
Miles
Location Map


Flood Hazards
Pittsford, Vermont
FEMA Flood Hazards
Zone A
Zone AE
FLOODWAY
Zone A - Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.
Zone AE - The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRM's instead of A1-A30 Zones.
US Highway
State Highway
Class 2 Town Road
Class 3 Town Road
Class 4 Town Road
State Forest Road
Private Road
Other Road
Railroad
Electric Line
Rivers & Streams
Lakes & Ponds
1 0.5 0 1 2 Miles

ARTICLE I: ENACTMENT, OBJECTIVES AND PURPOSE

Section 101: Enactment

In accordance with the Vermont Planning and Development Act, Chapter 117 of Title 24 of the Vermont Statutes Annotated, hereinafter referred to as the "Act", there are hereby established Zoning Regulations for Town of Pittsford which shall be known and cited as the "Town of Pittsford Zoning Regulations".

Section 102: Objectives and Intent

The objective of the Zoning Regulation is to establish standards and policies concerning development of land, which further the goals of the Pittsford Town Plan.

It is intended that standards and policies established by the Zoning Regulations reflect and express a sense of community values toward Pittsford's environment including the value of appearance and congenial arrangement for the conduct of farming, trade, industry, residential and other uses of land necessary to the community's well-being insofar as such values are related to the objectives of the adopted Town Plan.

Section 103: Purpose

These regulations promote the health, safety, and general welfare of the people of Pittsford and implement the Pittsford Town Plan. Specific objectives are to protect and enhance the value of property, to facilitate the adequate provision of transportation, water, wastewater treatment, schools, and other public facilities and services, to provide for orderly growth and to further the purposes set forth in the Plan.

Section 104: Application of this Bylaw

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), and the Pittsford Subdivision Regulation (see Attachment B).

Section 105: Exemptions

The following construction activities and/or land uses shall be exempt from review under these Bylaws and no administrative permit for said construction activities or land uses shall be required:

1. Normal maintenance, repair, upgrading, or remodeling of a building or structure that neither increases the building's or structure's footprint nor involves a change in use.
2. The construction of an accessory structure containing not more than 150 square feet on a residential lot so long as said accessory structure is in compliance with all applicable setbacks;

3. The conducting of required agricultural practices (RAP's), or accepted management practices (AMP's) for forestry and silvaculture, including the construction of farm structures as such practices are defined by the Secretary of Agriculture or Commissioner of Forest, Parks & Title 6 of the Vermont Statutes Annotated. However, any person intending to construct a farm structure as that term is defined at Section 4413(d)(1) of the Act must comply with Section 1121 hereof;
4. The construction of electric generating plants and transmission facilities or telecommunications facilities which are otherwise regulated under 30 V.S.A. § 248 and other local exceptions listed in Section 1302-B (Zoning Permits).

Section 106: Limitations on Regulation under this Bylaw

Notwithstanding any other provision of this Bylaw, the following uses may be regulated only with respect to location, size, height, lot coverage, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.

(1) State- or community-owned and operated institutions and facilities.

(2) Public and private schools and other educational institutions certified by the state department of education.

(3) Churches and other places of worship, convents, and parish houses.

(4) Public and private hospitals.

(5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.

(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

(7) Emergency Shelters

(8) Hotels and Motels Converted to Permanently Affordable Housing Development

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

Section 201: Establishment of Zoning Districts

The Town of Pittsford hereby establishes the following five (5) major Zoning Districts.

A. Conservation I & Conservation II
B. Rural
C. Village
D. Commercial
E. Industrial

The permitted uses and conditional uses allowed in each district are as specified in Article III: Table of Uses.

The minimum lot sizes, set back requirements, frontage requirements and height limitations for each district are as specified in Article IV: Lot Size, Setbacks, Yards, and Height Limitations

Subject to Section 203, if and to the extent that there is any discrepancy between the descriptions of the zoning districts set forth below and the districts as shown on the Official Zoning Map, the district boundaries as shown on the Official Zoning Map shall control.

A. Conservation

1. Description: Lands above the 800 foot contours that are generally characterized by dense forests, steep hills with shallow or otherwise fragile soils, stream banks and elevations where potential development is limited. Some of the more prominent areas within this district are Cox Mountain, Biddie Knob, Bald Peak, and Blueberry Hill. Other protected areas include lands owned by the Nature Conservancy, the Towns of Proctor and Pittsford and the State of Vermont.

   (a) Within the Conservation District, the Conservation I District includes the areas between eight hundred (800) and one thousand one hundred (1,100) feet above sea level in elevation as shown on the Map.

   (b) Within the Conservation District, the Conservation II District includes those areas on the Map located at an elevation of one thousand one hundred (1,100) feet above sea level or higher.

2. Purpose: Development between the 800 and 1,100-foot contours should be limited to residential and agricultural uses on lots of at least two acres. Above 1,100 feet, where residential uses prove feasible given the availability of water and on-site sewage disposal, lots should be at least five acres.

   To provide land area for low-impact recreational uses, such as nature and hiking trails and low-density residential development, farming, forestry, recreation and other rural land uses, ~~r~~Residential development above 1,100-foot contour should

be extremely limited.

3. Flood Hazard Areas: There may be some land within this district that is within the Flood Plain Map. Please check the Official Zoning Map and see Attachment A

B. Rural

1. Description: Those areas outside the Village District not otherwise designated ~~for~~ as commercial, industrial or conservation.

2. Purpose: To preserve the rural character by managing the development of open space and woodland while fostering appropriate economic activity. Growth should be consistent with the character of the area, the availability of services, and the site conditions.

3. Flood Hazard Areas: There may be some land within this district that is within the Flood Plain Map. Please check the Official Zoning Map and see Attachment A

C. Village

1. Description: The Pittsford ~~village~~ Village Zoning District ~~area is mostly~~includes the former Village of Pittsford, and the state-designated Pittsford Village Center. The Village Zoning District is the site for ~~much~~ a portion of the state and local governmental uses.

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2. Purpose: To maintain the village's traditional social and physical character. Some portions of the village are long established and have little room for new growth being suitable mainly for residences, commercial uses, and recreation.

The development of certain areas of the Town along US Route 7 is the area that is most extensively served by municipal water and sewer services. This is the area of the town, which historically has the most intense development.

3. Flood Hazard Areas: There may be some land within this district that is within the Flood Plain Map. Please check the Official Zoning Map and see Attachment A

D. Commercial

1. Description: Areas proximate to primary transportation routes and currently or likely to be areas of commercial growth as shown on the zoning map including the access into and out of the village along sections of Route 7.

Lots, a portion of which lie within 600 Feet from the centerline of U S Route 7, and which are in an area designated as a Commercial District and which have a minimum of 200 feet of frontage on U S Route 7 or a minimum of a 200 foot wide access strip to U S Route 7 and whose depth extends more than 600 feet from the centerline of U S Route 7, are allowed to have the Commercial District designation extended to the rear property line, or to the Conservation District, whichever is

closer to U S Route 7.

2. Purpose: To provide opportunities for commercial uses.

3. Flood Hazard Areas: There may be some land within this district that is within the Flood Plain Map. Please check the Official Zoning Map and see Attachment A.

E. Industrial

1. Description: The area is composed primarily of land owned by OMYA and the railroad. Other sites, adjacent or nearby to OMYA lands, and along access to the OMYA lands, are also considered to have potential for industrial uses.

2. Purpose: To allow for industrial development in those areas of the town that offer the potential for further industrial expansion if the resources are available to make them useable for industrial purposes.

3. Flood Hazard Areas: There may be some land within this district that is within the Flood Plain Map. Please check the Official Zoning Map and see Attachment A

Section 202: Zoning Map

The location and boundaries of Zoning Districts are established as shown on the Official Zoning Map or Flood Plain Map, and in accordance with provisions in this regulation. The Zoning Map is hereby made a part of these zoning regulations. No changes shall be made to the Official Zoning Map except in accordance with the procedures for amending zoning regulations.

Where available (i.e., Zones A1 through A30, AE and AH), the base flood elevations and floodway limits provided by ~~the National~~ the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations; the area is also generally shown on the Official Zoning Map as an overlay. See also Attachment A: Flood Hazard Area Regulations.

In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, base flood elevation and floodway information available from state or federal agencies, or other sources, shall be obtained and reasonably used.

Regardless of the existence of copies of the Zoning Map that may from time to time be made or published, the Official Zoning Map shall be that located in the Town Clerk's office.

Section 203: Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

A. Boundaries that approximately follow the centerlines of roads, streams, and transportation and utility rights-of-way shall be construed to follow such centerlines;

B. Boundaries that approximately follow lot lines shall be construed to follow such lot lines;

C. Boundaries that follow shorelines shall be construed as the low mean water level;

D. Boundaries which are parallel to or extensions of features in A through C above shall be so construed; and

E. Boundaries shall be determined based on the language in the Zoning Regulation.

Where circumstances are not covered by A through E above, the Zoning Administrator shall interpret the district boundaries. For lots divided by a zoning district boundary, see Section 1111.

ARTICLE III: TABLE OF USES

Section 300: Table of Uses

ALL NON-EXEMPT USES REQUIRE A PERMIT

The Table of Uses, below, identifies use categories as permitted ("P") or conditional ("C") in the various zoning districts defined in Article II.

A. All uses are subject to the requirements of Article IV and Article XI.
B. No use identified as either a Permitted ("P") or Conditional ("C") Use shall be commenced unless and until a zoning permit has been obtained pursuant to Section 1302. (Zoning Permits: Section 1302)
C. Conditional Uses also are subject to the provisions of Article V, as applicable.
D. For the purposes of the table below: C II = Conservation II; C I = Conservation I; R = Rural; V = Village; C = Commercial; I = Industrial; E = Exempt.

	Property Use	C II	C I	R	V	C	I	COMMENTS
	Accessory Dwelling Unit	P/C	P/C	P/C	P/C	P/C	P/C	See § 1107
	Accessory Structure	P	P	P	P	P	P	
	Animal Boarding/Kennels					C	P	
	Animal Hospital/Veterinarians				C	C	P	
	Appliance – Retail Sales and Service				C	P		
	Appliance – Wholesale Sales and Service				C	P		
	Archery Range	C	C	C		C	C	
	Art Gallery				P	P		
	Associations: Clubs and Lodges				P	P		
	Auction House				C	P	P	
	Automobile; Storage (inside)				C	P	P	
	Bank				C	P	P	
	Bars & Night Clubs				C	C	C	
	Beach (Gov. or Private Organization			C				

Property Use	C II	C I	R	V	C	I	COMMENTS
Bed & Breakfast (Lodging)			C	P	P	P	
Beer & Wine Distributors					P	P	
Book Store				C	P	P	
Bowling Alley				C	P	P	
Building Materials Sales/Storage				C	P	P	
Camp: Commercial/Organized		C					
Camp: Seasonal Use - residential/hunting	P	P	P		P	P	
Campgrounds (Gov. or Private Organization)		C	C		C		
Car Wash				C	P	P	
Cemeteries	C	P	P	P	P	C	
Children's Buildings: Play Houses less than 150 square feet	E	E	E	E	E	E	
Clinic (Human) Medical				P	P		
College				C	C		
Community Care Facility				C	C		
Community Center / Hall			C	C			
Computer and Business Machines Sales/Service				C	P		
Concrete Products Sales						P	
Conex Boxes (Shipping Container)	P	P	P	P	P	P	See Section 1302
Contractors Yards					C	P	
Convenience Stores/Small Groceries (No Gas)				C	P	C	
Cottage Industry			P	P	P	P	See Section 504
Cultural Facilities (Public & Private)			C	C	P		
Dairies, Processing & Distributing	P	P	P	C	P	P	
Day Care Facility-(Seven (7) or More) Adults			C	C	P	P	
Day Care Facility-(Six (6) or Less) Adults	P	P	P	P	P	P	
Dog House (1); Less than 16 Sq. Ft. Footprint	E	E	E	E	E	E	
Drive-in Establishments:				C	P		
Earth Resources Extraction~~/Quarrying~~			C		C	P	
Electric Power Co., Offices (not requiring an Act 248 permit)				C	C		
Electrical Supplies, Wholesale & Retail				C	C	P	
Explosives; Storage and Distribution						C	
Fabric Retail Sales				C	P		

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	Property Use	C II	C I	R	V	C	I	COMMENTS
	Family Child Care Home/Facility (Seven (7) or More) Children			C	C	P	P	
	Family Child Care Home/Facility (Six (6) or Less) Children	P	P	P	P	P	P	
	Farm Supply Center				C	P	P	
	Fire Station			C	P	P	P	
	Firearm Sales/Gunsmith				C	P		
	Flag Pole	E	E	E	E	E	E	
	Flood Plain	C	C	C	C	C	C	See Attachment A
	Flooring Retail Sales/Installation (Carpet/tile/linoleum)				C	P		
	Florist			P	P	P		
	Fuel: Commercial Bulk Plant/LP Gas/Oil (Supply & Storage)						P	
	Funeral Home/Mortuary				C	P		
	Furnace / Boilers Located Outdoors		C		C	C	C	
	Furniture and Home Furnishings; Upholstering & Refinishing				C	P	P	
	Furniture and Home Furnishings; Wholesale & Storage					P		
	Furniture and Home Furnishings; Retail Sales, New and Used				C	P		
	Garden Center – Retail				C	P	P	
	Gift Shops, Antique Stores, Crafts				C	P		
	Glass Sales & Repair				C	P		
	Golf Course			C		P		
	Golf Driving Range					P		
	Golf, Miniature				C	P		
	Greenhouse – Commercial or Non-Commercial of greater than 150 sq. ft.			P	C	P	P	
	Grocery Store/Market				C	P		
	Hardware Sales				C	P		
	Health Club/Gymnasium/Spa/Fitness Center				C	P		
	Home Occupation	P	P	P	P	P	P	
	Hospital: Medical				C	P		
	Hotel				C	P		
	House Trailer: (Mobile/Manufactured Home) Sales - Rental, Leasing					P		
	Humane Society					C		
	Ice skating rink (Gov. or Commercial)			C	C	C		

	Property Use	C II	C I	R	V	C	I	COMMENTS
	Landscaping Contractor			C	C	P	P	
	Landscaping less than 3 Ft. in height: including flower Beds, and Raised Gardens.	E	E	E	E	E	E	
	Lawn & Garden Sheds Less than 150 Sq. Ft. foot print	E	E	E	E	E	E	
	Library			C	P			
	Liquor Store				C	P	P	
	Lumber Yard					C	P	
	Machinery Sales and Service: Agricultural, Industrial, Construction				C	P	P	
	Mall/Shopping Center - Retail Sales				C	C		
	Manufactured Homes Sales Dealership					P	P	
	Manufacturing						P	
	Marble Contractors & Sales				C	C	P	
	Meat; Retail Sales			C	C	P		
	Meat Cutting/Processing/Packing			C		C	P	
	Micro Brewery, Cidery, Distillery					C	C	
	Mobile Home Park			C		C		See Section 506
	Mobile/Manufactured/Modular Home Sales					P	P	
	Motel				C	P	P	
	Motor Vehicle Parts & Supplies				C	P	P	
	Motor Vehicle Rental				C	P	P	
	Motor Vehicle Repair			C	C	P	P	
	Motor Vehicle Sales and Service – New/Used				C	P		
	Municipal Offices				P	P		
	Museum				C	P		
	Musical Instruments - Retail Sales & Service				C	P		
	Nursery (Horticultural)			C	C	P	P	
	Nursing Homes				C	C		
	Office Equipment - Retail Sales & Service				C	P		
	Organized Summer Camps		C	C	C	C		
	Other Religious Uses		C	C	C	C		

Property Use	C II	C I	R	V	C	I	COMMENTS
Parish House			C	P	C		
Park or Playground Non Profit	C	C	C	C	C		
Park or Playground, Municipally Owned	C	C	C	C	C	C	
Personal Services				C	P		
Pet Shops				C	P		
Pharmacy				C	P		
Planned Residential Development (PRD)	~~P~~C	~~P~~C	~~P~~C	~~P~~C	~~P~~C	~~P~~C	See Article VI
Play Gym less than 150 Sq. Ft. Footprint	E	E	E	E	E	E	
Plumbing Fixtures-Supplies, Wholesale					P	P	
Plumbing Fixtures-Supplies, Retail				C	P	P	
Plumbing Service				C	P		
Pool: Above Ground	E	E	E	E	E	E	
Pool: Private In-Ground	P	P	P	P	P	P	
Pools (Swimming) Equipment Sales				C	P		
Post Office				P	P		
Printing & Publishing				C	P	P	
Private Clubs/Lodges				P	P		
Professional Office/Business				C	P		
Professional Residence/Office		C	C	P	P		
Propane Distributor					C	P	
Public Works Facility		C	C	P	C	P	
Quarrying			C		C	P	
Real Estate Office				C	P		
Recreational Area, Private (Indoor/Outdoor)				C	P		
Recycling Station					C	P	
Religious Institutions			C	P	P		
Rendering Facility						C	
Research and Development Facility				C	P	P	
Residential- Multi Family Dwelling		C	C**	C**	C**		~~*No more than 8 units per building in Rural District~~** If the area is served by both

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								municipal sewer and water infrastructure, multiunit dwellings with four or fewer units shall be a permitted use.

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	Property Use	C II	C I	R	V	C	I	COMMENTS
	Residential - One Family or Two	P	P	P	P	P	P	
	Restaurant/Snack Bar				C	P		
	Retail Sales: Other				C	C		
	Rooming or Boarding House				C	C	C	
	RV Park					C		
	Salvage Yard					C	C	
	School Bus Shelter not more than 150 square feet	E	E	E	E	E	E	
	Schools – Private/Public				C	C		
	Shooting Range: Paint Ball, Etc. – indoor					C	C	
	Shooting Range: Rifle & Pistol – indoor					C	C	
	Shooting Range – outdoor					C	C	
	Sign	P	P	P	P	P	P	See Article IX
	Ski Area (Gov. or Private Organization. NORDIC	C	C	C				
	Slaughter House						C	
	Sporting Goods & Camping -Retail Sales				C	P		
	State or Community owned and operated Institutions			C	C	C	C	
	Storage Buildings: Seasonal/Temporary	E	E	E	E	E	E	
	Storage Buildings; Permanent (Residential) - Greater than ~~150~~ 160 sq. ft.	P	P	P	P	P	P	
	Storage; Self-Storage Facility				C	P	P	
	Swing Sets less than 150 Sq. Ft. footprint	E	E	E	E	E	E	
	Telecommunication Towers & Antenna	C	C	C	C	C	C	See Article XII
	Tent - Under 150 sq. ft.	E	E	E	E	E	E	
	Tent – (Temporary) Over 150 sq. ft.	P	P	P	P	P	P	
	Theaters				C	P		
	Trailer Sales-Renting, Leasing				C	P		
	Tree House – off the ground	E	E	E	E	E	E	
	Tree Maintenance Service				C	P	P	
	Truck-Stop					C		
	Video Rental & Sales				C	P		
	Warehouse						P	
	Welding Shop				C	P	P	

	Property Use	C II	C I	R	V	C	I	COMMENTS
	Well Drilling Contractor						P	
	Wood Manufacturing				C	C	P	
	Wholesale					P	P	

Section 301: Interpretation of Table of Uses:

A. If a proposed use falls into a use category identified in the Table of Uses, but is proposed in a district where the use in neither Permitted (P) nor Conditional (C), the proposed use is prohibited.

B. If a proposed use reasonably falls under two (2) or more of the categories listed in the Table of Uses, and where the combined use is not otherwise regulated by this Ordinance, the more restrictive use category shall control.

C. If a proposed use does not reasonably fit into any category in the Table of Uses, the proposed use may be treated as a conditional use, provided that the anticipated impacts of the proposed use will be no greater than the impact of at least one (1) use category that is expressly allowed (either as permissible or conditional) in the district in which the use is proposed to be located.

ARTICLE IV: LOT SIZE, SETBACKS, YARDS, HEIGHT LIMITATIONS

The following requirements apply to all uses, whether Permitted, Conditional, or Exempt.
Conditional Uses shall meet the requirements of Article V, and all uses shall comply with all other applicable provisions of this Ordinance.

DISTRICT	USE	MINIMUM LOT SIZE	MAXIMUM LOT COVERAGE	SETBACKS (Feet) Front*	Side	Rear	MINIMUM FRONTAGE (feet)	MAXIMUM BUILDING HEIGHT (feet)
CONSERVATION I	All uses	2 Acres	20%	40	25	25	200	40
CONSERVATION II	All uses	5 Acres	20%	40	25	25	200	40
RURAL	All Residential Uses • Served by municipal sewer & water • Not served by municipal sewer & water All other uses	8,712 sq ft 1 acres 2 Acres	25% 2025% 2025%	40 40 40	25 25 25	25 25 25	100 100 100	40 40 40
~~RURAL~~	~~Single family dwelling~~ ~~Two family dwelling~~ ~~Multi-Family dwelling~~ ~~All other uses~~	~~1 Acre~~ ~~2 Acres~~ ~~2 Acres + 15,000 sq. ft. for each additional dwelling unit (Max. 8 per structure)~~ ~~2 Acres~~	~~20%~~ ~~20%~~ ~~20%~~ ~~20%~~	~~40~~ ~~40~~ ~~40~~ ~~40~~	~~25~~ ~~25~~ ~~25~~ ~~25~~	~~25~~ ~~25~~ ~~25~~ ~~25~~	~~100~~ ~~100~~ ~~100~~ ~~100~~	~~40~~ ~~40~~ ~~40~~ ~~40~~
VILLAGE	All Residential Uses • Served by municipal sewer & water • Not served by municipal sewer & water All other uses	8,712 sq ft 10,000 sq ft ~~1/2 Acres~~20,000 sq ft	25% 25% 2025%	2515 2515 4015	1510 1510 3010	1510 1510 3010	75 75 100	40 40 40
~~VILLAGE~~	~~Single family dwelling*~~ ~~• Lot not contiguous to existing federal, state or town highway~~	~~10,000 sq. ft.~~ ~~25,000 sq. ft.~~	~~25%~~	~~25~~	~~15~~	~~15~~	~~75~~	~~40~~
	~~Two family dwelling*~~ ~~• Lot not contiguous to existing federal, state or town highway~~	~~20,000 sq. ft.~~ ~~25,000 sq. ft.~~	~~25%~~	~~25~~	~~15~~	~~15~~	~~75~~	~~40~~
	~~Multi-family dwelling~~	~~20,000 sq. ft. + 15,000 sq. ft. for each additional dwelling unit~~	~~25%~~	~~25~~	~~15~~	~~15~~	~~75~~	~~40~~
	~~All other Uses~~	~~1/2 Acre~~	~~20%~~	~~40~~	~~30~~	~~30~~	~~100~~	~~40~~
COMMERCIAL	All Residential Uses • Served by municipal sewer & water • Not served by municipal sewer & water All other uses	8,712 sq ft 1 acres ~~2~~ 1 acre	2025% 2025% 2025%	40 40 ~~50~~40	10 10 ~~50~~10	1025 2510 ~~50~~10	100 100 200	40 40 40

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~~COMMERCIAL~~	~~Single family dwelling~~ ~~Two family dwelling~~ ~~Multi-family dwelling~~ ~~All other uses~~	~~1 Acre~~ ~~2 Acres~~ ~~2 Acres + 15,000 sq. ft. for each additional dwelling unit~~ ~~2 Acre~~	~~20%~~ ~~20%~~ ~~20%~~ ~~20%~~	~~40~~ ~~40~~ ~~40~~ ~~50~~	~~25~~ ~~25~~ ~~40~~ ~~50~~	~~25~~ ~~25~~ ~~25~~ ~~50~~	~~100~~ ~~100~~ ~~100~~ ~~200~~	~~40~~ ~~40~~ ~~40~~ ~~40~~
INDUSTRIAL	All Residential Uses	1 Acre	~~20~~25%	40	25	25	100	40
~~INDUSTRIAL~~	~~Single family dwelling~~	~~1 Acre~~	~~20%~~	~~40~~	~~25~~	~~25~~	~~100~~	~~40~~
	~~Two family dwelling~~	~~2 Acres~~	~~20%~~	~~40~~	~~25~~	~~25~~	~~100~~	~~40~~
	All other uses	6 Acres	~~20~~25%	100	100	100	300	40**

* Setbacks measured from streets having less than a 50 foot right of way are subject to Section 1105.

[1] Steps, landings, and handicapped access ramps meeting the requirements of the Americans with Disabilities Act shall not be included when determining setbacks.

* Lots abutting an existing Federal, State or Town Highway or street as of the effective date of these regulations.

** In any area served by both municipal sewer and water infrastructure:

1. Lot sizes, setback, yard, and height limitations shall be waived as necessary to allow a density of at least five dwelling units per acre for each allowed residential use, in accordance with 24 V.S.A. § 4412(12). Such waivers shall apply only to the extent required to meet this minimum density standard of five dwelling units per acre.
2. For any affordable housing development, as defined in 24 V.S.A. § 4303(2), including mixed-use development, lot sizes, setback, yard, and height limitations shall be waived as necessary to allow a density of at least seven (7) dwelling units per acre, and to permit an increase in maximum building height by one floor, provided the structure complies with the Vermont Fire and Building Safety Code, in accordance with 24 V.S.A. § 4412(13).

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ARTICLE V: CONDITIONAL USES: USES PERMITTED SUBJECT TO CONDITIONS

A zoning permit shall be issued by the Zoning Administrator for any use or structure, which requires conditional use approval only after the Zoning Board of Adjustment (ZBA) grants such approval, taking into consideration the following and the appropriate conditions of Sections 503 through 507:

In considering its action, the ZBA shall make findings that the proposed conditional use shall not result in an undue adverse effect on any of the following:

A. The capacity of existing or planned community facilities;

B. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan.

C. Traffic on roads and highways in the vicinity;

D. Bylaws and ordinances in effect;

E. Use of renewable energy resources.

The ZBA shall also consider the Site Plan requirements detailed in Section 1003.

In granting conditional use approval, the ZBA may attach such reasonable conditions, in addition to those outlined, as it deems necessary.

Section 501: Applications for Conditional Use

A. Waiver of Application Requirements

Any of the following information may be waived at the discretion of the ZBA.

A request for a waiver shall be submitted to the ZBA and shall specify which portions are requested for waiver. The applicant shall include a preliminary site plan providing sufficient information upon which the ZBA can make a decision. The ZBA may request additional information.

A request for a waiver shall not be considered an application for purposes of timing requirements relating to action on applications.

B. The owner and applicant (if different from owner) shall submit two (2) sets of a site plan and supporting data to the ZBA, 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, adjoining lands, and lands adjacent (across a road); name and address of applicant - if different than owner;

name and address of person or firm preparing the plan; description of the property giving location; scale of map, north point, and date.

2. Property Survey ~~of the property~~ showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions, zoning classification, existing surface waters (brooks, ponds, etc.), if any, 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 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. A traffic study if issues of traffic safety are a concern.

6. The location and size of proposed signs.

7. A certification signed by the applicant that all adjoining and adjacent property owners have been notified by mail of the application. A copy of the notice shall be filed with the certification (Section 1701.B.2)

C. For proposed uses in Flood Hazard Overlay Districts see Section 201G for additional application requirements.

Section 502: Bond

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

Section 503: Decision and Findings

The ZBA shall make findings of fact and conclusions of law that the project:

A. Shall not adversely affect the capacity of existing or planned community facilities;

1. Water and Sewer. The project shall have sufficient water and sewer capacity available for its needs and shall not result in an unreasonable burden on the municipality's present or planned water or sewer systems (if Town water or sewer are not involved, the property must have adequate capability for on-site water supply and wastewater disposal in accordance with Town regulations and applicable State Statutes and Regulations).

   The ZBA ~~or Planning Commission~~ may solicit input from the appropriate Town Officials and require engineering reports by the applicant.

2. School Impact. The project shall not cause an unreasonable burden on the ability of the Town or School districts to provide educational services.

   The ZBA ~~or Planning Commission~~ may solicit input from the School Boards.

3. Municipal Impact. The project shall not place an unreasonable burden upon the ability of the Town to provide municipal services, including but not limited to Fire, Police, Ambulance, Highway, Public Works Maintenance and Recreation.

   The ZBA ~~or Planning Commission~~ may solicit input from the appropriate local officials, fire and police, Recreation Director / Advisory Board.~~.~~

B. Shall not have an undue adverse effect on the character of the neighborhood, or area affected.

"Neighborhood" means in the same area; nearby including but not limited to the area within sight and/or sound. "Character of a neighborhood" refers to the distinctive traits, qualities or attributes; its appearance and essential nature, pattern of uses, and sense of community; the factors which give it identity.

A goal of the Town Plan is to allow for appropriate mixed uses to generally encourage balanced diversity, while protecting the essential character of neighborhoods. The existence of one conditional use in a neighborhood shall not be interpreted as justification for another similar conditional use to be located there.

When considering the "character of the neighborhood or area", the Board shall consider the following:

1. Existing neighborhood uses, types of buildings, noise and traffic.
2. Town Plan objectives and specifically state policies and standards of the municipal plan within which the project is located, including but not limited to planned future neighborhoods, and neighborhood character enhancement.

3. Historic buildings and features; intensity, uniformity or mix of uses and buildings; mass, scale and spacing of buildings; scenic views, aesthetics, open space.

4. Privacy, security, identity, sense of community and cohesion.

~~4.~~5. The purpose or purposes of the zoning district within which the project is located

Comment: Revised so the language aligns with 24 V.S.A. § 4414(3)(A), which requires consideration of specific topics during conditional use review — most of which were already listed.

C. Shall not adversely affect traffic on roads and highways in the vicinity.

The project shall have adequate traffic access, circulation and parking, and shall not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular traffic or other transportation facilities.

The ZBA ~~or Planning Commission~~ shall consider:

- Town traffic plans and studies; and
- Traffic engineering studies that may be required of the applicant.

D. Shall be consistent with bylaws in effect.

E. Shall not have an undue adverse effect upon the use of renewable energy resources.

F. Is consistent with the Site Plan requirements of Section 1003.

In addition to the standards set forth above, the following standards shall apply to all applications for conditional use review within the appropriate district.

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Section 504: Cottage Industry

A. No more than fifty (50) percent of the gross floor area of the principle dwelling or, if in an accessory structure, no area greater than fifty (50) percent of the gross floor area of the principle dwelling, may be used for a cottage industry.

B. The dwelling, accessory buildings, and the lot shall maintain a residential appearance at all times.

C. The cottage industry ~~is~~ shall be clearly secondary to the use of the site for residential purposes.

D. The use ~~is~~ shall be conducted within a portion of the dwelling or a building accessory thereto by the bona fide year-round resident of the dwelling.

E. No more than two (2) employees, in addition to the ~~principle~~ principal owner, shall be permitted.

F. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.

G. Storage of equipment related to the cottage industry shall be within an enclosed structure or properly screened from adjacent residential uses and highways.

Section 505: 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~~ one (~~2~~1) off street parking space~~s~~ shall be provided for each mobile home. Minimum surface treatment of such parking spaces shall be gravel. 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.

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

ARTICLE VI: PLANNED RESIDENTIAL DEVELOPMENT

Section 601: Planned Residential Development

The purpose of this Section is to provide an alternative zoning procedure that may be used to establish PRDs in accordance with the planning and development objectives of the Pittsford Town Plan, and provide standards by which such flexibility may be accomplished, while maintaining and protecting the public health, safety and welfare.

The Zoning Board of Adjustment (ZBA) are hereby empowered to modify the zoning regulations.

Section 602: Planned Residential Development Objectives and Criteria

In reviewing PRD Applications, the Zoning Board of Adjustment (ZBA) shall consider the following objectives and apply the criteria below:

A. General Objectives:

1. To provide a choice in the types of environment and living units available to the public ~~and quality~~ in residential land uses so that development of a quality that provides will be a permanent and long term asset to the Town.

2. To preserve agricultural and forest resources, wildlife habitats, natural areas, and other resource areas of importance to the Town.

3. To foster a pattern of development, which preserves trees, outstanding natural topography and geologic features, and prevents soil erosion.

4. To foster an efficient use of land resulting in smaller networks of utilities and roads.

5. To foster an environment in harmony with surrounding development.

6. To foster a more desirable environment than would be possible through the strict application of other sections of these regulations.

7. Structures and common areas should be arranged in such a way as to best serve the needs of occupants and/or other users of the PRD and minimize any adverse effects or neighboring properties.

8. Underground utilities will be encouraged wherever possible.

B. Criteria:

Upon application, the applicant shall provide the Board of Adjustment with a Plot Plan showing buildings, and acceptable and approved on site water and sewage locations.

2. Within a PRD, there must be adequate space and infrastructure to permit accessibility to all structures by fire fighting and similar emergency equipment.

3. Those parts of development or construction plans involving water and septic engineering, architecture, landscape architecture or land surveying shall be prepared and certified respectively by a site technician, an engineer, architect, landscape architect, or land surveyor.

C. Drainage Requirements:

1. The applicant shall meet all applicable State and Town standards for the design of drainage facilities and storm water runoff.

2. The applicant shall take particular care in the design of drainage facilities to preserve or enhance the quality of any adjacent bodies of water in accordance with State and local guidelines.

3. There will be no adverse effect on neighboring properties.

D. Common Lands Criteria:

1. There should be reasonably convenient access from all occupied structures to common lands and areas.

2. Plans should attempt to preserve valuable site amenities in common areas and lands such as trees, natural landforms, topography, etc.

3. Common areas should not be physically altered except for the addition of landscaping and except as necessary to further one or more specific development objectives of the applicant.

E. Common Areas and Elements Criteria:

If the application of the procedure [PRD] results in lands available for park, recreation,

open space, or other municipal purposes, the Board of Adjustment as a condition for 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.

Section 603: Planned Residential Development Applications And Procedure

A. Applications for PRD's shall be submitted to the Zoning Board of Adjustment (ZBA). The Application shall be placed on the agenda for review by the ZBA at the next regularly or specially scheduled meeting once the Application has been on file for seven (7) days. The ZBA may not proceed with review until all of the documentation required in this Article is presented to the ZBA. Once the ZBA has found the Application to be complete, it shall set a date for its hearing on the Application.

B. The Application shall contain a site plan showing the location, height and spacing of driveways and off-street parking spaces, 10 ft contours and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations and shall contain those items and information specified elsewhere herein.

Section 604: Planned Residential Development – Approval

A. The permitted number of ~~single – family dwellings~~dwelling units may, in a PRD, 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 Board of Adjustment shall take into consideration that the objective to be obtained by allowing density increases is to preserve the land areas. The Board of Adjustment 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 Board of Adjustment, 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 PRD 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 PRD, may be varied

or waived by the Board of Adjustment.

F. Upon final approval of a PRD 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'~~ 18' except that it may be reduced to 8'6" X ~~20'~~ 18' when such parking spaces shall be used solely by apartment residents or business employees who use such spaces on a non-transient basis (car parked for at least 3 hours in the same space).

1. 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.

2. A preexisting parking space that does not meet the dimensional requirements in Subsection A shall count toward the parking requirement of an existing residential building if new residential units are added to the building, in accordance with 24 V.S.A. § 4428 (c).

B. Parking spaces will not be permitted directly in front of entrances or exits to buildings. These areas shall be designated as loading areas (passenger or other).

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~~ principal 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 durable material and designed so as not to drain onto a public highway or adjacent properties.

J. All parking and loading areas shall have adequate all-weather surfacing except that a porous surface may be approved by the Commission 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.

K. 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: Minimum Parking Space Requirements

Residential ~~(1 or 2 family)~~	~~Two~~ One (1) ~~(2)~~ space~~s~~ 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	4.5 spaces per 1,000 square feet of retail/office area.
Rooming Houses	2 spaces per dwelling unit plus 1 (one) addition per non-family resident.

Section 703: Commercial Loading Areas

A. One (1) off-street loading space not smaller than fifteen (15) feet wide, twenty-five (25) feet long and fifteen (15) feet 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, for any floor area exceeding twenty thousand (20,000) square feet.

C. Loading surfaces shall be paved. 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 decide to pool or group their parking facilities subject to the following:

1. The minimum number of parking spaces for such pooled or grouped parking facilities shall not be less than 85 percent of the amount otherwise required; this requirement may be modified by the Planning Commission, but in no case less than 50 percent, if it is demonstrated that fewer spaces would not affect the parking situation in the immediate vicinity. Fractional spaces shall be rounded up.

2. Evidence of a pooling agreement.

ARTICLE VIII: NONCONFORMITIES

Section 801: 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, prior to the enactment of these regulations.

Section 802: Change of Use Nonconformity

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

Section 803: Extension of a Use Nonconformity within a Structure

A use nonconformity 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 ~~e~~insure the continued advantageous use of the structure during its lifetime.

Section 804: Enlargement of a Use Nonconformity

A use nonconformity may be enlarged on the same lot provided that:

A. All provisions of these Regulations, except type of use, are complied with;

B. The Zoning Board of Adjustment determines that there will be no undue, adverse effect on the character of the neighborhood;

C. Only one such extension is made; and

D. The total enlargement does not exceed fifty (50%) percent of the area of the use nonconformity in existence at the time of the adoption of these Regulations.

Section 805: Restoration of a Nonconforming Structure

Any use nonconformity 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 use nonconformity as existed before such damage. The Zoning Board of Adjustment may extend this for up to an additional two years where it can be demonstrated that restoration within one year is not possible.

Section 806: Discontinuance of Use Nonconformity

Any use nonconformity which has ceased by discontinuance, or abandonment for a period of two years shall thereafter conform to the provisions of these Regulations. Intent to resume a use nonconformity shall not confer the right to do so unless actual resumption occurs within the specified time period.

Section 807: 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 degree of nonconformance.

Section 808: Expansion of a Dimensional Nonconformity

A dimensional nonconformity of a structure may be expanded provided such action:

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

B. The extension, expansion or intensification of the dimensional nonconformity shall conform to all other requirements applicable under these Regulations.

C. The total enlargement does not exceed fifty (50%) percent of the area of the use nonconformity in existence at the time of the adoption of these Regulations.

Section 809: 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 Zoning Board of Adjustment may extend this for up to an additional two years where it can be demonstrated that restoration within one year is not possible.

Section 810: Development of Lot or Parcel with Dimensional Non-Conformity

An existing lot or parcel with a dimensional nonconformity 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)

Section 811: Alternation of Lot or Parcel with Dimensional Non-Conformity

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

ARTICLE IX: SIGNS

Section 901: Sign Dimensions

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. Height of sign: maximum, six (6) feet;

C. Width of sign: maximum, eight (8) feet;

D. Height above highway grade: fifteen (15) feet, except that a sign on a building may extend six (6) feet above the top of the roof, but in no case shall the highest point on any sign exceed forty (40) feet;

E. No sign shall be erected within the side or rear yard setback;

~~E.~~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

~~F.~~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.

Section 902: Illumination

Signs may only be illuminated 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. Lighting shall be downlit and shaded to confine illumination within the premises.

~~B.~~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.

The need for such illumination as it may affect the applicant's purpose for which the sign is intended.

ARTICLE X: SITE PLAN APPROVAL

Section 1001: Scope

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

A. One and two family dwellings and accessory dwelling units;

B. Any use or structure requiring a variance or conditional use permit will be reviewed by the Zoning Board of Adjustment.

C. Lot Line / Boundary Line Adjustment: The Zoning Administrator may approve a Lot Line / Boundary Line Adjustment that does not create or increase a non-conforming situation and the land is permanently merged to the receiving ownership so as no new free standing parcel results.

D. ~~Simple Subdivision / Parceling: The Zoning Administrator may approve one (1) lot per year, per owner with no ownership restrictions that results in a total of two (2) conforming parcels. The property owner is limited to one (1) Simple Subdivision / Parceling application of the same property every 365 days. Larger or more frequent subdivision applications are to be reviewed by the Planning Commission, per existing regulation.~~

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 Zoning Administrator 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, and, circulation, and parking, landscaping and screening, roads and highways in the vicinity, neighborhood character, availability of water, sewer, and educational facilities, to protect the use of renewable energy resources, and for the impact of noise, glare, vibration and odors on adjoining properties.

The Planning 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.

(g) Stormwater drainage shall be treated on site where practical, and shall not cause an adverse impact upon the municipality or neighboring properties.

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

D. Adequacy of Roads and Highways in the Vicinity

The project shall not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular traffic or other transportation facilities.

1. The Planning Commission shall consider:

a. Town traffic plans and studies; and

b. Traffic engineering studies that may be required of the applicant.

E. Impacts on the Surrounding Area Affects

The project shall not have an undue adverse effect on the character of the neighborhood, or area affected.

1. "Neighborhood" means in the same area; nearby including but not limited to the area within sight and/or sound. "Character of a neighborhood" refers to the distinctive traits, qualities or attributes; its appearance and essential nature, pattern of uses, and sense of community; the factors which give it identity.

2. A goal of the Town Plan is to allow for appropriate mixed uses to generally encourage balanced diversity, while protecting the essential character of neighborhoods. The

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existence of one land use in a neighborhood shall not be interpreted as justification for another similar land use to be located there. When considering the "character of the neighborhood or area", the Planning Commission shall consider the following:

a. Existing neighborhood uses, types of buildings, noise and traffic.

b. Town Plan objectives including but not limited to planned future neighborhoods, and neighborhood character enhancement.

c. Historic buildings and features; intensity, uniformity or mix of uses and buildings; mass, scale and spacing of buildings; scenic views, aesthetics, open space.

d. Privacy, security, identity, sense of community and cohesion.

F. Adequacy of Water, Sewer, and Educational Facilities

1. The project shall have sufficient water and sewer capacity available for its needs and shall not result in an unreasonable burden on the municipality's present or planned water or sewer systems.

a. If Town water or sewer are not involved, the property must have adequate capability for on-site water supply and wastewater disposal in accordance with Town regulations and applicable State Statutes and Regulations.

2. The project shall not cause an unreasonable burden on the ability of the School District to provide educational services.

~~a.~~ The Planning Commission may solicit input from the School Boards.

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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 surrounding 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: a) the lot is more than one-eighth acre in area; and, b) 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 (20) 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: Protection of 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. "Home Occupation" is defined in Article XX.

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:

A. The dwelling, accessory structures and the lot maintain a residential appearance at all times;

B. The home occupation is clearly secondary to the use of the site for residential purposes;

C. 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;

D. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes, odors or electrical interference; and

E. 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.

Section 1105: ~~Yard~~ Front Setbacks on Narrow Right-of-Ways

Notwithstanding the provision for setbacks elsewhere in these Regulations, where a setback is measured from a street ~~(but not a~~or 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/private road and 25 feet shall be added to the front setback requirement.

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Section 1106: Equal Treatment of Housing

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

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

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

Section 1107: Accessory Apartment (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 to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation; and,

B. The property has sufficient wastewater capacity; and,

C. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 feet, whichever is greater; and,

D. Applicable setback, coverage, and parking requirements specified in this Bylaw are met.

Conditional Use Required: Conditional use review is required if there is to be an increase in the height or floor area of the existing structure in which the accessory dwelling unit is proposed to be located. Conditional use review is also required to add any additional accessory dwelling unit(s) to a property that already has one, provided each additional unit meets all requirements listed under the "Administrative Permit Only" subsection of this section.

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Section 1108: Family Child Care Homes/Facilities

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

B. A family child care facility serving no more than six full-time children and four part-time

children, as defined in subdivision 33 V.S.A. § 4902(3)(A), is a permitted use in all districts (requiring an administrative permit only), but is subject to site plan review under Article X.

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

Section 1109: Residential Care Homes and Group Homes

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

Section 1110: Lot Density Limitations

In all districts, only one principal building shall be placed on a lot. Notwithstanding the foregoing, where a lot is used principally for farming, as defined by 10 V.S.A. § 6001(22), two dwelling units are permitted, provided that both dwelling units are used by farm operators or employees. An accessory ~~apartment~~ dwelling unit 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 the Commercial district~~s~~, the required frontage may exist in either the more or the less restricted district.

Section 1112: Reduction of Lot Area

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

Section 1113: Required Area or Yards

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

Section 1114: Destroyed or Demolished Structures

Within three hundred sixty five (365) 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, up to a three hundred sixty five (365) day extension may be approved.

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~~Reserved.

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

Section 1118: Site Development / Fill

The import or removal of fill is exempt from regulation, provided that no slope thereby will be caused to exceed 12%, and that there is no undue adverse impact on adjoining properties. No activity shall take place that changes the existing flow of water, diverting it on to adjacent properties, without a permit. To include, but not limited to, importing or removing material, ditching or tile drainage. If the Zoning Administrator determines that the 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 (non-agricultural)

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

as a statement of which party or parties is/are responsible for its maintenance.

Section 1119A: Corner Lot Obstructions

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

Section 1121: Agricultural Uses/Farm Structures/Fencing

Agricultural uses are exempt from regulation under this Bylaw, and no municipal permit for a farm structure is required. However, anyone intending to erect a farm structure must provide prior written notice to the Zoning Administrator, and must comply with the setbacks contained within this zoning ordinance, or with any lesser setbacks approved by the secretary of agriculture, food and markets in accordance with the provisions of Section 4413(d) of the Act. The notification must contain a sketch of the proposed structure, identify the setback distances from adjoining property owners and from any right-of-way, and include the written approval of setback distances, if any, obtained from the secretary of agriculture, food and markets. All farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program. Nothing herein shall limit the municipality's right to report violations of accepted agricultural or silvicultural practices to the appropriate state authorities for enforcement.

Section 1122: 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.

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Section 1123: Housing Decisions

Per 24 V.S.A. § 4464(b)(7)(A), decisions on housing or the housing portion of mixed-use projects shall not require more than or less than what these regulations specify.

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ARTICLE XII: TELECOMMUNICATIONS FACILITIES

Section 1201: Scope of Article

Telecommunications facilities shall include all telecommunication service providers and associated equipment and buildings. However, in accordance with 24 V.S.A. §4412(8)(C), telecommunication facilities, as defined in 30 V.S.A. § 248a, shall be exempt from this Article when and to the extent jurisdiction is assumed by the Vermont Public Utility Commission according to the

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provisions of 30 V.S.A. § 248a.

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, sitting, 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 sitting standards.

F. Encourage the location of towers and antennas in non-residential areas and away from other sensitive areas such as areas with schools, hospitals or child care facilities, through performance standards and incentives.

Section 1203: General Requirements

A. An applicant for a telecommunications tower or facility permit must be a telecommunications provider or must provide a copy of its executed contract to provide land or facilities to an existing telecommunications provider to the ~~administrative officer~~Zoning Administrator at the time that an application is submitted. A permit shall not be granted for a tower to be built on speculation.

B. Pursuant to 24 VSA § 4407, the board is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for reasonable costs thereof.

C. In addition to other findings required, the board shall find that its decision is intended to be consistent with federal law, particularly the Telecommunications Act of 1996. This Article does not: prohibit or have the effect of prohibiting the provision of personal wireless services; does not unreasonably discriminate among providers of functionally equivalent services; and does not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC regulations concerning such emissions.

D. Notwithstanding the above, all other Articles of the Zoning Bylaws which are applicable to the structure of a telecommunications facility, including fencing, support structures, roads, etc. are in full force and effect. In the event that there is a conflict between the regulations as set forth in Article XII of these regulations and as applicable to specific Zoning Districts as set for elsewhere in these Bylaws, the stricter of the two or more regulations applies in all cases. Driveway access to town roads outside of project fencing requires a local permit.

Section 1204: Application Requirements

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

A. The name and address of the applicant, the record landowners and any agents of the landowners or applicants as well as an applicant's registered agent and registered office. If the applicant is not a natural person, the name and address of the business and the state in which it is incorporated and has its principal office shall be provided.

B. The name, address and telephone number of the person to be contacted and authorized to act in the event of an emergency regarding the structure or safety of the facility.

C. The names and addresses of the record owners of all abutting property.

D. A report from qualified and licensed professional structural or radio frequency engineers that:

1. Describes the facility height, design and elevation.

2. Documents the height above grade for all proposed mounting positions for antennas to be co-located on a telecommunications tower or facility and the minimum separation distances between antennas.

3. Describes the tower's proposed capacity, including the number, height and type of antennas that the applicant expects the tower to accommodate.

4. Documents steps the applicant will take to avoid interference with any established public safety telecommunications.

5. In the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures within 30 miles of the proposed site cannot reasonably be modified to provide adequate coverage and adequate capacity to the Town of Pittsford.

6. Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage.

7. Describes the output frequency, number of channels and power output per channel

for each proposed antenna.

8. Includes written five-year plan for use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town.

9. Demonstrates the tower's compliance with the municipality's structural standards and setbacks for towers and support structures.

10. Provides proof that at the proposed site, the applicant will be in compliance with all FCC regulations, standards and requirements and commits to continue to maintain compliance with all FCC regulations, standards and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The Zoning Board of Adjustment (ZBA) may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times.

11. Includes other information required by the Board that is necessary to evaluate the request.

12. Includes an engineer's stamp and registration number.

E. For all telecommunication towers or facilities, the applicant shall provide a letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this bylaw.

F. An applicant for a permit for a facility to be installed on an existing structure shall provide a copy of its executed contract with the owner of the existing structure to the ~~administrative officer~~Zoning Administrator at the time an application is submitted.

G. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.

H. A copy of the application or draft application for an Act 250 permit, if applicable.

I. The permit application shall be signed under the pains and penalties of perjury.

Section 1205: Site Plan Requirements

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

A. Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two mile radius of the proposed tower site.

B. Vicinity Map showing the entire vicinity within a 2,500 foot radius of the tower site, including the telecommunications facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites and habitats for endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.

C. Proposed Site Plans of entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.

D. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.

E. In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.

F. Construction sequence and time schedule for completion of each phase of the entire project.

G. Plans shall be drawn at a minimum at the scale of one (1) inch equals 50 feet.

Section 1206: Co-Location Requirements

A. An application for a new telecommunications tower shall not be approved unless the Board of Adjustment finds that the telecommunications facilities planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

1. The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

2. The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer licensed to practice in the State of Vermont and such interference cannot be prevented at a reasonable cost.

3. The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would create RFI in violation of federal standards or requirements.

4. The proposed antennas and equipment either alone or together with existing facilities, equipment or antennas would create RFR in violation of federal standards or requirements.

5. Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer licensed to practice in the State of Vermont.

6. Aesthetic reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

7. There is no existing or approved tower in the area in which coverage is sought.

8. Other unforeseen specific reasons make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

B. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights where overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas where overall permitted height allows.

Section 1207: Tower and Antenna Design Requirements

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

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

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

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

Ground mounted equipment or antennas as well as buildings and structures accessory to a tower, shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood. A planted vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and shall have the potential to grow to a height of at least 15

feet at maturity. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

Section 1208: Amendments to Existing Telecommunications Facility Permit

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

A. Change in the number of buildings or facilities permitted on the site;

B. Material change in technology used by the telecommunications facility; or

C. Addition or change of any equipment resulting in greater visibility or structural windloading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

Section 1209: Tower Lighting/ Sign

A. Towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower because of its height. Any lighting required solely as a result of height may be subject to review by the town of Pittsford. Heights may be reduced to eliminate the need for lighting or another location selected.

B. No commercial signs or lettering shall be placed on a tower.

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

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

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

A. A final site and building plan; and

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

Section 1211: Temporary Wireless Communication Facilities

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

A. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Town of Pittsford.

B. Temporary telecommunication facilities are permitted for no longer than five days use during a special event.

C. The maximum height of a temporary facility is 50 feet from grade.

E. Temporary facilities must comply with all applicable portions of these Regulations.

Section 1212: Interference With Public Safety Telecommunications

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

Section 1213: Continuing Obligations of Permittee

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

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

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

A. The owner of a tower shall annually, on January 15, file a declaration with the Town of Pittsford ~~administrative officer~~Zoning Administrator certifying the continuing safe operation of every facility installed subject to these regulations. Failure to file a declaration shall mean that the tower is no longer in use and considered abandoned. An owner who has failed to file an annual declaration with the ~~administrative officer~~Zoning Administrator may file a declaration of use or intended use and may request the ability to continue use of the tower.

B. Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the Board of Adjustment. In the event the tower is not removed within 180 days of the cessation of operations at a site, the municipality may remove the tower and all associated facilities and the costs of removal shall be assessed against the property and/or tower owner.

C. Unused portions of towers shall be removed within 180 days of the time that such portion is no longer used for antennas. The replacement of portions of a tower previously removed requires the issuance of a new telecommunication facility permit.

Section 1215: Maintenance of Telecommunications Facilities Insurance

A. The telecommunications facility owner shall maintain adequate insurance on all telecommunication facilities. All facility sites shall be properly fenced and identified by signage that indicates presence of RFR and any other appropriate warnings required by permit conditions.

B. The telecommunications facility owner shall provide and maintain a bond as set by the Board of Adjustment adequate to provide sufficient funds to facilitate the removal of any and all structures and provide for the restoration of the site to match the surrounding area within 200 feet, at the termination of the permit, or upon discontinuing the use of the structure in a manner consistent with the zoning permit.

C. Enforcement and Penalties: The holder of the Zoning Permit and the underlying land owner, if different, and or any lessees, sub lessees, etc are to be held severally and jointly

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

Section 1216: Fees

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

ARTICLE XIII: ADMINISTRATION AND ENFORCEMENT

Section 1301: Municipal Appointments

A. **Zoning Administrator**

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

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

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

B. **Planning Commission**

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

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

- prepare proposed amendments to these regulations, and consider proposed amendments submitted by others, include amendments submitted by petition;

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

C. **Zoning Board of Adjustment (ZBA)**

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

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

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

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

- appeals from any decision, act or failure to act by the Zoning Administrator;
- any requests for the change, extension, enlargement, or restoration of a use nonconformity;
- any request for the expansion or restoration of a dimensional nonconformity;
- any request for the development on or alteration of a lot with a dimensional non-conformity;
- any request related to a structural use or nonconformity in a regulated Flood Hazard Area;
- any variance requests
- applications for conditional use approval,
- Applications for subdivision approval (see Addendum)

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Section 1302: Zoning Permits

A. **Applicability**

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

B. **Exemptions**

Note: The following exemptions do not apply to the Special Flood Hazard Areas. ~~as~~ Exemptions in the Special Flood Hazard Area are addressed in subsection (V)(D) of the Pittsford Flood Hazard Area Regulations (Attachment A).

No zoning permit shall be required for the following activities:

1. Required Agricultural Practices (RAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act. Written notification, including a sketch plan showing structure setback distances from road rights-or-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for RAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.

2. Accepted management practices (AMPs) for silvaculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation.

3. Power generation and transmission facilities, which are regulated under 30 V.S.A. § 248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Town Plan.

4. Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.

5. Normal maintenance and repair of an existing structure which do not result in exterior alterations, or expansion, or a change of use.

6. Interior alterations or repairs to a structure which do not result in exterior alterations, or expansion, or a change in use.

7. Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls less than four (4) feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.

8. Minor grading and excavation associated with road and driveway maintenance, less than 5 feet (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use.

This specifically does not include extraction and quarrying activities.

9. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing and snow mobile trails) which do not require the installation of structures or parking areas.

10. Garage sales, yard sales, auctions, or similar activities that do not exceed three (3) consecutive days, nor more than nine (9) total days in any calendar year.

~~10.~~11. The placement or use of Conex boxes, shipping containers, or similar containers on a property for storage purposes, needs to conform with the setbacks for storage buildings, permanent (residential) greater than 160 square feet. ~~provided that containers in the Village and Rural Zoning Districts maintain a minimum setback of five (5) feet from all property lines, while containers in all other districts are exempt from setback requirements.~~

~~11.~~12. Other uses as designated in the Table of Uses.

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C. **Application**

1. Application Requirements. An application for a zoning permit shall be filed with the Zoning Administrator on form(s) provided by the municipality. Required application fees, as set by the Select Board, also shall be submitted with each application. In addition, the following information will be required as applicable:

   (a) Permitted Uses. Applications for a permitted use shall include a sketch plan, no smaller that 8.5" x 11", drawn to scale, that depicts the following:

      (1) the dimensions of the lot, including existing property boundaries;
      (2) the location, footprint and height of existing and proposed structures or additions;
      (3) the location of existing and proposed accesses (curb cuts), driveways and parking areas;
      (4) the location of existing and proposed easements and rights-of-way;
      (5) existing and required setbacks from property boundaries, road rights-of-way, surface waters and wetlands;
      (6) the location of existing and proposed water and wastewater systems; and
      (7) other such information as required by the Zoning Administrator to determine conformance with these regulations.

   (b) Uses Subject to Development Review. For development requiring one or more approvals from the Appropriate Municipal Panel prior to the issuance of a zoning permit, application information and fees as required for such approvals shall be submitted concurrently with the application for a zoning permit and referred by the Zoning Administrator to the Secretary of the Appropriate Municipal Panel.

D. **Concurrent Review**

If more than one type of review is required for a project, the reviews, to the extent feasible,

shall be conducted concurrently according to the process defining the sequence of review and issuance of decisions described in the rules of procedure of the Town of Pittsford.

E. **Issuance**

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

1. Within thirty (30) days of receipt of a complete application, including all application materials, fees, the Zoning Administrator shall act to either issue or deny a zoning permit in writing, or to refer the application to the Appropriate Municipal Panel and/or state for consideration. If the Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator, 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~~Zoning Administrator

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

A. The ZBA shall hold a public hearing on a notice of appeal within 60 days of its filing. The ZBA 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 ZBA 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 ZBA 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 Zoning Administrator and the Town Clerk as part of the public records of the municipality. Failure of the ZBA 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 is as defined in 24 V.S.A. §4465(b).

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~~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.~~

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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 Zoning Administrator 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 ZBA from time to time, provided however, that the date and place of the adjourned hearing shall be announced at that time.

Section 1405: Affordable Housing Appeals

In accordance with 24 V.S.A. § 4465(b)(4),, if a project includes affordable housing, as defined in Article XX, or has a residential component that includes affordable housing, an appeal may not be based on the character of the area affected.

Comment: Language to comply with 24 V.S.A. § 4465(b)(4), added in 2023.

Section 1406: Setback Waiver

A. Purpose: The intent of this section is to provide flexibility in setback requirements for the placement of primary and accessory structures in all zoning districts while maintaining the character of the area.

B. Allowable Waivers: One of the following conditions must exist in order for a waiver to be considered, providing that a minimum setback of 5' is maintained. Such waivers may be granted for new and complying existing structures by the Zoning Board of Adjustment following a public hearing.

1. When the resulting setback is no greater than the front or side setbacks for existing structures on adjacent lots on the same street frontage.

2. For greater preservation of open land/agricultural land or scenic vistas.

3. For greater preservation of natural resources, such as, but not limited to surface waters, wetlands, or steep slopes.

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4. The waiver, if authorized, will represent the minimum necessary to achieve the stated purpose of this Section.

C. Application Procedures: Applications for a waiver shall be submitted to the Zoning Administrator and the Pittsford Town Clerk for review and consideration at a Public Hearing in accordance with 24 V.S.A. Section 4414(3). Applications for a waiver shall be in writing and shall include detailed information on the proposal and the criteria to be considered by the Zoning Board of Adjustment in evaluating the request.

D. The Zoning Board of Adjustment shall hold a public hearing on the request for a waiver within sixty (60) days of the receipt of the request. Notice to the public shall be given in accordance with the provisions of 24 V.S.A. 4468, and a copy of the hearing notice shall be mailed to the appellant at least 15 days prior to the public hearing

E. Approval Criteria: The Zoning Board of Adjustment shall determine that in issuing the setback waiver, the proposed development will do all of the following:

1.Be compatible with the scale and design of structures and overall existing development pattern of the surrounding area.

2. Not impair reasonable or appropriate use of adjoining properties.

3. Not result in greater impacts on natural resources.

4. Not impair sight distances on public or private roads

5. Not result in the placement of a structure in a municipal or state road right-of-way

F. Conditions of Approval: In permitting a waiver, the Zoning Board of Adjusment may require certain conditions to meet the stated objectives of the Zoning District, reduce or eliminate impacts, or protect the interests of the surrounding properties, neighborhood or Town as a whole. These conditions may include, but need not be limited to the following:

1.Limit the size of the structure;

2. Require landscaping and screening;

3. Reduce the encroachment into the setback

4. Control the location and number of vehicular access points; or

5. Require applications to have professional site plans prepared by a Surveyor, Engineer or Architect licensed by the State of Vermont

G. Within 45 days of the conclusion of the hearing, the Zoning Board of Adjustment,

1. Issue finds of fact based on evidence presented at the public hearing.

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2. Render a decision based on these findings of fact.

3. Mail a copy of the decision by certified mail to the applicant and/or appellant

4. Mail copies of the decision to every person or body testifying at the hearing.

5. File a copy of the decision with the Pittsford Town Clerk for inclusion in the public records of the Town.

6. File a copy of the decision with the Zoning Administrator, who shall take action consistent with the decision rendered by the Zoning Board of Adjustment.

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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 Zoning Board of Adjustment (ZBA) 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 ZBA 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 Zoning Administrator 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**, subdivision review, **appeals of decisions of the** ~~administrative officer~~zoning administrator, 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

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

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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 in attendance in-person or virtually, consisting of not less than the majority of members of the Appropriate Municipal Panel.

The Zoning Board of Adjustment (ZBA), 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 ZBA 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 Zoning Administrator 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 Zoning Administrator, the Zoning 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. §4442. ~~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. §4442.~~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 words "shall" and "must" ~~is~~are mandatory; the words "occupied" or "used" shall be considered as ~~through~~ if 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 or 900 square feet, whichever is greater; 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. Owner-occupied housing for which the total annual cost of ownership, including principal,

interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the following:

(i) the county median income, as defined by the U.S. Department of Housing and Urban Development; or

(ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or

(iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

B. Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:

(j) the county median income, as defined by the U.S. Department of Housing and Urban Development; or

(ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or

(iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

~~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.~~C. ~~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 silvaculture practices, including the construction of farm structures, as those terms are defined in 24 V.S.A. § 4413(d).

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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. Maintenance or improvements that do not expand the structure's length, width, or height, or change an approved use of a structure.

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 entire floor sub grade (below ground level). A foundation with (at least) one full wall exposed to walk-out grade is not a basement.

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 Materials 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, Commercial/Organized: A facility operated by a private, nonprofit, or governmental organization that provides temporary lodging, meals, and structured recreational or educational activities for groups such as youth or retreat participants. Examples include summer camps, nature camps, and similar organized programs.

Camp, Seasonal Use (Residential/Hunting): 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.

Campground, Government/Private Organization: A parcel of land used for transient occupancy by campers, recreational vehicles, or tents, and where sites are rented or assigned for temporary living quarters.

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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.

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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.

Conex Box (Shipping Container): A standardized, prefabricated, steel storage container originally designed for transporting goods, typically rectangular, and fully enclosed. For zoning purposes, conex boxes are not intended or approved for human occupancy and are used solely for storage purposes on a property.

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.

Court: Unobstructed open spaces that is bounded on two or more sides by the walls of a building that is on the same lot. See Section 106 for use of this term.

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, demolition, 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 with facilities and provisions for independent living, including sleeping, food preparation, and sanitation. 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. (Refer to Section 1122).

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit. In accordance with 24 V.S.A. § 4412(14), this definition or the use of the term "family" shall not be interpreted or result in having the effect of prohibiting unrelated occupants from residing in the same dwelling unit. ~~, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than five members.~~

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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 required 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 an 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.

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 and vehicle impound yards (towing and recovery).

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~~zoning administrator.

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~~zoning administrator.

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~~zoning administrator.

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~~ 20 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~~ 160 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: Wetlands are determined and defined by State and Federal regulations.

Wholesale Establishment: Any firm doing business on a 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.

Zoning Administrator: The person appointed by the Selectboard to administer and implement the provisions of these regulations.

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ARTICLE XXI: TELECOMMUNICATIONS DEFINITIONS

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 services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity.

Telecommunications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

Tower: A vertical structure for antenna(s) that provide telecommunications services.

View Corridor: A three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

Whip Antenna: A vertical antenna that normally transmits signals in 360-degrees. Whip antennas are typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (often measure 18 inches in height or more).

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TOWN OF PITTSFORD
FLOOD HAZARD AREA REGULATIONS

I. Statutory Authorization

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established regulations for areas of special flood hazard in the Pittsford, Vermont.

II. Statement of Purpose

It is the purpose of this regulation to:

A. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and

B. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and

C. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

D. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

III. Lands to Which These Regulations Apply

These regulations shall apply in the Special Flood Hazard Areas in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

IV. Determination of Base Flood Elevations and Floodway Limit

A. Base Flood Elevation (BFE) and Floodway Limits

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study

and accompanying maps shall be used to administer and enforce these regulations.
In special flood hazard areas where base flood elevations *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the base flood elevation at the site. The applicant shall use data provided by FEMA or available from State or Federal agencies.

B. Special Flood Hazard Areas where Floodways have not been determined:

1. In Zones A, AE, AH, and A1 – A30 where floodways have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the water surface elevation of the base flood more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

~~1.~~2. in Zone A, where neither base flood elevations nor floodways have been determined development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the water surface elevation of the base flood more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

C. Disputes in Areas and Elevations

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate and shall be used until shown to be otherwise. Rulings by FEMA shall be considered proof for the purposes of this bylaw.

If uncertainty exists with respect to the horizontal boundaries on the map, the location of the boundary shall first be determined by the ~~Administrative Officer~~Zoning Administrator. ~~(AO).~~ If the Applicant disagrees with the Zoning Administrator's decision, it can be appealed to the Board of Adjustment where the applicant shall have the burden of proof. A Letter of Map Amendment or Letter of Map Revision from FEMA shall constitute proof.

V. Development Permit and Conditional Use Approval

A. Permit Required

A permit is required from the Zoning Administrator for all proposed fill, construction or other development, including new or substantially improved structures, the placement of manufactured homes or recreational vehicles, and storage of chemicals, explosives, flammable liquids, or other hazardous or toxic materials, in all areas covered by this bylaw. Development needing conditional use approval, nonconforming use approval or a variance must have such.

B. Permitted Development

The following activities outside the floodway only require an administrative permit from the Zoning Administrator:

1. non-substantial improvements to existing structures that do not involve fill and do not decrease structure setbacks from any stream;
2. at-grade parking areas that meet the requirements in Article VI;
3. small accessory structures such as fences, sheds, or utilities that meet the requirements in Article VI; or
4. utilities that do not involve fill and that meet the requirements in Article VI and FEMA Guidance 348 *Protecting Building Utilities From Flood Damage*

C. Conditional Use Approval

Conditional use approval by the Zoning Board of Adjustment (ZBA), prior to the issuance of a permit by the Zoning Administrator, is required for:

1. Any development that takes place in the underlying zoning districts that is not excluded by Section V. B. and D including new or substantial improvement, elevation, or flood proofing of existing structures,
2. improvements to existing roads or drainage,
3. grading, excavation, or the creation of a pond,
4. bridges, culverts, public utilities, stabilization projects, or public projects which are functionally dependent on stream access or stream crossing,

In granting conditional use approval, the Board shall use the standards for development set out below in Section VI.

D. Exempted Activities

The following are exempt from regulation under this flood hazard area regulations.

1. the removal of a structure or building in whole or in part;
2. maintenance of existing roads and drainage.
3. silvicultural (forestry) activities conducted in accordance with Vermont Department of Forest and Parks Acceptable Management Practices; and
4. agricultural activities conducted in accordance with Vermont Department of Agriculture Accepted Agricultural Practices (AAP). In Section 4.07 the AAP states:
    a. Manure, fertilizer, pesticide storage structures, and farm structures shall not be constructed within a floodway area as presented on National Flood Insurance Maps on file with Town Clerks or within a Fluvial Erosion Hazard Zone as designated by municipal ordinance. Such structures may be constructed outside this area yet within the 100-year floodplain when adequately protected from inundation and floodwater damage. Fences through which floodwater may flow are not structures which represent an encroachment in a floodway area.
    b. All manure, fertilizer, and pesticide storage structures constructed within a floodplain must conform to National Flood Insurance Program standards.
    c. Prior to construction of farm structures, the farmer must notify the zoning administrator or the town clerk in writing of the proposed construction activity. The notification must contain a sketch of the proposed structure including the setbacks from adjoining property lines and road rights-of-way.
    d. Local setbacks or no build areas within Fluvial Erosion Hazard Zones established by the municipality shall be maintained unless upon written petition of the farmer the Secretary has approved other reasonable setbacks for the specific farm structure being constructed or maintained.
    e. In addition to the provisions of 4.07 (a) and (b); new structures that are not additions to existing farm structures associated with farm operations shall be constructed so that a minimum distance of 50 feet is maintained between the top of the bank of the adjoining waters and the farm structure. Such structures do not include those for irrigation, drainage or fencing.
    f. All waste storage facilities constructed or expanded after July 1, 2006 shall be designed and constructed according to USDA Natural Resource Conservation Service standards and specifications or an equivalent standard certified by a professional engineer licensed in the State of Vermont.
    g. In addition to the provisions of 4.07 (a) and (b); new structures that are not additions to existing farm structures associated with farm operations shall be constructed so that a minimum distance

of 50 feet is maintained between the top of the bank of the adjoining waters and the farm structure. Such structures do not include those for irrigation, drainage or fencing.

VI. Development Standards

A. Floodway Areas

1. Development or other encroachments within the regulatory floodway, as determined by Section VI.A, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

2. Junkyards, on-site wastewater disposal systems, and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

B. All Special Flood Hazard Areas (within mapped Floodway Areas, the following Section B. provisions are additive to the Section A provisions above).

1. All Development - All development shall be reasonably safe from flooding and:
   (a) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
   (b) constructed with materials resistant to flood damage,
   (c) constructed by methods and practices that minimize flood damage, and
   (d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Residential Development:
   (a) New construction and existing buildings to be substantially improved that are located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
   (b) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:

(i) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to no less than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.

(ii) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.

(c) Residential construction located within Zones A, AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures

3. Non-residential Development:

(a) New construction located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(b) Existing buildings to be substantially improved located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(d) Non-residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

4. Subdivisions:

(a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

(b) Subdivisions (including manufactured home parks) shall be designed to assure:

(i) such proposals minimize flood damage within the flood-prone area,

(ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) adequate drainage is provided to reduce exposure to flood hazards.

5. Enclosed Areas Below the Lowest Floor:

(a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

(b) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6. Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:

(a) be on the site for fewer than 180 consecutive days,

(b) be fully licensed and ready for highway use, or

(c) be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in section B.2. (b).

7. Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:

(a) The structure must only be used for parking or storage,

(b) The structure must have the required openings to allow floodwaters in and out,

(c) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
(d) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
(e) All building utility equipment including electrical and heating must be elevated or flood proofed.

8. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

9. Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

10. On-Site Waste Disposal Systems: On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

11. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

VII. Variances to the Development Standards

Variances to the above standards may be granted in writing by the Board of Adjustment only in accordance with 24 V.S.A. § 4469 and 44 CFR Section 60.6, and after a hearing noticed in accordance with 24 VSA 117, Section 4464(a).

Any variance issued will inform the applicant that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.

VIII. Nonconforming Structure(s) in Areas of Special Flood Hazard

The Zoning Board of Adjustment (ZBA) may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a non conforming structure within a regulated flood hazard area, subject to compliance with the development standards in VI above and the following:

A. The ZBA finds that the repair, relocation, or enlargement of such non conforming structure is required for the continued economically feasible

operation of a non residential enterprise; and

B. The ZBA finds that the repair, relocation, or enlargement of a non conforming residential or non residential structure will not increase flood levels in the regulatory floodway, threaten the health, safety and welfare of the public or other property owners; and

C. The permit, so granted, shall state that the repaired, relocated, or enlarged nonconforming structure is located in a regulated flood hazard area, does not conform to the bylaws pertaining thereto, may not be eligible for any flood insurance which may pertain to regulated flood hazard areas, and will be maintained at the risk of the owner; and

D. A copy of such permit shall be affixed to the copy of the deed of the concerned property on file in the municipal clerk's office.

IX. Administration

All proposed development shall be reviewed by the Zoning Administrator or the Zoning Board of Adjustment (ZBA) to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

A. Application Requirements

All applications for development in the Flood Plain Map shall include:

1. the name and contact information for the owner of the property, including any agents authorized to act on their behalf;
2. a thorough description of the proposed development;
3. general location map including the address of the property, tax parcel ID, relative locations of the existing development and the nearest public road;
4. where applicable locate the proposed development, any water bodies, special flood hazard areas, floodways, the shortest horizontal distance from the proposed development to the center line of stream, shortest horizontal distance to top of bank of any stream, any existing or proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current special flood hazard maps;

A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet should identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the Town

permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit application before work can begin;
5. two copies of the application,
6. the appropriate fee and,
7. a Permit Review Sheet from the Agency of Natural Resources indicating which permits, if any, may also be required.

For applicants seeking conditional use approval, non conforming use approval, or a variance, the following also need to be provided:

1. a list of abutters names and mailing addresses;
2. a statement of purpose and need for the proposed development;
3. a description of the alternatives considered to the proposed development, including alternate locations on site, especially outside of the hazard area;
4. elevations of any proposed development;
5. such pertinent information as identified in the regulations or deemed necessary by the Board of Adjustment for determining the suitability of the proposed development for the site;
6. copies of the application sufficient for the file, the Board of Adjustment members, the State National Flood Insurance Program Coordinator, and additional parties such as the VT DEC Stream Alteration Engineer and adjacent communities if affected under SectionVIII A.; and,
7. any additional fees required.

B. Referrals

Upon receipt of a completed application the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A

permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

C. Records

1. Within three days following the issuance of a permit, the Zoning Administrator shall:

   a) deliver a copy of the permit and any accompanying conditional approval to the Listers of the municipality; and
   b) post a copy of the permit in at least one public place in the municipality until the expiration of 15 days from the date of issuance of the permit.

2. Within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the Zoning Administrator shall:

   a) deliver the original or a legible copy of the permit, or notice of permit, and any approvals to the town clerk for recording in the land records as provided in 24 VSA, § 1154(a);
   b) file a copy of the permit and any approvals in the Town office in a location where all municipal land use permits shall be kept; and,
   c) the Zoning Administrator may charge the applicant for the cost of the recording fees as required by law.

3. The Zoning Administrator shall properly file and maintain a record of:

a) all permits issued in areas covered by this bylaw;
b) the as-built elevation (consistent with the datum of the elevation on the current Special Flood Hazard Maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings in areas of special flood hazard;
c) the as-built elevation (consistent with the datum of the elevation on the current Special Flood Hazard Maps for the community) to which buildings have been floodproofed in areas of special flood hazard;
d) all floodproofing certifications required under this regulation; and,
e) All variances, notices of alleged violation, and conditional use approvals, including justification for their issuance.

D. Decisions

Conditional use approvals, non-conforming use approvals, and variances shall assure that all necessary permits must be also received from those

government agencies from which approval is required by Federal, State or Municipal law prior to the issuance of a permit.

The Zoning Board of Adjustment (ZBA) shall consider comments from the NFIP Coordinator at DEC.

X. Enforcement and Penalties

The Flood Hazard Area Regulations shall be enforced in accordance with the provisions of Section 1601 of the Town of Pittsford Zoning Regulations. In addition, upon determination that a violation exists, the Zoning Administrator shall mail a copy of the notice of violation to the State NFIP Coordinator. The notice shall state that:

If the violation is not remedied within 7 days, or after all appeals have been resolved, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the violator. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the Zoning Administrator making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

Violations of the AAP are subject to enforcement under applicable Vermont law including, but not necessarily limited to, the provisions of 6 V.S.A. Section 4812. Such violations in the special flood hazard area shall be immediately reported to the Secretary of Agriculture for enforcement, and a copy of the report shall be sent to the VT DEC NFIP Coordinator.

XI. Other Provisions

A. Warning of Disclaimer of Liability

This regulation does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Pittsford_ or any town official or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

B. Validity and Severability

If any portion of this regulation is held unconstitutional or invalid by a competent court, the remainder of this regulation shall not be affected.

C. Precedence of Regulation

The provisions of this regulation shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where this regulation imposes a greater restriction, the provisions of this regulation shall take precedence.

XII. Definitions for Flood Hazard Zoning Purposes

A Zone means that portion of the SFHA subject to a one percent chance of being equaled or exceeded by flooding in any given year. In the A Zone the base floodplain is mapped by approximate methods, i.e. BFEs are not determined. This is often called the unnumbered A Zone or approximate A Zone.

Zoning Administrator means the person appointed by the Selectboard to administer and implement the provisions of these regulations.

AH zone is an area of 100-year shallow flooding where depths are between 1 and 3 feet (usually shallow ponding), base flood elevations are shown.

Accessory Structure means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

Appropriate Municipal Panel (AMP) means a planning commission performing development review, a board of adjustment, a development review board, or a legislative body performing development review.

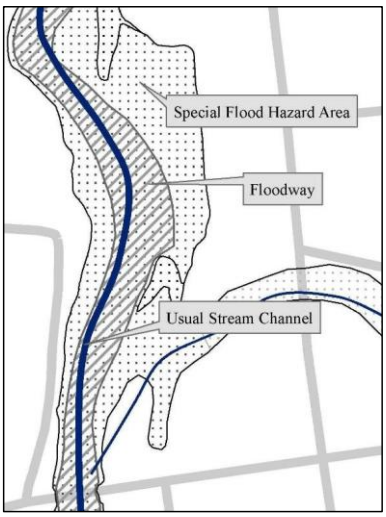
Area of Special Flood Hazard is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the 100-year flood).

Base Flood Elevation (BFE) the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of the building having its floor elevation (below ground level) on all sides.

BFE see Base Flood Elevation



Channel means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Channel width (or bankfull width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

Common plan of development is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Critical Facilities - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station that survive a flood and now are the only points for food and gas.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a

minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the *initial* floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fill means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM see Flood Insurance Rate Map

Flood means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (generic) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Flood Insurance Study (FIS) is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flood").

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot at any point. Towns with established base flood elevations (BFEs) on Flood Insurance Rate Maps please note that the extent of FEMA floodways may be shown on a separate series of panels.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Interested person means any one of the following:
(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a

bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, 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 bylaw of that municipality.
(4) Any ten persons who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection above who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
(5) Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the agency of commerce and community development of this state.

Legislative body means the Selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

Lowest floor means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Minor improvement means any repairs, reconstruction, or improvement of a structure (other than customary maintenance), the cost of which is less than fifty (50) percent of the market value of the existing structure.

New construction means, for the purposes of determining insurance rates, structures, including manufactured homes, for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For regulation under this bylaw, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

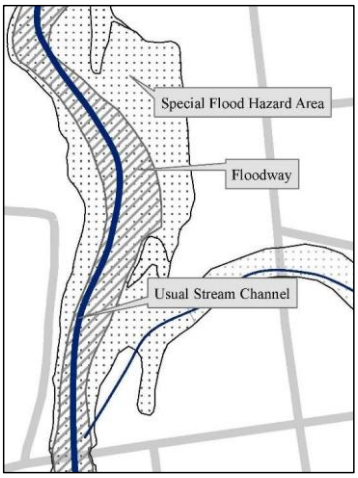
New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Non-residential Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the floodway identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, and the channel of the watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.00 foot at any point.

Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" "is synonymous in meaning with the phrase "special flood hazard area". Maps of this area are available for viewing in the town clerk's office or acquired online from the FEMA Map Service Center. The Special Flood Hazard Area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). Zone A is the flood insurance rate zone that corresponds to the 100-year floodplains that are determined in the Flood Insurance Study (FIS) by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no BFEs or depths are shown within this zone. After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, or AE. Zones AE and A1-A30 are the flood insurance rate zones that correspond to the 100-year floodplains that are determined in the FIS by detailed methods. In most instances, BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone. Zone AH is the flood insurance rate zone that corresponds to the areas of 100-year shallow flooding with a constant water-surface elevation (usually areas of ponding) where average depths are between 1 and 3 feet. The BFEs derived from the detailed hydraulic analyses are shown at selected intervals within this zone. The extent of floodways may be shown on separate map panels in communities that have established BFEs.



Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual

start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including a gas or liquid storage tanks. *Structure*, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". For the purposes of determining "substantial improvement" value and exceptions in (a) only and no other purpose, the ~~Administrative Officer~~Zoning Administrator is "the local code enforcement official".

Violation means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Walkout-on-grade basement means a basement whose floor is at ground level on at least one side of the house, usually with a door on that side. This is not considered a "basement" as defined by these regulations.

Attachment B. Subdivision Regulations

Section 100. Policy and Purpose

It is the policy of the Town of Pittsford to regulate all subdivision of land, and subsequent development of the subdivided plat, in accordance with these regulations, to ensure the orderly planned, efficient, and economical development of the Town in conformity with State Statute and the Pittsford Town Plan. No subdivision of land shall be made and no land in any proposed subdivision shall be sold, transferred, or leased until a final plat prepared in accordance with these regulations has been approved by the final review authority and filed with the Town Clerk.

Section 101. Subdivision Application Procedures

(a) Applicability

(1) Whenever any subdivision of land is proposed, the landowner or authorized agent (applicant) shall apply for and secure approval of such proposed subdivision in accordance with the procedures set forth in these regulations prior to:

(A) commencing any construction, land development or land clearing (excluding accepted silvicultural or agricultural activities); or

(B) the sale or lease of any subdivided portion of a property (excluding parcels leased for agricultural purposes, where all resulting parcels are at least 5 acres in size, and no new roads are created for uses other than accepted agricultural practices); or

(C) the filing of a subdivision plat with the Town Clerk.

(b) Authority to Review and Make Decisions on Proposed Subdivisions

(1) The Zoning Administrator shall have the authority to make a decision on a subdivision proposal where one (1) lot per year, per owner with no ownership restrictions that results in a total of two (2) conforming parcels. The property owner is limited to one subdivision application of the same property every 365 days. Larger or more frequent subdivision applications are to be reviewed by the ZBA, per these regulations.

(2) Subdivision applications that may be handled by the Zoning Administrator shall not be subject to the provisions of Sections 102, 104, 105, 107, 111, 112 and Subsections (a) and (b) of Section 109 of this Attachment. However, at minimum, an applicant shall comply with applicable state laws.

(3) If a subdivision application fails in the standard in Subsection (1) above, only the Zoning Board of Adjustment shall have the authority to review and make a decision on the proposal.

(4) Appeals of any action by the Zoning Administrator shall be made to the Zoning Board of Adjustment. Appeals of any action by the Zoning Board of Adjustment shall be made to the Environmental Court.

(c) Waiver Authority

(1) The Zoning Board of Adjustment may waive or vary, subject to appropriate conditions, any or all requirements of Section 105 if it determines that such requirements are not needed to protect the public health, safety, and general welfare, or that the requirements are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

(2) When the developer certifies that a portion of the proposed subdivision will forever remain undeveloped through a legal mechanism such as a conservation easement, deed restriction, or other binding covenant, the ZBA shall waive the requirements of this Attachment for the lot(s) so designated, provided that all parcels to be created are larger than ten acres in area or such parcels are reserved as open space or common land..

Section 102. Phased Developments

(a) When a developer has divided a project in phases that will be contingently completed over time, the developer may choose to either include all of the phases in his application or only the phase that the developer intends to develop in the very near future.

(1) If the developer chooses to include all of the phases in the application, the developer shall present all of the required data for the full project to the ZBA.

(2) If the developer chooses to initially apply only for one of the phases, the developer must present all of the data for that phase as well as a master plan overview that is sufficiently detailed to permit the ZBA to assess the adequacy of infrastructure that may be required to service the entire project if and when it is completed. The approval issued by the ZBA will apply only to the specific phase for which full data was presented, and any applications for future phases will be required to conform to the regulations in place at the time that subsequent applications may be filed.

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Section 103. Pre-Application Meeting

(a) Any person contemplating submitting an application for subdivision in accordance with these regulations is encouraged to meet as often as necessary with the Zoning Administrator prior to preparing an application for the subdivision to receive guidance regarding the application and the review process to discuss the developer's conceptual plans and the standards set forth in Section 111 of this Appendix. The pre-application meeting is intended to be an informal, nonbinding, preliminary discussion.

(b) The applicant may present any information that the applicant deems appropriate at the pre-application meeting, including site information and/or conceptual subdivision design.

(c) All applicants for subdivision review are encouraged to notify abutting landowners and other potentially interested persons prior to submitting an application to ensure that legitimate concerns of neighbors are addressed early in the subdivision design process.

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Section 104. Zoning Board of Adjustment Meeting Schedule

When a subdivision application is before the ZBA, every effort, consistent with the availability of information, participants' schedules, and state statute, shall be made to expedite the decision process, including special meetings of the Board.

Section 105. Subdivision Application Contents

Unless waived by the ZBA in accordance with Section 101(c), all subdivision applications requiring its approval shall contain the information listed in the Application Information table, a plan or plat map constructed according to the Plan/Plat Mapping Requirements table, and the additional information indicated in the Supporting Information and Documentation table below.

Application Information	Final Plan
Number of copies of application form	3
Application fee (Selectboard sets fee for Subdivision Application)	Yes
Name of project, if any	Yes
Name and address of applicant and landowner	Yes
Written description of proposed development plans, including number and size of lots; general timing of development	Yes
Name and address of all adjoining landowners	Yes
The subdivision history of the original parcel for the last five years	Yes
Waiver requests, in writing (optional to the applicant)	Yes
Statement indicating which, if any, infrastructural improvements the developer expects to ask the Town to take over upon completion	Yes
Written request for modification of dimensional requirements or other standards contained in the zoning bylaws	Yes

Plan/Plat Mapping Requirements	Final Plan
Materials	Paper or Mylar (Mylar Plan must be filled with the town clerk)
Date of document, including all revisions, North Arrow, Legend	Yes
Preparer Information, Preparer's Certifications	Yes
Scale (1 inch = 200 feet or less)	Yes

Project boundaries and property lines	Surveyed
Existing and proposed lot lines, dimensions	Surveyed
Adjoining land uses, roads and drainage	Yes
Zoning district designations and boundaries	Yes
Location of Fragile Features and Natural and Cultural Resources, as identified in the Pittsford Town Plan (including wetlands, floodplains and surface waters; wildlife habitat and natural areas), as well as historic resources, farm land, and forest resources in area to be developed.	Yes Delineation in Area to be Developed
Existing and proposed elevations, contour lines in area to be developed	10-foot interval
Existing and proposed roads, paths, parking areas, associated rights-of-way or easements	Surveyed
Existing and proposed utilities, water, and wastewater systems and associated rights-of-way or easements	Yes
Survey markers	Yes
Road profiles; road, intersection and parking area geometry and construction schematics within area to be developed	Yes
Notation prepared in accordance with Section 108(c)	Yes
Full size copies of the plat and plan	2

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Supporting Information and Documentation	**Final Plan**
Site location map showing proposed subdivision in relation to major roads (i.e. US-7, VT-3, and Class 2 Town Highways), drainage ways, and adjoining properties	Yes
State and/or Town water and wastewater permits	Yes
Off-site easements (e.g., for water, wastewater, access)	Final
Proposed phasing schedule	Final
Proposed covenants and/or deed restrictions	Final
Proposed homeowner or tenant association or agreements	Final
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)	Final
Statement of conformance with the Town Plan and compliance with applicable local regulations	Final
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)	Final
Statement of the impact of the development on municipal and educational services	Final

Section 106. Reserved

Section 107. Final Site Plan Review (Applies to all Subdivisions Requiring ZBA Approval)

(a) The applicant shall submit an application for final subdivision plan and plat approval to the Zoning Administrator, which will be subject to the zoning and subdivision regulations in effect at the time of the submittal. Subdivision review shall be done in accordance with 24 V.S.A. § 4463.

(b) Within 30 days of the date that the Zoning Administrator, in consultation with the Chair of the ZBA, determines that a final plan application is complete, the ZBA shall hold a public hearing on the final plan and associated plat, warned in accordance with 24 V.S.A. §4464. In accordance with 24 V.S.A. §4463 copies of the hearing notice shall also be mailed, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary. Further, all adjoining landowners shall be notified by the Town Office of the date, place, time, and purpose of the hearing.

(c) In accordance with 24 V.S.A. §4464, within 45 days of the date of adjournment of the public hearing, the ZBA shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Section 111, or would /would not be in conflict with the Town Plan and/or other municipal regulations in effect. The ZBA shall forward its decision to the Zoning Administrator with instructions to issue or deny the permit for the proposed subdivision consistent with its findings and decision. Failure by the ZBA to act within such 45-day period shall be deemed approval. Approval, conditions of approval, or grounds for disapproval and provisions for appeal shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent to the applicant and any other person or body appearing and having been heard at the hearing within the 45-day period.

(d) The approval by the ZBA of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance shall occur only by a formal resolution of the Selectboard, in accordance with State Statute. The ZBA may impose a time limit for the start and completion of site improvements, such as roads, erosion control measures, and bridges, that are an integral part of the subdivision approval.

Section 108. Plat Recording Requirements [Applies to All Approved Subdivisions]

(a) In accordance with 24 V.S.A. §4463 (b), within 180 days of the date of receipt of final plan approval, the applicant shall file one copy of the final subdivision plat with the Town for recording. Approved plats not filed and recorded within this 180-day period shall expire. The Zoning Administrator shall have the power to extend the date of filing the plat for an additional 90 days, if final local or state approvals are still pending.

(b) After an approved plat or certification is filed with the Town Clerk, no expiration of that approval or certification shall be applicable.

(c) Prior to recording a plat that shows a new street or highway, the plat must be signed and dated

by the ZBA Chair or Vice-Chair if the approval was granted by said board, or by the Zoning Administrator if the approval was granted in accordance with Section 101(b)(1). All final plats must include a notation to include the following statement: *The subdivision depicted on this plat was duly approved by the [Pittsford ZBA or the Pittsford Zoning Administrator] in accordance with the Pittsford Zoning Regulations and all other applicable laws and regulations.*

(d) The Zoning Board of Adjustment may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

Section 109. Compliance with Subdivision Approval

(a) In establishing conditions of subdivision approval, the Zoning Board of Adjustment may provide for a phased schedule of completion of improvements. The Zoning Administrator may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and the true facts, the Town does not waive future enforcement authority with the issuance of a zoning permit.

(b) To assist the Zoning Administrator in determining whether public or private improvements have been met, the Zoning Board of Adjustment shall, as a condition of subdivision approval, require the submission of "as-built" drawings, signed and stamped by a surveyor or engineer licensed by the State of Vermont, which shall indicate by dimensions, angles and distances the location of all utilities, structures, roadways, easements, landscaping and other improvements as installed. The same requirement shall also apply to subdivision applications approved by the Zoning Administrator in exercising his authority under Section 110 below. The Zoning Administrator shall rely upon any information submitted as part of the applicant's application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any discrepancies between the approved subdivision and the as-built drawings, the Zoning Administrator shall be entitled to initiate enforcement action pursuant to Article XVI of the Pittsford Zoning Regulations.

(c) When the applicant has indicated that they intend to request that the streets, sewers, or water lines be taken over by the Town, the ZBA shall require, as a condition of final subdivision plan approval, that the applicant provide the Zoning Administrator with certification from the project's supervising engineers that construction has been completed in full compliance with the approved plan and plat. Until such certification has been received, no zoning permits may be issued for any future development within the subdivision. The receipt of such certification shall in no way obligate the Town to take over the completed road, sewer, and/or water line.

(d) The Zoning Administrator may make periodic inspections of the development during construction to ascertain whether the project is in compliance with the approved plan and plat. Upon referral from the Zoning Administrator to the ZBA, the ZBA shall have the right and authority to require an independent review of the project on the Town's behalf, the cost of which is to be borne by the developer.

Section 110. Revisions to an Approved Subdivision Plat by Administrative Procedures

(a) The Zoning Administrator shall have the authority to approve minor modifications to an approved plat if the ZA finds that the modifications requested (1) arise from land characteristics unknown or unanticipated at the time that final approval was granted, (2) that such modifications are otherwise consistent with the

objectives of the ZBA embedded in the permit, and (3) the modification will not have a substantial impact on either the use or design of the property as approved using the design standards specific in Section 111. When the Zoning Administrator exercises this authority, the ZA shall transmit a copy of the ZA's approval and such findings and conclusions as the ZA may have made to the ZBA and to all adjoining landowners and a copy of the approved modification shall be posted and distributed as required in Section 1701 of these regulations.

(b) If the Zoning Administrator determines that the requested revisions are beyond the ZA's authority to approve, no changes, modifications, or other revisions to an approved plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the ZBA and approved by the ZBA after public hearing.

(c) In the event that such subdivision plan revisions are recorded without complying with the requirements of this Section, the revisions shall be considered null and void.

Section 111. Design Standards

(a) The subdivision shall be in full compliance with all relevant district specifications for use, setbacks, standards, and other criteria in the Pittsford Zoning Regulations.

(b) If a developer intends to cluster the structures within the subdivision, the ZBA may approve up to 125% of the maximum lot coverage that could be permitted on the parcel if the land were to be subdivided into lots in strict conformance with Article IV of the Pittsford Zoning Regulations.

(c) Unless otherwise determined by the ZBA, the design of streets and roads, curbs, gutters, and sidewalks shall conform to the standards incorporated in Vermont A-76 Standards for Development Roads and Vermont B-71 Standards for Residential and Commercial Drives.

(d) Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided in accordance with standards established by the National Fire Protection Association.

(e) Fire hydrants serviced by the public water system or dry hydrants installed in a pond or stream shall be installed by the applicant to meet the following requirements:

(1) Fire hydrants serviced by the public water system must meet the requirements contained in the Environmental Protection Rules, Chapter 21 (Water Supply Rule), Part 8, promulgated by the Vermont Agency of Natural Resources, Department of Environmental Conservation.

(2) Dry hydrants installed in ponds and streams must meet the requirements established by the Pittsford Fire Department.

(f) Emergency access for fire, police, ambulance, or other services, and fire protection facilities must meet the fire lane standards established by the National Fire Protection Association. Compliance with Section 111(c) above shall normally be considered as providing adequate access for municipal and emergency vehicles.

(g) All utilities, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

(1) While it is desirable that all utility systems, which may include but not be limited to electric, gas, telephone, fiber optics and television cable, should be located underground throughout the subdivision, they may be installed so that they are consistent with the area in which the development is located and meet the objectives of the type of development being proposed.

(2) The applicant shall coordinate subdivision design with the utility companies to ensure adequate and suitable areas for installation, both for the proposed subdivision and anticipated development on lands adjacent to the subdivision.

(3) Utility corridors shall be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, the fragmentation of farmland, and any adverse impacts to natural, cultural or scenic resources and public health.

(h) Utility easements of sufficient width shall be provided to serve both the proposed subdivision and existing and anticipated development outside the subdivision. Such easements shall be shown on the final plat.

(i) The applicant may be required by the ZBA to provide a suitable performance bond or other form of security to the Town to secure compliance with any conditions of subdivision approval.

(j) Applicants shall identify and avoid undue adverse impacts on wetlands, flood hazard areas, surface waters, and historic or cultural sites identified in the review process. Only when necessary to ensure a subdivision conforms with the goals and policies of the Pittsford Town Plan, the ZBA shall require the preservation of open space or existing site features through layout design, clustering buildings, or designation of common land.

.Section 112. Adoption of Certification by Independent Experts

The ZBA may accept the certification of independent professional experts as presumptive that the subdivision as proposed shall meet the criteria of Article X or Section 111 of the Pittsford zoning regulations, provided that the certification relates to matters within their areas of specialization and that the expert has no personal interest in the project. Such experts may include local and state officials or experts retained by the Town or the developer.

.Section 113. Definitions for Subdivision Purposes

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Cluster: A subdivision design technique in which buildings or lots are grouped together on a portion of the land to maximize open space, preserve natural features, or meet other planning objectives on another portion of land, rather than spreading development evenly across the entire parcel. A subdivision qualifies as clustered in Section 111(B) of these subdivision regulations only if the proposed layout clearly demonstrates that the remaining land is preserved as open space, a protected area, or a use that advances a planning goal specified in the Pittsford Town Plan.

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Infrastructure: The physical systems and facilities needed to support development, including, but not limited to roads, sidewalks, water supply, sewer systems, stormwater management, utilities (electricity, gas, telecommunications), and drainage systems.

Infrastructural Improvement: Any construction, installation, or enhancement of infrastructure required to serve a subdivision, including, but not limited to: paving or grading roads, or putting in storm drains, sidewalks, street lighting, and utility connections.

Survey Marker: A physical marker, monument, or point placed on the ground to indicate a property boundary, corner, or reference point, as determined by a licensed surveyor in accordance with accepted surveying standards.

Subdivision: The process of dividing a single parcel of land into two (2) or more parcels for the purpose of sale, lease, or development. A division of land that is not for purposes of sale, lease, or development, such as the extension of a roadway to access an existing use or the presence of natural features like waterways which may divide a parcel, are not considered a "subdivision", and thus are not within the scope of these regulations.

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