Town of Geneseo
Zoning Map

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- Rural Residential
- Highway Residential
- Lakeshore Residential
- Low Density Residential
- General Commercial
- Lakefront
- Neighborhood Commercial
- Limited Commercial
- General Industrial Use
- Light Industrial
- Mixed-Use I
- Mixed-Use II
- Mixed-Use III

Map prepared by the Livingston County Planning Department: May 2016 (rev. August 2016)
M:\ARCVIEW\Geneseo\geneseo_town_zoningdraft2016.mxd
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ARTICLE 10 | LEGAL FRAMEWORK

106-10.1 TITLE
This Chapter shall be known and cited as the "Consolidated Zoning Law of the Town of Geneseo, New York." For convenience, it is referred to throughout this Chapter as the “zoning law” or “zoning code.”

106-10.2 EFFECTIVE DATE
The provisions of this zoning law become effective on November 10, 2016, except as otherwise expressly stated.

106-10.3 AUTHORITY
This zoning law is adopted pursuant to the powers granted and limitations imposed by legislation of the State of New York.

106-10.4 APPLICABILITY
The regulations of this zoning law apply to all development, public or private, within the corporate limits of the Town of Geneseo unless otherwise expressly stated in this zoning law.

106-10.5 PURPOSES
There is hereby established a new comprehensive Zoning Law for the Town of Geneseo, which is set forth in the text, tables, illustrations and map that constitute this Chapter. The Zoning Law is adopted to promote and protect the public health, safety and general welfare. The Zoning Law is intended to implement the goals and objectives of the Town of Geneseo 2008 Comprehensive Master Plan Update, including but not limited to:

A. General Character.

1. Preserve Geneseo’s small town character and quality of life.
2. Maintain the appearance, scale and function of developed areas.

B. Environmental Features. Preserve and protect environmentally sensitive areas and scenic resources.

C. Recreation: Open Space and Public Amenities

1. Maintain and preserve open space.
2. Provide adequate community gathering spaces.

D. Residential Land Use. Ensure that development does not outpace community services and infrastructure.

E. Traffic and Transportation.

1. Improve safety, access, and circulation on and between roadways.
2. Create comprehensive pedestrian and bicycle network.
106-10.6 MINIMUM REQUIREMENTS; COMPLIANCE WITH OTHER APPLICABLE REGULATIONS

A. The provisions of this zoning law are the minimum requirements deemed necessary to carry out the zoning law’s stated purpose and intent.

B. In addition to the requirements of the zoning law, all uses and development must comply with all other applicable town, state, and federal regulations.

C. All references in the zoning law to other town, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the Town to enforce state or federal regulations.

D.

106-10.7 CONFLICTING PROVISIONS

A. Conflict with State or Federal Regulations. If either the State of New York or the Federal Government has legislatively expressed an intent to regulate any particular activity which is also regulated under this zoning law said State or Federal regulation shall supersede any provisions of this zoning law which conflict with such State or Federal regulation. The foregoing statement notwithstanding, this zoning law is intended to be an exercise of the general powers of the Town authorized pursuant to Section 10 the New York State Municipal Home Rule Law, Article 16 of the New York State Town Law and any other enabling legislation granting such powers to the Town.

B. Conflict with other Town Regulations. If the provisions of this zoning law are inconsistent with one another, or if they conflict with provisions found in other adopted laws or regulations of the Town, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

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

106-10.8 SEVERABILITY

If any portion of this zoning law is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning law, and in no way affects the validity of the remainder of the zoning law.
ARTICLE 11 | GENERAL RULES OF LANGUAGE AND INTERPRETATION

106-11.1 MEANING AND INTENT
The language of the zoning law must be read literally. Regulations are no more or less strict than stated. Words defined in Article 60 (General Terms) have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in Article 60 have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

106-11.2 TENSES AND USAGE
A. Words used in the singular include the plural. The reverse is also true.
B. Words used in the present tense include the future tense. The reverse is also true.
C. The words “must,” “will,” “shall” and “may not” are mandatory.
D. The word “may” is permissive, and “should” is advisory, not mandatory or required.
E. When used with numbers, “up to X,” “not more than X” and “a maximum of X” all include X.

106-11.3 CONJUNCTIONS
Unless the context otherwise clearly indicates, conjunctions have the following meanings:
A. “And” indicates that all connected items or provisions apply; and
B. “Or” indicates that the connected items or provisions may apply singularly or in combination.

106-11.4 FRACTIONS
The following rules apply to factional number unless otherwise expressly stated.
A. Minimum Requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one tree to be provided for every 30 linear feet of frontage is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to 2 required trees.
B. Maximum Limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet is applied to a 12,500 square foot lot, the resulting fraction of 2.5 is rounded down to 2 (allowed dwelling units).

106-11.5 HEADINGS AND ILLUSTRATIONS
Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning law. In case of any difference of meaning or implication between the text of this zoning law and any heading, drawing, table, figure, or illustration, the text controls.

106-11.6 CURRENT VERSIONS AND CITATIONS
All references to other town, county, state, or federal regulations in the zoning law refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, zoning law requirements for compliance are no longer in effect.
106-11.7 LISTS AND EXAMPLES
Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

106-11.8 DELEGATION OF AUTHORITY
Whenever a provision appears requiring the head of a department or another officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning law expressly prohibit such a delegation.

106-11.9 PUBLIC OFFICIALS AND AGENCIES
All employees, public officials, bodies, and agencies to which references are made are those of the Town of Geneseo unless otherwise expressly stated.

106-11.10 COMMENTARIES
Commentaries are sometimes included in the zoning law as a means of clarifying certain provisions or providing supplemental information. Text marked as “Commentary” has no regulatory effect. It is intended solely as a guide for administrative officials and the public. Commentaries may be added to the zoning law by the Town Office without the need for a formal law amendment.

Commentaries: When commentaries appear they will appear in this manner.
ARTICLE 12 | ZONING MAP

106-12.1 ESTABLISHMENT
The location and boundaries of the zoning districts established by this zoning law are shown on a zoning map maintained by the Town Office and the Town Board. The Town Office will be responsible for keeping the zoning map up-to-date. The official zoning map—together with all notations, references, data and other information shown on the map—is adopted, incorporated by reference into this zoning law and fully made part hereof as if it is actually depicted within its pages.

106-12.2 MAINTENANCE AND UPDATES
The Town Office is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). No unauthorized person may alter or modify the official zoning map. The Town Office may authorize printed copies of the official zoning map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

106-12.3 DISTRICT BOUNDARIES
When the law establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists. The official zoning map must note any such relationship between a zoning boundary and other mapped feature on the zoning map when describing or depicting the zoning district boundary.

106-12.4 INTERPRETATIONS OF DISTRICT BOUNDARIES
Where any uncertainty exists about a zoning district boundary, the actual location of the district boundary will be determined by the Zoning Board of Appeals using the following rules of interpretation:

A. A boundary shown on the zoning map as approximately following a river, stream, lake or other watercourse will be construed as following the actual centerline of the watercourse. If, subsequent to the establishment of the boundary, the centerline of the watercourse should move as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the centerline of the watercourse.

B. A boundary shown on the zoning map as approximately following a ridge line or topographic contour line will be construed as following the actual ridge line or contour line. If, subsequent to the establishment of the boundary, the ridge line or contour line should move as a result of natural processes (erosion, slippage, subsidence, etc.), the boundary will be construed as moving with the ridge line or contour line.

C. A boundary shown on the zoning map as approximately following a lot line or parcel boundary will be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established.

D. A boundary shown on the zoning map as approximately following a street or railroad line will be construed as following the centerline of the street or railroad right-of-way.

E. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.
F. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.
ARTICLE 13 | TRANSITIONAL PROVISIONS

106-13.1 APPLICATIONS SUBMITTED BEFORE THE EFFECTIVE DATE
Development applications that were submitted in complete form and are pending approval before the effective date will be reviewed wholly under the terms of the zoning law in effect immediately before the effective date, unless a formal written request is submitted in writing by the applicant requesting review under this zoning law. The applicant’s request for this zoning law to be applied, once submitted, may not be changed. All development applications submitted within a six-month grace period of the effective date may also be reviewed wholly under the terms of the zoning law in effect immediately before the effective date, unless otherwise requested by the applicant as above.

106-13.2 PERMITS ISSUED BEFORE THE EFFECTIVE DATE
Any building, development or structure for which a building permit was issued before the effective date may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this zoning law. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this zoning law.

106-13.3 VIOLATIONS CONTINUE
Any violation of the previous zoning law will continue to be a violation under this zoning law and be subject to penalties and enforcement under Town Law. If the use, development, construction or other activity that was a violation under the previous law complies with the express terms of this zoning law, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Section 106-13.1. The adoption of this zoning law does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous law that occurred before the effective date specified in Section 106-13.1.

106-13.4 NONCONFORMITIES
Any nonconformity under the previous zoning law will also be nonconformity under this zoning law, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this zoning law, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that did not constitute a nonconforming situation under the previously adopted zoning law does not achieve nonconforming status under this zoning law merely by repeal of the previous zoning law. The regulations to which nonconformities must apply can be found in Article 64 of this Chapter.
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ARTICLE 20 | RESIDENTIAL DISTRICTS

106-20.1 Residential Districts Established

A. When this zoning law refers to residential or "R" zoning districts it is referring to any of the following:

<table>
<thead>
<tr>
<th>District Name</th>
<th>Map Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Rural Residential</td>
<td>RR</td>
</tr>
<tr>
<td>B. Low Density Residential</td>
<td>LDR</td>
</tr>
<tr>
<td>C. Lakeshore Residential</td>
<td>LR</td>
</tr>
<tr>
<td>D. Highway Residential</td>
<td>HR</td>
</tr>
</tbody>
</table>

B. The residential district names and map symbols are intended to provide a general indication of what is allowed in the district by denoting the residential densities (low, medium or multi-family).

106-20.2 Purpose Statements

A. Rural Residential (RR). The purpose of the RR District is to implement the rural designation of the Comprehensive Plan by encouraging large-lot residential development in areas where conditions of the environment, availability of utilities, and surrounding land use patterns dictate that residential densities and the amount of land covered by impervious surfaces remain low. Generally, development shall be directed where public water, but not necessarily public sewer, exists or is expected. Provisions should also be made for clustering building sites where environmental conditions permit and where the clustering of units can preserve the rural character of the countryside.

B. Low Density Residential (LDR). The purpose of the LDR District is to support the goals and policies contained in the Comprehensive Plan while providing areas within the Town for low-density, single-family development. The intended pattern of development in this district shall allow for the development of residential neighborhoods on smaller lot sizes than permitted within the Rural Residential District, while still preserving surrounding open space. The LDR District also provides for other specified uses that are compatible with the primary residential nature of the District.

C. Lakeshore Residential (LR). The purpose of the LR District is to support the Town's Comprehensive Plan and protect the Lake's water and shorelines by providing for safe and orderly shoreline development. The development pattern of the lakeshore is intended to allow for seasonal housing opportunities, while also promoting year-round occupancy by including provision for both cottage-style and single-family homes. In addition other residential, recreational, conservancy, and a limited number of commercial uses may be permitted that would be compatible with the residential character of the lakeshore neighborhoods.

D. Highway Residential (HR). The purpose of the HR District is to support the Town's Comprehensive Plan, while permitting the development of large lot, single-family homes along the Route 20A corridor from Country Club Road to West Lake Road. Development should occur on lots with significant frontage to manage access points along the highway in a manner that preserves the safety, efficiency, development potential, and character of the corridor. Potential uses should be compatible with the existing rural nature of the highway corridor, and should assure that driveways and street connections are adequately spaced as well as designed according to standards for safe entry and exit.

106-20.3 Additional Requirements

The applicable Specific Use Requirements (Part 3) and Development Standards (Part 4) in this Chapter shall apply to all uses in the Residential Districts.
### 106-20.4 Rural Residential (RR) District & Agricultural Zoning (AZ) District

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-Family Dwellings</td>
<td>1</td>
<td>125</td>
<td>70 15 40</td>
<td>25</td>
<td>35</td>
<td>No</td>
</tr>
<tr>
<td>2. Two-Family Dwellings</td>
<td>1</td>
<td>150</td>
<td>70 15 40</td>
<td>25</td>
<td>35</td>
<td>No</td>
</tr>
<tr>
<td>3. Agricultural Operations</td>
<td>3</td>
<td>250</td>
<td>70 15 30</td>
<td>35</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>4. Ponds</td>
<td>1</td>
<td>125</td>
<td>70 70 70</td>
<td>N/A</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>5. Greenhouses and Nurseries</td>
<td>2</td>
<td>200</td>
<td>70 15 30</td>
<td>35</td>
<td>40</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Religious Institutions</td>
<td>2</td>
<td>150</td>
<td>70 30 50</td>
<td>35</td>
<td>35</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Open Space and Parks</td>
<td>2</td>
<td>150</td>
<td>70 30 50</td>
<td>35</td>
<td>35</td>
<td>Yes</td>
</tr>
<tr>
<td>8. Roadside Farm Stands</td>
<td>N/A</td>
<td>150</td>
<td>5 30 30</td>
<td>35</td>
<td>15</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Home Occupations</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A N/A N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>10. Accessory Building or Use, Residential&lt;sup&gt;2&lt;/sup&gt;</td>
<td>N/A</td>
<td>N/A</td>
<td>70 15 20</td>
<td>N/A</td>
<td>15</td>
<td>No</td>
</tr>
</tbody>
</table>

1. Unless otherwise noted in square feet (sf).
2. Or most common setback on the block.
### C. Specially Permitted Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mobile Home Parks</td>
<td>2</td>
<td>200</td>
<td>70 30 50</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>2. Rooming Houses</td>
<td>1</td>
<td>150</td>
<td>70 15 30</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>3. Day Care Facilities</td>
<td>1</td>
<td>150</td>
<td>70 30 50</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>4. Adult Care Facilities</td>
<td>1</td>
<td>150</td>
<td>70 30 50</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>5. Agri-Business</td>
<td>3</td>
<td>250</td>
<td>70 50 75</td>
<td>35 50</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>6. Public and Municipal Uses</td>
<td>2</td>
<td>150</td>
<td>70 30 50</td>
<td>35 40</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>7. Educational Institutions</td>
<td>2</td>
<td>150</td>
<td>70 30 50</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>8. Funeral Homes</td>
<td>1</td>
<td>150</td>
<td>70 15 30</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>9. Clubs and Lodges</td>
<td>2</td>
<td>150</td>
<td>70 30 50</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>10. Golf Courses</td>
<td>15</td>
<td>150</td>
<td>70 25 50</td>
<td>10 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>11. Animal Hospitals</td>
<td>2</td>
<td>150</td>
<td>70 25 50</td>
<td>25 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>12. Kennels</td>
<td>2</td>
<td>150</td>
<td>70 25 50</td>
<td>25 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>13. Cemeteries</td>
<td>3</td>
<td>150</td>
<td>70 25 50</td>
<td>10 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>14. Camps, Game Clubs, and Hunting Areas</td>
<td>15</td>
<td>150</td>
<td>70 25 50</td>
<td>10 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>15. Broadcasting and Transmission Facilities</td>
<td>1</td>
<td>125</td>
<td>75 30 30</td>
<td>20 40</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>16. Wireless Telecommunications Towers</td>
<td>1</td>
<td>125</td>
<td>75 75 75</td>
<td>20 40</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>17. Farm Wineries</td>
<td>15</td>
<td>150</td>
<td>70 25 50</td>
<td>10 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>18. Bed and Breakfast</td>
<td>1</td>
<td>150</td>
<td>70 30 30</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>19. Banquet Facility or Wedding Facility</td>
<td>1</td>
<td>150</td>
<td>70 30 30</td>
<td>35 35</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

1. Unless otherwise noted in square feet (sf).
2. Or most common setback on the block.
### 106-20.5 Low Density Residential (LDR) District

| Uses                                      | Minimum Lot Size (acres)
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Lot Width (feet)</td>
</tr>
<tr>
<td>B. Permitted Uses</td>
<td>Front (feet)</td>
</tr>
<tr>
<td>1. Single-Family Dwellings</td>
<td>30,000 sf</td>
</tr>
<tr>
<td>2. Two-Family Dwellings</td>
<td>1</td>
</tr>
<tr>
<td>3. Agricultural Operations</td>
<td>1</td>
</tr>
<tr>
<td>4. Religious Institutions</td>
<td>1</td>
</tr>
<tr>
<td>5. Home Occupations</td>
<td>N/A</td>
</tr>
<tr>
<td>6. Accessory Building or Use, Residential</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| C. Specially Permitted Uses              | Minimum Lot Size (acres)
|                                           | Minimum Lot Width (feet) |
| 1. Multi-family Dwellings                | 1              | 200         | 70           | 30           | 50                  | 35                    | Yes                 |
| 2. Rooming Houses and Dormitories       | 1              | 200         | 70           | 30           | 50                  | 35                    | Yes                 |
| 3. Day Care Facilities                  | 1              | 150         | 70           | 30           | 50                  | 35                    | Yes                 |
| 4. Adult Care Facilities                | 1              | 150         | 70           | 30           | 50                  | 35                    | Yes                 |
| 5. Open Space and Parks                 | 2              | 200         | 70           | 30           | 50                  | 25                    | Yes                 |
| 6. Public Services, Utilities, and Municipal Uses | 1              | 125         | 70           | 30           | 50                  | 35                    | Yes                 |
| 7. Educational Institutions             | 1              | 125         | 70           | 30           | 50                  | 35                    | Yes                 |
| 8. Funeral Homes                        | 1              | 125         | 70           | 30           | 50                  | 35                    | Yes                 |
| 9. Clubs and Lodges                     | 2              | 150         | 70           | 30           | 50                  | 35                    | Yes                 |
| 10. Animal Hospitals                    | 2              | 150         | 70           | 30           | 30                  | 25                    | Yes                 |
| 11. Cemeteries                          | 3              | 150         | 70           | 30           | 50                  | 35                    | Yes                 |
| 12. Broadcasting and Transmission Facilities | 1              | 125         | 70           | 30           | 50                  | 20                    | Yes                 |
| 13. Farm Wineries                       | 15             | 150         | 70           | 25           | 50                  | 10                    | Yes                 |
| 14. Bed and Breakfast                   | 1              | 150         | 70           | 30           | 30                  | 35                    | Yes                 |
| 15. Banquet Facility or Wedding Facility | 1              | 150         | 70           | 30           | 30                  | 35                    | Yes                 |

1. Unless otherwise denoted in square feet (sf).
2. Or most common setback on the block.
3. Or most common lot size on that block.
### 106-20.6 Lakeshore Residential (LR) District

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)¹</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front (feet)²</td>
<td>Side (feet)</td>
<td>Rear (feet)</td>
<td></td>
</tr>
<tr>
<td>B. Permitted Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Single-Family Dwellings</td>
<td>30,000 sf³</td>
<td>150</td>
<td>25</td>
<td>15</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>2. Single-Family Dwellings, East of West Lake Road</td>
<td>10,000 sf³</td>
<td>100</td>
<td>32</td>
<td>15/50</td>
<td>15/50</td>
<td>40</td>
</tr>
<tr>
<td>C. Specially Permitted Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Two-family dwellings⁴</td>
<td>1</td>
<td>200</td>
<td>25</td>
<td>15</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>2. Multi-family dwellings⁴</td>
<td>1+⁵</td>
<td>200</td>
<td>25</td>
<td>15</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>3. Rooming Houses</td>
<td>1+⁵</td>
<td>200</td>
<td>25</td>
<td>15</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>4. Bed and Breakfasts</td>
<td>1</td>
<td>200</td>
<td>25</td>
<td>15</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>5. Day Care Facilities</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>6. Adult Care Facilities</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>7. Public Services, Utilities, and Municipal Uses</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>8. Religious Institutions</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>9. Educational Institutions</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>10. Funeral Homes</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>11. Clubs and Lodges</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>12. Broadcasting and Transmission Facilities</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>13. Open Space and Parks</td>
<td>1</td>
<td>200</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>14. Home Occupations</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>15. Accessory Building or Use, Residential²</td>
<td>N/A</td>
<td>N/A</td>
<td>25</td>
<td>15</td>
<td>15</td>
<td>N/A</td>
</tr>
<tr>
<td>16. Accessory Building or Use, Nonresidential²,⁶</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>20</td>
<td>20</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1. Unless otherwise denoted in square feet (sf).
2. Or most common setback on that block.
3. Or most common lot size on that block.
4. New construction only; new residential conversions are not permitted.
5. Add 2,500 sq.ft. for each dwelling unit being proposed on-site.
6. Must be located in side or rear yard.
## B. Permitted Uses

1. Single-Family Dwellings  
   - Minimum Lot Size (acres): 3  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: No

2. Two-Family Dwellings  
   - Minimum Lot Size (acres): 3  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: No

3. Agricultural Operations  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): N/A  
   - Maximum Building Height (feet): N/A  
   - Site Plan Required: No

## C. Specially Permitted Uses

1. Open Space and Parks  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

2. Outdoor Recreation Facilities  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

3. Public Services, Utilities, and Municipal Uses  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

4. Religious Institutions  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

5. Educational Institutions  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

6. Clubs and Lodges  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

7. Cemeteries  
   - Minimum Lot Size (acres): 5  
   - Minimum Lot Width (feet): 500  
   - Minimum Setbacks:  
     - Front (feet): 150  
     - Side (feet): 15  
     - Rear (feet): 30  
   - Maximum Lot Coverage (%): 30  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

8. Home Occupations  
   - Minimum Lot Size (acres): N/A  
   - Minimum Lot Width (feet): N/A  
   - Minimum Setbacks:  
     - Front (feet): N/A  
     - Side (feet): N/A  
     - Rear (feet): N/A  
   - Maximum Lot Coverage (%): N/A  
   - Maximum Building Height (feet): N/A  
   - Site Plan Required: N/A

9. Farm Wineries  
   - Minimum Lot Size (acres): 15  
   - Minimum Lot Width (feet): 150  
   - Minimum Setbacks:  
     - Front (feet): 70  
     - Side (feet): 25  
     - Rear (feet): 50  
   - Maximum Lot Coverage (%): 10  
   - Maximum Building Height (feet): 35  
   - Site Plan Required: Yes

10. Bed and Breakfast  
    - Minimum Lot Size (acres): 1  
    - Minimum Lot Width (feet): 200  
    - Minimum Setbacks:  
      - Front (feet): 75  
      - Side (feet): 30  
      - Rear (feet): 30  
    - Maximum Lot Coverage (%): 35  
    - Maximum Building Height (feet): 35  
    - Site Plan Required: Yes

11. Banquet Facility or Wedding Facility  
    - Minimum Lot Size (acres): 1  
    - Minimum Lot Width (feet): 150  
    - Minimum Setbacks:  
      - Front (feet): 70  
      - Side (feet): 30  
      - Rear (feet): 30  
    - Maximum Lot Coverage (%): 35  
    - Maximum Building Height (feet): 35  
    - Site Plan Required: Yes

12. Accessory Building or Use, Residential\(^1\) 
    - Minimum Lot Size (acres): N/A  
    - Minimum Lot Width (feet): N/A  
    - Minimum Setbacks:  
      - Front (feet): 150  
      - Side (feet): 15  
      - Rear (feet): 30  
    - Maximum Lot Coverage (%): N/A  
    - Maximum Building Height (feet): 15  
    - Site Plan Required: No

---

\(^1\) Or most common setback on the block.
ARTICLE 21 | COMMERCIAL DISTRICTS

106-21.1. Commercial Districts Established

A. When this zoning law refers to commercial, business, office, or “C” zoning districts it is referring to any of the following:

<table>
<thead>
<tr>
<th>District Name</th>
<th>Map Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Limited Commercial</td>
<td>LC</td>
</tr>
<tr>
<td>B. Lakeshore Neighborhood Commercial</td>
<td>LNC</td>
</tr>
<tr>
<td>C. General Commercial</td>
<td>GC</td>
</tr>
</tbody>
</table>

B. The district names and map symbols are intended to provide a general indication of what is allowed in the district by denoting the commercial orientation of the district.

106-21.2 Purpose Statements

A. **Limited Commercial (LC).** The purpose of the LC District is to provide suitable areas for various low volume commercial, institutional and industrial uses and to support the goals and objectives contained in the Comprehensive Plan. The LC District is established to accommodate non-residential uses that do not impede or create excessive conflicts with the traffic flow on the existing street network. This District is appropriate in areas where the existing land uses, traffic patterns and other factors make it desirable to maintain or foster commercial activity, which generates less daily vehicular traffic than the General Commercial District.

B. **Lakeshore Neighborhood Commercial (LNC).** The purpose of the LNC District is to encourage smaller-scaled commercial development, compatible with the scale and intensity of adjacent residential and non-commercial sites, and to support the goals and objectives contained in the Comprehensive Plan. This District allows for limited commercial operations offering convenience shopping and services primarily for lakeshore residents.

C. **General Commercial (GC).** The purpose of the GC District is to encourage commercial development, and to support the goals and objectives contained in the Comprehensive Plan. The GC District is established to provide areas that are appropriate for intensive commercial activities that depend upon a large volume of motor vehicle traffic and serve the daily shopping needs of the community-at-large and surrounding areas. This District encourages the application of site design and buffering techniques to mitigate the impacts of commercial operations and traffic on adjacent uses and the traveling public.

106-21.3 Additional Requirements

The applicable Specific Use Requirements (Part 3) and Development Standards (Part 4) in this Chapter shall apply to all uses in the Commercial Districts.
### 106-21.4 Limited Commercial (LC) District

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Permitted Uses</strong></td>
<td></td>
<td></td>
<td>Front (feet)</td>
<td>Side (feet)</td>
<td>Rear (feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Broadcasting Studio</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>2. Repair Shop (not including auto-repair)</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>3. Motor Vehicle Parking Lot</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>4. Mix of Permitted Uses</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>5. Public Services, Utilities, and Municipal Uses</td>
<td>0.5</td>
<td>75</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>6. Storage &amp; Warehousing Establishment</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>7. Printing &amp; Publishing Operation</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>8. Accessory Building or Use, Nonresidential⁴</td>
<td>N/A</td>
<td>N/A</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>20</td>
</tr>
<tr>
<td><strong>B. Specially Permitted Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Auto Sales or Rental</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>2. Auto Repair Establishment</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>3. Outdoor Storage or Sales</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>4. Educational Institution</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>5. Church or Religious Institution</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
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<tr>
<td>6. Telecommunications Facility</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
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<tr>
<td>7. Distribution Facility</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>8. Veterinary Clinic</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>9. Truck, Freight &amp; Transfer Facility</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>10. Industrial Operation within an Enclosed Building</td>
<td>30,000 sf</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>60</td>
<td>40</td>
</tr>
<tr>
<td>11. Banquet Facility or Wedding Facility</td>
<td>1</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>25</td>
<td>35</td>
<td>40</td>
</tr>
</tbody>
</table>

1. Unless otherwise noted in square feet (sf).
2. Or the most common setback on the block in which the lot is located.
3. Setbacks on corner lots must satisfy the corner clearance requirements in Section 106-45.10.
4. Must be located in side or rear yard.
### B. Permitted Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (sq. ft.)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Front Setback</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Professional, Medical or Dental Office</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Dance, Art or Music Studio</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Retail or Personal Service Shop</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Park, Playground, Recreation Facility</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Single-family dwelling, detached</td>
<td>30,000</td>
<td>100</td>
<td>50 15 40</td>
<td>N/A</td>
<td>50</td>
<td>35</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>6. Upper Floor Residential Units</td>
<td>30,000</td>
<td>100</td>
<td>50 15 40</td>
<td>N/A</td>
<td>50</td>
<td>35</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Accessory Building/Use, Residential</td>
<td>N/A</td>
<td>N/A</td>
<td>50 15 40</td>
<td>N/A</td>
<td>50</td>
<td>15</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>8. Accessory Building/Use, Nonresidential</td>
<td>N/A</td>
<td>N/A</td>
<td>25 15 40</td>
<td>N/A</td>
<td>60</td>
<td>20</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### C. Specially Permitted Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (sq. ft.)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Front Setback</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Drinking Establishment or Tavern</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Restaurant (without drive-through)</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Lodging</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Mix of Permitted Uses</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Educational Institution for watercraft</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Church or Religious Institution</td>
<td>30,000</td>
<td>100</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Public Services, Utilities, Municipal Uses</td>
<td>15,000</td>
<td>50</td>
<td>25 15 40</td>
<td>40</td>
<td>60</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>8. Banquet Facility or Wedding Facility</td>
<td>30,000</td>
<td>100</td>
<td>50 15 40</td>
<td>40</td>
<td>35</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Outdoor Recreational Equipment Rental</td>
<td>30,000</td>
<td>100</td>
<td>50 15 40</td>
<td>40</td>
<td>35</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Marina or Docking Space</td>
<td>30,000</td>
<td>100</td>
<td>50 15 40</td>
<td>40</td>
<td>35</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
<tr>
<td>11. Museum facility</td>
<td>30,000</td>
<td>100</td>
<td>50 15 40</td>
<td>40</td>
<td>35</td>
<td>35</td>
<td>8,000</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1. Or the most common lot size on the block in which the lot is located.
2. Or the most common setback on the block in which the lot is located.
3. Setbacks on corner lots must satisfy the corner clearance requirements in Section 106-45.10.
4. Must be located in side or rear yard.
### 106-21.6 General Commercial (GC) District

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (sq. ft.)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Permitted Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Professional, Medical or Dental Office</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Dance, Art or Music Studio</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>3. Bank or Financial Institution</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>4. Retail or Personal Service or Shop</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>5. Shopping Center</td>
<td>1.5 acres</td>
<td>150</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>6. Mortuary or Funeral Home</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>7. Laundromat or Dry Cleaning Outlet</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>8. Drinking Establishment or Tavern</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>9. Restaurant (without drive-through)</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>10. Fitness or Health Club</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>11. Broadcasting Studio</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>12. Indoor Recreation &amp; Entertainment Facility</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>13. Repair Shop (not including auto-repair)</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>14. Lodging</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>15. Conference/Meeting Center</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>16. Motor Vehicle Parking Lot</td>
<td>20,000</td>
<td>50</td>
<td>40</td>
<td>20/50</td>
<td>70</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>17. Mix of Permitted Uses</td>
<td>1</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>18. Educational Institution</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>19. Day Care Facilities</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>20. Church or Religious Institution</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>21. Public Services, Utilities, and Municipal Uses</td>
<td>20,000</td>
<td>50</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>22. Printing &amp; Publishing Operation</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
<td>N/A</td>
</tr>
<tr>
<td>23. Dwelling in Conjunction with a Commercial Use</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>24. Accessory Building or Use, Nonresidential&lt;sup&gt;5&lt;/sup&gt;</td>
<td>N/A</td>
<td>N/A</td>
<td>40</td>
<td>20/50</td>
<td>60</td>
<td>20</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1. Or the most common lot width on the block in which the lot is located.
2. Or the most common setback on the block in which the lot is located.
3. Setbacks on corner lots must satisfy the corner clearance requirements in Section 106-45.10.
4. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
5. Must be located in side or rear yard.
### C. Specially Permitted Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (sq. ft.)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Kennel</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>2. Veterinary Clinic</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>3. Dry Cleaning Facility</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>4. Outdoor Recreation Facility</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>5. Gasoline Station</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>6. Car Wash</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>7. Auto Sales or Rental</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>8. Auto Repair Establishment</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>9. Outdoor Storage or Sales</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>10. Stand-alone Drive-Through Establishment</td>
<td>20,000</td>
<td>50</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>11. Drive-through in Conjunction with a Permitted Use</td>
<td>20,000</td>
<td>50</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>12. Hospital or Health Care Facility</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>13. Telecommunications Facility</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>14. Storage &amp; Warehousing Establishment</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>15. Distribution Facility</td>
<td>1 acre</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>16. Banquet Facility or Wedding Facility</td>
<td>30,000</td>
<td>100</td>
<td>40</td>
<td>20/50</td>
<td>20/50</td>
<td>40</td>
<td>45</td>
</tr>
</tbody>
</table>

1. Or the most common lot width on the block in which the lot is located.
2. Or the most common setback on the block in which the lot is located.
3. Setbacks on corner lots must satisfy the corner clearance requirements in Section 106-45.10.
4. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
ARTICLE 22 | INDUSTRIAL DISTRICTS

106-22.1. Industrial Districts Established

A. When this zoning law refers to industrial, manufacturing, or “I” zoning districts it is referring to the following:

<table>
<thead>
<tr>
<th>District Name</th>
<th>Map Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Light Industrial</td>
<td>LI</td>
</tr>
<tr>
<td>B. General Industrial</td>
<td>GI</td>
</tr>
</tbody>
</table>

B. The district names and map symbols are intended to provide a general indication of what is allowed in the district by denoting the industrial or manufacturing orientation of the district.

106-22.2 Purpose Statements

A. **Light Industrial (LI).** The purpose of the LI District is to accommodate light industrial activity in a manner that supports the goals and objectives contained in the Comprehensive Plan. The Light Industrial District is established to provide for manufacturing and industrial uses and businesses which are compatible with and do not detract from surrounding districts. The LI District is characterized by uses that conduct their operations within an enclosed building with minimal or no activity occurring outdoors and no outdoor storage of materials. Developments in this District shall employ techniques to minimize negative impacts (including traffic, parking, glare, noise, odor, etc.) on adjacent non-industrial uses, especially established residential districts and environmentally sensitive areas.

B. **General Industrial (GI).** The purpose of the GI District is to accommodate industrial activity, which is more intensive than light industrial activity in a manner that supports the goals and objectives contained in the Comprehensive Plan. The General Industrial District is established to provide opportunities for a wide range of manufacturing and extractive activities, which have a greater potential for negative impacts on surrounding properties. Uses permitted in the GI District shall be in areas where public utilities and adequate transportation facilities are available or can be made available. Developments in this District shall employ techniques to minimize negative impacts (including traffic, parking, glare, noise, odor, etc.) on adjacent non-industrial uses, especially established residential districts and environmentally sensitive areas.

106-22.3 Additional Requirements

The applicable Specific Use Requirements (Part 3) and Development Standards (Part 4) in this Chapter shall apply to all uses in the Industrial Districts.
## Light Industrial (LI) District

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Warehousing and Enclosed Storage</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>2. Food Processing, Baking, and Packaging Plants</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>3. Enclosed Assembly of Previously Manufactured Goods and Services</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>4. Printing and Publishing of Books and Newspapers</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>5. Enclosed Research, Development, Experimental or Testing Lab</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>6. Enclosed Fabric and Clothing Production Facilities</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>7. Self-service Storage Facility</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>8. Manufacturing (not including handling of waste products)</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>9. Retail or Personal Service Store or Shop</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>10. Wholesale Trade</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>11. Enclosed Motor Vehicle Repair Shop</td>
<td>30,000 sf</td>
<td>150</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>12. Motor Vehicle Parking Lot or Garage</td>
<td>0.5</td>
<td>100</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>13. Public Services, Utilities, and Municipal Uses</td>
<td>0.5</td>
<td>100</td>
<td>70</td>
<td>30/50</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>14. Accessory Building or Use, Nonresidential¹</td>
<td>N/A</td>
<td>N/A</td>
<td>30/100</td>
<td>30/100</td>
<td>N/A</td>
<td>20</td>
</tr>
</tbody>
</table>

### Specially Permitted Uses

1. Lumberyard                                                        | 1                        | 200                      | 70               | 30/50                    | 50                            | 40                |
2. Laundries and Dry-Cleaning Plants                                | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |
3. Enclosed Processing of Raw Materials                             | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |
4. Outdoor Operations and Storage                                  | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |
5. Professional, Medical or Dental Office                          | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |
6. Bulk Sales and Rental                                            | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |
7. Motor Vehicle Sales or Rental Establishments                     | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |
8. Kennel                                                           | 1                        | 200                      | 70               | 30/50                    | 50                            | 40                |
9. Indoor and Outdoor Recreation and Entertainment Facilities       | 1                        | 200                      | 70               | 30/50                    | 50                            | 40                |
10. Outdoor Sales, Display or Storage                              | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |
11. Telecommunications Facilities                                   | 30,000 sf                | 150                      | 70               | 30/50                    | 50                            | 40                |

---

1. Unless otherwise noted in square feet (sf).
2. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
3. Must be located in side or rear yard.
### B. Permitted Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)²</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lumberyard</td>
<td>2</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>50</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Warehousing and Enclosed Storage</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Food Processing, Baking, and Packaging Plants</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Enclosed Assembly of Previously Manufactured Goods and Services</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Printing and Publishing of Books and Newspapers</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Enclosed Research, Development, Experimental, or Testing Lab</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Laundries and Dry-Cleaning Plants</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>8. Enclosed Processing of Raw Materials</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Transportation and Freight Terminal Facilities</td>
<td>2</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Enclosed Fabric and Clothing Production Facilities</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>11. Self-service Storage Facility</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>12. Manufacturing (not including handling of waste products)</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>13. Wholesale Trade</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>14. Enclosed Motor Vehicle Repair</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>15. Motor Vehicle Parking Lot or Garage</td>
<td>0.5</td>
<td>100</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>16. Public or Municipal Use</td>
<td>0.5</td>
<td>100</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>17. Accessory Building or Use, Nonresidential²</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>30/100</td>
<td>30/100</td>
<td>N/A</td>
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</tbody>
</table>

### C. Specially Permitted Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)²</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Contractor's and Building Material Storage Yard</td>
<td>2</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>2. Extractive and Mining Operations</td>
<td>3</td>
<td>400</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Outdoor Operations and Storage</td>
<td>2</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Manufacturing (waste products or materials)</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Junkyard</td>
<td>10</td>
<td>400</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Bulk Sales or Rental</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Motor Vehicle Sales or Rental Establishments</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>8. Kennel</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Indoor and Outdoor Recreation and Entertainment Facilities</td>
<td>2</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Outdoor Sales, Display, or Storage</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
<tr>
<td>11. Telecommunications Facilities</td>
<td>1</td>
<td>200</td>
<td>100</td>
<td>50</td>
<td>60</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1. Unless otherwise noted in square feet (sf).
2. Must be located in side or rear yard.
ARTICLE 23 | MIXED-USE DISTRICTS

106-23.1 Mixed-Use Districts Established

A. When this zoning law refers to mixed-use or "MU" zoning district it is referring to any of the following:

<table>
<thead>
<tr>
<th>District Name</th>
<th>Map Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Mixed-Use I</td>
<td>MUI</td>
</tr>
<tr>
<td>B. Mixed-Use II</td>
<td>MUII</td>
</tr>
<tr>
<td>C. Mixed-Use III</td>
<td>MUIII</td>
</tr>
</tbody>
</table>

B. The mixed-use district names and map symbols are intended to denote the intended mixed-use development pattern overall, while also indicating that the type and intensity of uses vary within each district.

C. Preference will be given to developments that promote the overall objectives of the Mixed-Use Districts as a whole as described in Section 106-23.3

106-23.2 Purpose Statements

A. Mixed Use I (MUI). The purpose of the MUI District is to permit mixed-use developments that incorporate light industrial and office uses, while also providing opportunities for supporting limited commercial and residential uses. The District shall also serve as the gateway into the Village while travelling along Lima Road. Development within the MUI District should utilize existing natural features and grading, and incorporate a campus-style development pattern. The intent of this District is to increase employment opportunities for residents and enhance the tax base within the Town through the responsible development of diverse, sustainable mixed-use light industrial and professional office campuses.

B. Mixed Use II (MUII). The purpose of the MUII District is to permit mixed-use developments that meet the community housing and daily commercial service needs of residents, while also providing a transition from the industrial and office uses allowed within the Mixed-Use I and III Districts. The intent of the MUII District is to develop a mix of limited commercial uses with higher density residential uses that create a unique and attractive living environment for all residents and which encourage the development of senior and affordable housing opportunities. Flexibility will be given for developments that promote the overall objectives of the Mixed-Use Districts as a whole (See Subsection 23.3).

C. Mixed Use III (MUIII). The purpose of the MUIII District is to encourage mixed-use developments that incorporate light industrial, office, and limited commercial uses, while also providing opportunities for upper-floor residential uses. The District shall also serve as the gateway into the Village while travelling along Route 20A. Larger retail, entertainment, recreation, and accommodation uses shall be focused within this District. All development should be campus-like in site design and layout, utilizing existing natural features as public open space where practicable. The intent of the MUIII District is to create a diverse and sustainable economic driver for the Town that not only meets the needs of residents, but also increases their overall quality of life. Flexibility will be given for developments that promote the overall objectives of the Mixed-Use Districts as a whole (See Subsection 23.3).

106-23.3 Objectives

In order to ensure that the future design, layout, and character of the Town’s Mixed-Use Districts is cohesive and consistent with their purpose and intent, the following objectives shall be observed by all proposed development:
1. Provision of an internal roadway system and shared internal access drives to development sites that limit or eliminate direct access for motor vehicle traffic to Route 20A and Lima Road.

2. Development of an internal roadway system that provides for the safe and efficient travel of pedestrians and cyclists as well as motorists. Said roadway system should include sidewalk connections, crosswalks, transit stops, and bicycle accommodations where appropriate.

3. Promotion of a mix of compatible and complementary uses throughout the District in order to create a sustainable destination and activity center that can adapt to a changing marketplace (e.g. commercial development with integrated or upper-story residential units).

4. Promotion of a cohesive and interconnected development pattern throughout all Mixed-Use Districts, regardless of the sequence of proposals or project phasing.

5. Utilization of landscaped buffers for development located along major thoroughfares and adjacent to existing residential neighborhoods.

6. Preservation and enhancement of established and generally recognized Genesee Valley viewsheds.

7. Preservation and integration of existing open space not only as natural buffer areas, but also as passive and active recreation opportunities for surrounding uses and the general public.

8. Application of the Gateway Overlay District Design Standards to achieve the most appropriate and visually appealing building and site design that enhances the Town’s community character.

106-23.4 Additional Requirements

A. The applicable Specific Use Requirements (Part 3) and Development Standards (Part 4) in this Chapter shall apply to all uses in the Mixed-Use Districts.

B. All uses in the Mixed-Use Districts, except accessory uses and structures, shall be subject to Site Plan Review by the Planning Board.
### A. Permitted Uses

#### Industrial
1. Enclosed Assembly of Previously Manufactured Goods and Services
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

2. Enclosed Fabric and Clothing Production Facilities
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

3. Enclosed Manufacturing Facility (not including handling of waste products)
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

4. Enclosed Research, Development, Experimental or Testing Lab
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

5. Warehousing and Enclosed Storage
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

6. Self-service Storage Facility
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

7. Transportation and Freight Terminal Facilities
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

#### Office/Institutional
1. Professional, Medical or Dental Office
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

2. Administrative Office Use
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

3. Bank or Financial Institution
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

4. Call Center
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

5. Data or Technology Center
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

6. Broadcasting Studio
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

7. Conference/Meeting Center
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

8. Public Services, Utilities, or Municipal Uses
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

#### Other Uses
1. Motor Vehicle Parking Lot or Garage
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 75
   - Minimum Setbacks: Front (feet): 100, Side (feet): 30, Rear (feet): 30
   - Maximum Lot Coverage (%): 70
   - Maximum Building Height (feet): N/A
   - Maximum Building Footprint (sf): N/A

2. Parks and Open Space
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Maximum Lot Coverage (%): 35
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sf): N/A

3. Accessory Building or Use, Nonresidential³
   - Minimum Lot Size (acres): N/A
   - Minimum Lot Width (feet): N/A
   - Minimum Setbacks: Front (feet): 30, Side (feet): 100, Rear (feet): 100
   - Maximum Lot Coverage (%): N/A
   - Maximum Building Height (feet): 20
   - Maximum Building Footprint (sf): N/A

---

1. The first number indicates setback along arterial or collector roadways, second indicates setback along local or internal roadways.
2. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
3. Must be located in side or rear yard.
### 106-23.5 Mixed Use I (MUI) District - Continued

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front (feet)</td>
<td>Side (feet)</td>
<td>Rear (feet)</td>
<td></td>
</tr>
<tr>
<td>B. Specially Permitted Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Mix of Permitted Uses</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>2. Food Processing, Baking, and Packaging Plants</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/100</td>
<td>30/100</td>
<td>60</td>
</tr>
<tr>
<td>3. Printing and Publishing of Books and Newspapers</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/100</td>
<td>30/100</td>
<td>60</td>
</tr>
<tr>
<td>Office/Institution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Educational Institution</td>
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<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>2. Religious Institution</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>3. Hospital or Health Care Facility</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/75</td>
<td>30/75</td>
<td>60</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Retail or Personal Service Store or Shop</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>2. Repair Shop (not including auto-repair)</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>3. Drive-through in Conjunction with Permitted Use</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>4. Restaurant, Sit-down (No Drive-through)</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>5. Restaurant, Fast-food or Drive-in</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>6. Drinking Establishment or Tavern</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>7. Movie Theater or Auditorium</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>8. Indoor Recreation Facility</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>9. Gasoline Station</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>10. Veterinary Clinic</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>11. Kennel</td>
<td>0.5</td>
<td>100</td>
<td>100</td>
<td>200</td>
<td>200</td>
<td>60</td>
</tr>
<tr>
<td>12. Laundry and Dry-Cleaning Outlet</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>13. Lodging</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No more than 40% of the acreage within this District may be comprised of residential uses.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Single-Family Dwelling(^3)</td>
<td>1</td>
<td>20</td>
<td>60</td>
<td>15/40</td>
<td>15/40</td>
<td>50</td>
</tr>
<tr>
<td>2. Two-Family Dwelling(^3)</td>
<td>1</td>
<td>20</td>
<td>60</td>
<td>15/40</td>
<td>15/40</td>
<td>50</td>
</tr>
<tr>
<td>3. Multi-Family Dwelling(^4)</td>
<td>1</td>
<td>50</td>
<td>60</td>
<td>15/40</td>
<td>15/40</td>
<td>50</td>
</tr>
<tr>
<td>4. Accessory Building or Use, Residential</td>
<td>N/A</td>
<td>N/A</td>
<td>60</td>
<td>15/40</td>
<td>15/40</td>
<td>50</td>
</tr>
</tbody>
</table>

1. The first number indicates setback along arterial or collector roadways, second indicates setback along local or internal roadways.
2. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
3. Maximum density is six (6) dwelling units per gross acre.
4. Maximum density is ten (10) dwelling units per gross acre.
### A. Permitted Uses

#### Residential

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Single-Family Dwelling³</td>
<td>1</td>
<td>20</td>
<td>60</td>
<td>15/40</td>
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<td>35</td>
</tr>
<tr>
<td>2. Two-Family Dwelling³</td>
<td>1</td>
<td>20</td>
<td>60</td>
<td>15/40</td>
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<td>35</td>
</tr>
<tr>
<td>3. Multi-Family Dwelling⁴</td>
<td>1</td>
<td>50</td>
<td>60</td>
<td>15/40</td>
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<td>35</td>
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<tr>
<td>4. Accessory Building or Use, Residential</td>
<td>N/A</td>
<td>N/A</td>
<td>60</td>
<td>15/40</td>
<td>50</td>
<td>10</td>
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</table>

#### Commercial

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clubs and Lodges</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>2. Retail or Personal Service Store or Shop</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>3. Repair Shop (not including auto-repair)</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>4. Laundromat or Dry Cleaning Outlet</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>5. Dance, Fitness, Art or Music Studio</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>6. Restaurant, Sit-down (No Drive-through)</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
</tbody>
</table>

#### Office/Institutional

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Professional, Medical or Dental Office</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>2. Administrative Office Use</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>3. Bank or Financial Institution</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>4. Hospital or Health Care Facility</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
<tr>
<td>5. Public Services, Utilities, and Municipal Uses</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>30/50</td>
<td>60</td>
<td>35</td>
</tr>
</tbody>
</table>

#### Other Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Motor Vehicle Parking Lot or Garage</td>
<td>0.5</td>
<td>75</td>
<td>100</td>
<td>30/50</td>
<td>70</td>
<td>35</td>
</tr>
<tr>
<td>2. Parks and Open Space</td>
<td>0.5</td>
<td>100</td>
<td>30</td>
<td>20</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>3. Accessory Building or Use, Nonresidential⁵</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>30/50</td>
<td>60</td>
<td>20</td>
</tr>
</tbody>
</table>

---

1. The first number indicates setback along arterial or collector roadways, second indicates setback along local or internal roadways.
2. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
3. Maximum density is six (6) dwelling units per gross acre.
4. Maximum density is ten (10) dwelling units per gross acre.
5. Must be located in side or rear yard
### B. Specially Permitted Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front (feet)&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Side (feet)&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Rear (feet)&lt;sup&gt;2&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>70/50</td>
<td>30/50</td>
<td>30/50</td>
<td>60</td>
</tr>
</tbody>
</table>

1. Mix of Permitted Uses

<table>
<thead>
<tr>
<th>Residential</th>
<th>No more than 40% of the acreage within this District may be comprised of residential uses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adult Care Facilities</td>
<td>0.5</td>
</tr>
</tbody>
</table>

2. The first number indicates setback along arterial or collector roadways, second indicates setback along local or internal roadways.

3. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
### A. Permitted Uses

#### Industrial

1. Enclosed Assembly of Previously Manufactured Goods and Services
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/100
     - Rear (feet): 30/100
   - Maximum Lot Coverage (%): 60/30
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

2. Food Processing, Baking, and Packaging Plants
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/100
     - Rear (feet): 30/100
   - Maximum Lot Coverage (%): 60/30
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

3. Printing and Publishing of Books and Newspapers
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/100
     - Rear (feet): 30/100
   - Maximum Lot Coverage (%): 60/30
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

4. Enclosed Fabric and Clothing Production Facilities
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/100
     - Rear (feet): 30/100
   - Maximum Lot Coverage (%): 60/30
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

5. Enclosed Manufacturing Facility (not including handling of waste products)
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/100
     - Rear (feet): 30/100
   - Maximum Lot Coverage (%): 60/30
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

6. Enclosed Research, Development, Experimental or Testing Lab
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/100
     - Rear (feet): 30/100
   - Maximum Lot Coverage (%): 60/30
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

#### Commercial

1. Retail or Personal Service Store or Shop
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

2. Repair Shop (not including auto-repair)
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

3. Restaurant, Sit-down (No Drive-through)
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

4. Restaurant, Fast-food or Drive-in
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

5. Dance, Fitness, Art or Music Studio
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

6. Movie Theater or Auditorium
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

7. Indoor Recreation Facility
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

8. Gasoline Station
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

9. Veterinary Clinic
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/75
     - Rear (feet): 30/75
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

10. Kennel
    - Minimum Lot Size (acres): 0.5
    - Minimum Lot Width (feet): 100
    - Minimum Setbacks:
      - Front (feet): 70/50
      - Side (feet): 100
      - Rear (feet): 100
    - Maximum Lot Coverage (%): 60
    - Maximum Building Height (feet): 35
    - Maximum Building Footprint (sq.ft.): N/A

11. Laundry and Dry-Cleaning Outlet
    - Minimum Lot Size (acres): 0.5
    - Minimum Lot Width (feet): 100
    - Minimum Setbacks:
      - Front (feet): 70/50
      - Side (feet): 30/75
      - Rear (feet): 30/75
    - Maximum Lot Coverage (%): 60
    - Maximum Building Height (feet): 35
    - Maximum Building Footprint (sq.ft.): N/A

12. Lodging
    - Minimum Lot Size (acres): 0.5
    - Minimum Lot Width (feet): 100
    - Minimum Setbacks:
      - Front (feet): 70/50
      - Side (feet): 30/75
      - Rear (feet): 30/75
    - Maximum Lot Coverage (%): 60
    - Maximum Building Height (feet): 35
    - Maximum Building Footprint (sq.ft.): N/A

#### Other Uses

1. Motor Vehicle Parking Lot or Garage
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 75
   - Minimum Setbacks:
     - Front (feet): 100
     - Side (feet): 30/50
     - Rear (feet): 30/50
   - Maximum Lot Coverage (%): 70
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

2. Parks and Open Space
   - Minimum Lot Size (acres): 0.5
   - Minimum Lot Width (feet): 100
   - Minimum Setbacks:
     - Front (feet): 30
     - Side (feet): 20
     - Rear (feet): 30
   - Maximum Lot Coverage (%): 35
   - Maximum Building Height (feet): 35
   - Maximum Building Footprint (sq.ft.): N/A

3. Accessory Building or Use, Nonresidential
   - Minimum Lot Size (acres): N/A
   - Minimum Lot Width (feet): N/A
   - Minimum Setbacks:
     - Front (feet): 70/50
     - Side (feet): 30/50
     - Rear (feet): 30/50
   - Maximum Lot Coverage (%): 60
   - Maximum Building Height (feet): 20
   - Maximum Building Footprint (sq.ft.): N/A

---

1. The first number indicates setback along arterial or collector roadways, second indicates setback along local or internal roadways.
2. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
3. Must be located in side or rear yard.
### A. Permitted Uses

**Office/Institutional**

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks (feet)</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Professional, Medical or Dental Office</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Administrative Office Use</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>3. Bank or Financial Institution</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>4. Call Center</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>5. Data or Technology Center</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>6. Broadcasting Studio</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>7. Conference/Meeting Center</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>8. Public Services, Utilities, and Municipal Uses</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**B. Specially Permitted Uses**

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks (feet)</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mix of Permitted Uses</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Upper-Floor Residential Units with Permitted Uses</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Industrial**

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks (feet)</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Warehousing and Enclosed Storage</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Transportation and Freight Terminal Facilities</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Office/Institutional**

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks (feet)</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Educational Institution</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Religious Institution</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>3. Hospital or Health Care Facility</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Commercial**

<table>
<thead>
<tr>
<th>Uses</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Lot Width (feet)</th>
<th>Minimum Setbacks (feet)</th>
<th>Maximum Lot Coverage (%)</th>
<th>Maximum Building Height (feet)</th>
<th>Maximum Building Footprint (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shopping Center, Multi-tenant</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Drinking Establishment or Tavern</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>3. Drive-through in Conjunction with Permitted Use</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
<tr>
<td>4. Self-service Storage Facility</td>
<td>0.5</td>
<td>100</td>
<td>70/50</td>
<td>60</td>
<td>35</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1. The first number indicates setback along arterial or collector roadways, second indicates setback along local or internal roadways.
2. The second number in the column represents the required setback if the lot is located adjacent to a residential district.
ARTICLE 24 | AGRICULTURAL DISTRICTS

106-24.1 Agricultural Districts Established

A. The agricultural districts are listed below. When this zoning law refers to agricultural zoning districts it is referring to the following:

<table>
<thead>
<tr>
<th>District Name</th>
<th>Map Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Agricultural Zoning</td>
<td>AZ</td>
</tr>
</tbody>
</table>

B. The agricultural district name and map symbol is intended to provide a general indication of what is allowed in the district by denoting the agricultural and farming orientation of the district.

106-24.2 Purpose Statements

A. Agricultural Zoning (AZ) District. The purpose of the AZ District is to implement the agricultural designation of the Comprehensive Plan, to protect predominantly agricultural areas from nonagricultural development pressures, to encourage the continuation of commercial agriculture and the associated operations necessary to support it, to prevent scattered nonfarm growth, to reduce land use conflicts, and to preserve the Town’s open space and natural resources. Since agriculture is the intended primary use, the impacts associated with normal, reasonable and generally accepted farming practices shall not form the basis for violations under any part of this Chapter.

106-24.3 Additional Requirements

The applicable Specific Use Requirements (Part 3) and Development Standards (Part 4) in this Chapter shall apply to all uses in the Agricultural Districts.

106-24.4 Use, Dimensional, and Bulk Regulations

The permitted and specially permitted use lists and dimensional and bulk requirements for the AZ District shall be the same as outlined in Section 106-20.4 for the Rural Residential District.
PART 3 | SPECIFIED USE REQUIREMENTS

Article 30 | Specified Use Requirements

30.1  Purpose and Applicability ................................................................. 2
30.2  Accessory Uses and Structures .......................................................... 2
30.3  Adult Care Facilities ........................................................................... 3
30.4  Adult Use and Entertainment Establishments ...................................... 3
30.5  Automotive Sales ............................................................................... 5
30.6  Automotive Service Stations, Motor Vehicle Repair Shops, Gasoline Stations or Service Stations .......................................................... 6
30.7  Bed and Breakfasts .............................................................................. 8
30.8  Car Washes .......................................................................................... 8
30.9  Daycare Facilities, Youth and Adult ...................................................... 8
30.10 Drive-Through Facilities ...................................................................... 9
30.11 Farm Stands ....................................................................................... 9
30.12 Home Occupations ............................................................................ 10
30.13 Kennels .............................................................................................. 10
30.14 Marinas .............................................................................................. 10
30.15 Mobile Homes and Mobile Home Parks ............................................. 11
30.16 Multi-Family Dwellings ....................................................................... 11
30.17 Outdoor Recreation Facilities .............................................................. 12
30.18 Outdoor Sales and Display ................................................................ 12
30.19 Outdoor Storage ................................................................................. 13
30.20 Public Utilities ................................................................................... 13
30.21 Quarries, Excavation, and Fill Material ............................................. 14
30.22 Transportation and Freight Terminal Facilities .................................... 14
30.23 Wineries and Breweries ..................................................................... 14
30.24 Wireless Telecommunication Towers ................................................. 14
ARTICLE 30 | SPECIFIED USE REQUIREMENTS

106-30.1 PURPOSE AND APPLICABILITY

A. The purpose of this Article is to place requirements on specific uses that have a greater potential to adversely impact surrounding properties, but which nonetheless may be made desirable and compatible through proper control and regulation. These requirements are intended to promote not only the general health, safety, and welfare of the public but also the character of the immediate neighborhood and larger community.

B. The following requirements are applicable to the uses, permitted and specially permitted, listed in Parts 2 of this Chapter and contained within this Article.

C. Uses allowable by special permit must obtain Planning Board approval via the special use permit process (Article 53) prior to operation.

D. Permitted Uses by right do not require Planning Board approval, provided they meet all applicable requirements set forth in this Chapter.

E. In addition to the requirements outlined in this Article, specified uses shall be in conformance with all applicable Development Standards set forth in Part 4 of this chapter.

106-30.2 ACCESSORY USES AND STRUCTURES

Accessory structures and uses are permitted in any zoning district in connection with any principle use lawfully existing within such district. No accessory use or structure shall be established or constructed until the primary use or structure is constructed. Accessory structures shall comply with the setback requirements as stated in the district tables of Part 2 of this Chapter. Accessory uses and structures deemed to be similar in nature to this Section and appropriate by the Code Enforcement Officer may also be allowed in the Town.

A. Permitted Residential Accessory Uses and Structures.

1. Detached accessory uses and structures, except for driveways, accessory to a residential use are permitted provided they do not cause the extent of lot coverage to exceed that of the permitted lot coverage for the associated principal use. Such detached accessory uses and structures may include, but are not limited to:

   i. Decks, patios, and terraces.
   ii. Detached residential garage or carport.
   iii. Child’s playground or playhouse.
   iv. Nurseries, home gardens, or greenhouses.
   v. Fallout shelters provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
   vi. Fire escapes.
   vii. Freestanding radio antennas or dish antennas limited to one meter or less in diameter.
   viii. Private swimming pool provided the edge of said pool is not located closer than ten (10) feet to any property line and does not occupy more than 10% of the lot area.
   ix. Farm pond provided that the edge of said pond is not located closer than seventy (70) feet to any property line and 50% of the pond is sloped so that a person or animal can easily get out.
   x. Solar energy systems or green infrastructure techniques, such as rain barrels, rain gardens, or bioswales when located in the side or rear yard.
   xi. Enclosed storage structure.

2. Attached residential garages, carports, decks and terraces located in the side or rear yard.

3. Fences and walls subject to the provisions of Section 106-45.11.

4. Handicapped access ramps, installed permanently, provided do not obstruct access to required parking.

5. Home occupations subject to the additional requirements specified in Section 106-30.12 of
6. Electric vehicle charging stations when located in the side or rear yard.

B. Permitted Nonresidential Accessory Uses and Structures. Accessory uses and structures permitted by right include:

1. Commercial vending machines in any commercial district, but not within the required setbacks, and if located within 150 feet of a residential district the machine shall be screened from the residential district.
2. Decks, patios, and terraces when associated with a legal outdoor seating or assembly area.
3. Detached garage, but only in the rear yard or side yard if behind front building line.
4. Dish antennas seven (7) feet or less in diameter located in the rear yard in any commercial district.
5. Fences and walls subject to the provisions of Section 106-45.11.
6. Freestanding radio antennas located in the rear yard.
7. Parking lots and parking areas, including electrical vehicle charging stations, subject to the provisions of Article 41 (Off-street parking and loading requirements).
8. Solar energy systems located in the rear yard.
9. Green infrastructure techniques, such as rain barrels, rain gardens, or bioswales.
10. Temporary outdoor display of retail merchandise subject to the requirements for outdoor displays set forth in Section 106-30.18 of this Article.
11. Walkup service windows facing any public right-of-way when accessory to a permitted retail sales and service use.
12. Handicapped access ramps, installed permanently, when located in the side or rear yard and do not obstruct access to required parking.
13. Vehicular wheelchair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.

C. Prohibited Accessory Uses and Structures. Accessory uses and structures prohibited include:

1. Outdoor placement of commercial vending machines anywhere on a site in a residential district.
2. No more than one unregistered, unlicensed vehicle of any kind or type without current license plates shall be parked or stored on any residentially zoned property. Said vehicle may not be in a state of disrepair.

106-30.3 ADULT CARE FACILITIES

A. All adult care facilities shall be maintained and operated according to the regulations set forth by the NYS Department of Health, and shall not be permitted within the Town without obtaining proper licensing from the state.

B. The new construction of units for the use of an adult care facility shall also be subject to the requirements set forth for multi-family dwellings, Subsection 30.16.

106-30.4 ADULT USE AND ENTERTAINMENT ESTABLISHMENTS

A. Purpose. The purpose of this section is to promote the health, safety, and general welfare of the residents of the Town of Geneseo to provide standards for the safe provision of adult businesses; and to minimize any potential adverse effects which may result from adult businesses by requiring careful restrictions and siting of such businesses by the use of special use permits.

B. Special Use Permit Required. No adult use and entertainment establishment shall be established until it has been issued a special use permit. Special Use permits issued for adult use and entertainment establishments shall be effective for a period of one (1) year from the date of
issuance. Prior to the expiration of a special use permit the owner or operator may apply to the Planning Board for a renewal thereof. Upon an application for said renewal the Planning Board may waive any of the requirements of application materials upon a showing that there has been no change in circumstances in any of the items represented in the original application. All renewal periods shall be for a period of two (2) years.

C. **Site Plan Review.** No special use permits shall be issued unless and until the proposed adult use and entertainment establishment has obtained full Site Plan Review approval by the Town of Geneseo Planning Board pursuant to Article 52 of this Chapter.

1. Applications to be considered by the Town Planning Board shall be made in writing to the Town Office as required by Article 50 of this Chapter. In addition the applicant shall also provide a full instrument survey map prepared by a licenses engineer or land surveyor that contains at a minimum the following information:
   
   i. Boundary line survey of the property in question;
   ii. The portion of the parcel proposed to be developed for the adult use and entertainment establishment;
   iii. An area location map identifying the locations of all uses specified in Subsection D(3) below;
   iv. The location of all existing or proposed buildings, site access, off-street parking, signage, lighting, landscaping, drainages, and other features as may be required for the applicant to obtain site plan approval from the Planning Board; and
   v. A completed environmental assessment form.

D. **Location.** An adult use and entertainment establishment shall be allowed to operate in the Town of Geneseo only within the Light Industrial (LI) District and subject to the following placement criteria:

1. No adult use and entertainment establishment shall be permitted in a building or any part of which is used for residential purposes, including nonconforming residential uses.
2. No more than one (1) adult use and entertainment establishment shall be permitted in any building or on any lot.
3. No building in which an adult use and entertainment establishment is operated shall be within 1,000 linear feet of the boundary of any residential zoning district, or within 1,000 linear feet of the property line of a parcel containing any of the following:
   
   i. Residential structure or use;
   ii. Group care facility or day care center;
   iii. Church, synagogue or regular place of worship;
   iv. Public or private school;
   v. School bus stop;
   vi. Public or semi public building;
   vii. Public park or playground,
   viii. Community center; or
   ix. Another adult use and entertainment establishment.

4. The above distance of separation shall be measured from the nearest exterior wall of the portion of the structure containing the adult use and entertainment establishment, measured in a straight line, without regard to intervening structures or objects.
5. Once an adult use and entertainment establishment has been established in a location, and it lawfully remains in continuous operation at that location, the subsequent placement of any use or business set forth in Subsection D(3) above within the distances set forth shall not operate to impair, restrict or terminate the adult use and entertainment establishment special
use permit or any renewals thereof.

E. Display Prohibited. All adult use and entertainment establishments shall be conducted within enclosed buildings. No specific anatomical area or any specified sexual activity, nor any display, decoration, sign or similar depiction of specified sexual activities or specified anatomical areas, shall be visible from the outside of any building containing an adult use and entertainment establishment.

F. Signage. Outside advertising for an adult use and entertainment establishment shall be limited to one (1) sign, subject to the Sign Regulations set forth in Table 40-1 found in Article 40 of this Chapter.

G. Compliance with Other State, Federal, and Local Laws.

1. The issuance of a special permit and the applicant’s entitlement thereto shall be specifically conditioned upon the applicants continued compliance with all federal, state, and local laws, regulations, and ordinances including:
   
   i. New York State Penal Law;
   
   ii. New York State Alcoholic Beverage Control Law;
   
   iii. Any federal, state, and local laws, ordinances, or regulations pertaining to building safety and fire safety;
   
   iv. New York State Public Health Law; and
   
   v. Any other federal, state, or local codes which have not hereinafore been specifically enumerated.

2. In the event that the applicant has been found to be in violation of any of the aforesaid provisions of law or any other law, ordinance, or regulation of the Town of Geneseo or any of the conditions set forth in this subsection, any special use permit issued hereunder shall be revoked and permanently terminated after a public hearing.

H. Additional Regulations.

1. The exterior of any adult use and entertainment establishment shall be consistent with the character of surrounding structures and shall not detract from the appearance of the neighborhood.

2. The Code Enforcement Officer and Fire Department officials of the Town of Geneseo, as well as any other enforcement officials, shall have the right to inspect the premises of adult use and entertainment establishments for the purpose of ensuring compliance with any section of this Chapter or any other applicable law, rule or regulation at any time said business is open for business, or at such other times as may be reasonable.

106-30.5 AUTOMOTIVE SALES
Automotive sales establishments, including the sale of both new and used vehicles, shall comply with the following regulations:

A. Operation and Site Requirements.

1. Site plan review is required for all automotive sales establishments as outlined in Article 52.

2. The Planning Board may require as a condition of the Special Use Permit that the sales area be paved, suitably graded and drained, and maintained in a neat and orderly manner.

3. Unless an automotive sales establishment has acquired a Special Use Permit for repair or service facilities pursuant to Section 106-30.6, no repairs, other than minor repairs shall be performed on the premises. All maintenance, service, and repairs of motor vehicles shall be performed within an enclosed structure.
4. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.
5. No vehicles shall be displayed for sale within ten (10) feet of any property line that abuts a non-residential district.
6. No vehicles shall be displayed for sale within thirty (30) feet of any property line that abuts a residential district.
7. The retail sales of fuel shall not be permitted.

B. Number of Vehicles. The number of vehicles that may be for sale on the premises must be specified on the special use permit. An increase in the number of vehicles to be stored and/or sold on the premises shall require the issuance of a new permit.

C. Landscaping, Screening, and Buffering. All landscaping, screening, and buffering shall be in conformance with the requirements set forth in Article 42, as well as the following additional provisions:

1. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.
2. Perimeter landscaping shall be at a minimum of ten (10) feet in width along the street frontage(s).

106-30.6 AUTOMOTIVE SERVICE STATIONS, MOTOR VEHICLE REPAIR SHOPS, GASOLINE STATIONS OR SERVICE STATIONS
Automotive service stations, motor vehicle repair shops, and gasoline stations or service stations shall comply with the following:

A. Repair Shops and Service Stations. Motor vehicle repair shops and service stations shall comply with the following regulations:

1. Site plan review is required for all repair shops and service stations as outlined in Article 52.
2. The maximum number of vehicles permitted on site for repair and storage is to be approved by the Planning Board.
3. The Planning Board may require as a condition of the Special Use Permit that the entire site area traveled by motor vehicles be paved, suitably graded and drained, and maintained in a neat and orderly manner.
4. All maintenance, service, and repairs of motor vehicles shall be performed fully within an enclosed structure.
5. Motor vehicle repair garages shall not have more than three (3) vehicles located on the lot for sale, rental, display, or storage. Automotive service stations, repair shops, or gasoline stations wishing to provide automobile sales shall require a Special Use permit for said sales operation and shall be in conformance with the requirements set forth in Section 106-30.5.
6. No outdoor storage of materials, merchandise and equipment shall be permitted during non-business hours.
7. Rubbish, oil cans, tires, discarded motor vehicle parts and components, and other waste materials may be temporarily stored in a completely fenced in opaque enclosure adjacent to the service facility building in the rear or side yard. The area of such enclosure shall not exceed 400 square feet. There shall be no storage at any time outside of such enclosure.
8. The premises are to be maintained in a neat and clean condition without the accumulation of used materials, automobile parts, dismantled vehicles or vehicles left by their owners over thirty (30) days.
9. During the hours of operation all vehicles of employees, customers, and tow trucks must be parked only in areas designated on the site plan for such vehicles.
10. There is to be no more than one (1) tank truck on the premises at any one time. While
making any deliveries to underground tanks, the driver shall remain at the point of delivery to prevent spillage and overflow. In case of any overflow or spill, fire authorities are to be notified immediately.

11. A spill prevention plan shall be provided as part of the Site Plan Review process and all used rags shall be kept in covered metal containers.

B. **Gasoline Stations.** Gasoline stations shall comply with the following regulations:

1. In addition to the information required for site plan review, the plan shall also indicate the location, number, capacity, and type of fuel storage tanks, the number of pumps to be installed, and the depth to the tanks.
2. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other surface that does not release dust or debris).
3. No outdoor storage of materials, merchandise and equipment shall be permitted during non-business hours.
4. Gas stations may include retail sales of food, convenience items, and minor automotive supplies or liquids provided that the sales of such items are within an enclosed structure and are an accessory use.
5. Gasoline stations shall be under the control of an attendant at all times during the hours of operation.
6. Fuel pumps shall be located no closer than twenty (20) feet from the public right-of-way or fifty (50) feet from any other property lines.
7. Fuel and flammable liquid storage tanks shall be installed and maintained in accordance with all state and federal standards as well as the following:
   i. All storage facilities for fuel, oil, gasoline or similar substances shall be underground and shall be at least twenty-five (25) feet from any property line.
   ii. All tanks shall be located at least 500 feet from a place of public assembly as defined by the NYS Uniform Fire Prevention and Building Code.
8. All accidental spillage or leakage of a flammable liquid in quantities of two (2) gallons or greater, whether or not it may enter sewers, shall be immediately reported to the appropriate authorities, including but not limited to the New York State Department of Environmental Conservation.
9. Five (5) fifty-pound bags of petroleum absorbent materials or equivalent, must be kept on the premises at all times for flammable liquid spills and should be used for this purpose. Spills shall not be flushed with water.
10. The telephone number of the owner, lessee, or station operator shall be posted on the door in a conspicuous location so that proper notification can be made in the event of an emergency.

C. **Compliance With Federal, State, and Local Law.** All service stations, gasoline stations, or motor vehicle repair shops shall be in compliance with all applicable federal, state, and local laws, ordinances, or regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and the Code of the Town of Geneseo. In any case where this Section may be in conflict with such federal, state, or local laws, the regulations of this Section shall not apply.

D. **Landscaping, Screening, and Buffering.** All service stations, gasoline stations, or motor vehicle repair shops shall provide landscaping, screening, and buffering in conformance with the requirements set forth in Article 42, as well as the following:

1. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such
residential property when viewed from ground level.

2. Any such use shall be buffered from adjacent uses by no less than ten (10) feet. The buffer area shall minimally consist either of fencing, evergreen shrubbery, coniferous trees, or any combination thereof that prevents the unwanted transmission of headlight glare across the property line.

3. Perimeter landscaping shall be at a minimum of ten (10) feet in width along the street frontage(s).

106-30.7 BED AND BREAKFASTS
In order to protect the residential character of the district in which it is located, a Bed and Breakfast facility shall be limited by the following criteria and any other conditions as determined by the Planning Board:

A. A Bed and Breakfast shall only be permitted as a special use in a single-family, detached dwelling and is subject to Site Plan Review in accordance with Article 52.
B. There shall be no structural or site alterations to the outside appearance of the building or premises that detracts from the residential character of the residence or from the residential character of the neighborhood.
C. The bed and breakfast shall operate wholly within the principal building; unless the Planning Board grants a special use permit to allow for use of an accessory building on site.
D. The owner or operator of the Bed and Breakfast shall live full-time on the premises.
E. Up to two (2) non-residents of the premises may be permitted as employees of the bed and breakfast operation.
F. A Bed and Breakfast shall have a maximum of five (5) guest rooms and no more than ten (10) adult guests at one time. For the purpose of this section, “adult” means any person over eighteen (18) years of age.
G. The maximum length of stay for any guest is fourteen (14) consecutive days.
H. A Bed & Breakfast is permitted one (1) sign provided said sign is in accordance with the standards set forth in Table 40-1 of Article 40.

106-30.8 CAR WASHES
Car washes shall be allowed by special permit provided they comply with the following regulations:

A. All washing facilities shall be completed within an enclosed building.
B. Vacuuming facilities may be outside of the building but shall not interfere with the free flow of traffic on or off the site.
C. The entire site area that is traveled by motor vehicles shall be hard surfaced (i.e. asphalt, concrete, or any other surface that does not release dust or debris).
D. In no case shall the perimeter landscaping be less than ten (10) feet in width along the street frontage(s). All lot lines abutting or adjacent to residential districts or uses shall be screened by a solid masonry wall or fence not less than four (4) feet nor more than six (6) feet in height.
E. Where gasoline stations are a principal use with or an accessory use to the car wash, the requirements for gasoline stations shall also be adhered to.
F. In the event a car wash is abandoned, as determined by the Building Official, the owner shall immediately remove any outdoor vacuums and all signs. The owner shall also provide adequate protection against unlawful entry into the building and onto the property and shall restrict access to all vehicular entrances to the property. A car wash shall be considered abandoned if it is inactive for a period of twelve (12) consecutive months.

106-30.9 DAYCARE FACILITIES, YOUTH AND ADULT

A. All daycare facilities shall be maintained and operated according to the regulations set forth by NYS Social Services Law or the NYS Public Health Law, if applicable and shall not be permitted
within the Town without completion of the proper licensing and registration requirements of the state.

B. No permanently installed play equipment shall be located in required front yards.

C. Daycare facilities may be conducted in a single-family home provided that such use complies with the following:

1. Such daycare facility is owned and operated by said single-family homeowner or resident;
2. Any alterations made to the exterior of the building due to the daycare use are completed in such a way to preserve the residential character of said building; and
3. Parking is provided in accordance with the parking requirements of home occupations in Article 41 of this Chapter.

106-30.10 DRIVE-THROUGH FACILITIES

The intent of the following regulations is to minimize the potential for visual, noise, and other associated negative impacts of drive-through service areas on surrounding uses. Drive-thru facilities may be allowed as an accessory use to “fast food” restaurants, pharmacies, banks, and other permitted or specially permitted uses provided such facilities comply with the following:

A. Drive-thru facilities shall be provided in the side or rear of the building. The Planning Board may provide relief from this provision provided there is substantial evidence that said drive-through cannot be accommodated in the side or rear yard, in which case additional screening and setbacks may be required by the Planning Board for approval.

B. Drive-thru facilities, including any protective canopies, signage, drive-through travel lanes, or other associated elements, shall meet the setback requirements for the property.

C. Drive-thru facilities with an amplified audio/visual system shall be setback a minimum of thirty (30) feet from the property line. These facilities shall not be located adjacent to residential uses or districts.

D. Stacking space for these facilities shall not impede on- or off-site traffic movements. The stacking space shall be delineated from other internal areas through the use of pavement markings that are identifiable during all seasons. The minimum numbers of stacking or queuing spaces required by drive-through activity type are provided in Table 30-1 below.

<table>
<thead>
<tr>
<th>Activity Type</th>
<th>Spaces</th>
<th>Measured From</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Automated Teller Machine</td>
<td>3</td>
<td>Teller or Window</td>
</tr>
<tr>
<td>2. Bank Teller Lane</td>
<td>4</td>
<td>Teller or Window</td>
</tr>
<tr>
<td>3. Car Wash Stall, Automatic</td>
<td>9</td>
<td>Entrance</td>
</tr>
<tr>
<td>4. Car Wash Stall, Self-Service</td>
<td>3</td>
<td>Entrance</td>
</tr>
<tr>
<td>5. Gasoline Pump Island</td>
<td>2</td>
<td>Pump Island</td>
</tr>
<tr>
<td>6. Pharmacy</td>
<td>4</td>
<td>Window</td>
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<tr>
<td>7. Restaurant Drive-Through</td>
<td>10</td>
<td>Pick-Up Window</td>
</tr>
<tr>
<td>8. Oil Change and Quick Lube</td>
<td>3</td>
<td>Per Bay</td>
</tr>
<tr>
<td>9. Other</td>
<td></td>
<td>Determined by Planning Board</td>
</tr>
</tbody>
</table>

106-30.11 FARM STANDS

A farm stand may be permitted as a seasonal accessory use and as such may sell agricultural and horticultural products produced on the premises or produced by the owner of a local farm, subject to the following regulations:

A. Structures measuring 700 square feet or larger shall be subject to Site Plan Review per Article 52. Said structure must also be inspected and approved by the Code Enforcement Officer.
B. No more than one structure of a temporary and movable nature shall be permitted per lot, subject to the bulk and dimensional requirements of Part 2 of this Chapter.
C. A ground display area may be permitted provided it is located immediately adjacent and secondary to the farm stand and does not exceed 500 square feet in area.
D. The farm stand shall be permitted only during the recognized season for the production or harvest of such products.
E. Sales may occur between 7:00AM and dusk.
F. If adequate parking is not available on the street so as to not interfere with the safety and flow of traffic, the owner must designate a temporary, off-street parking area.
G. Should any provision regulating farm stands within this Chapter be in conflict with the New York State Department of Agriculture and Markets Law, the state’s provisions shall take precedence.

106-30.12 HOME OCCUPATIONS

A. Permitted home occupations include, but shall not be limited to, the following uses: lawyer, accountant, author, doctor, engineer, dentist, architect, consultant, realtor, insurance agent/broker, counselor, artist, teacher, tutor, beautician, barber, tailor, dressmaker, licensed massage therapist, and repairperson, excluding the repair of motor vehicles.
B. The home occupation shall operate wholly within the principal building; unless the Planning Board grants a special use permit to allow the home occupation to operate within an accessory building. Operation of a home occupation shall be limited by the following criteria:

1. No more than one-third (1/3) of the floor area of the residence will be allowed for the use of the home occupation.
2. Not more than two (2) persons not residing in the household shall be employed in the home occupation.
3. There shall be no exterior display or storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building with the exception of a permitted sign.
4. No offensive noise, vibration, smoke, dust, odors, heat, light, or glare shall be produced.
5. The home occupation shall not involve wholesaling or the storage of automobiles.
6. Deliveries on residential streets shall be permitted by two-axle vehicles only.

106-30.13 KENNELS

A. The kennel and its operation will not create nuisance conditions for adjoining properties due to noise or odor in accordance with the performance standards of this Chapter and other local laws of the Town.
B. All animals will be confined to the property and housed in an enclosed structure in humane conditions (i.e. protected from weather, clean, sanitary, adequate space, non-porous surfaces, well-ventilated, etc.)
C. Adequate methods for sanitation and sewage disposal, which may require a waste disposal plan at the discretion of the Planning Board, are required. The disposal plan, at a minimum, should outline the approximate amount of sewage expected, methods to properly dispose of the sewage, and methods for sanitation of the kennel. Certification by a licensed, professional engineer, and/or the NYS Department of Health may be required if existing disposal systems are utilized or new systems installed.
D. Kennels and exterior pens, including dog runs, shall be located at least 400 feet from the nearest dwelling (other than the owner or user of the property) and at least 400 feet from any lot line.
E. All kennel operations must apply for and secure proper licensing and registration as required by state and local law.

106-30.14 MARINAS
Proposed marinas within the Town shall be subject to Chapter 47 (Docking and Mooring) of the Town of Geneseo Code.

106-30.15 MOBILE HOMES AND MOBILE HOME PARKS
In addition to the requirements set forth in Chapter 75 of the Code of the Town of Geneseo, the construction, siting and installation of manufactured homes shall be regulated as follows:

A. Mobile home parks shall be subject to Site Plan Review as outlined in Article 52. For additional regulations see Chapter 75 of the Town Code.

B. Single-wide manufactured homes.
   1. Except as hereinafter provided, single-wide manufactured homes shall only be permitted in mobile home parks which have been approved pursuant to and comply with Chapter 75 of the Town of Geneseo Code.
   2. Notwithstanding Subsection B(1), single-wide manufactured homes shall be permitted as single-family residences situated on lands engaged in farm operations as defined by § 301(ii) of the New York State Agriculture and Markets Law, provided that such residences are solely for the purpose of housing employees of the farm operation and their families and is in conformance with Subsection D below.
   3. In no event shall single-wide manufactured homes be permitted in any other locations or zoning districts within the Town.

C. Double-wide manufactured homes.
   1. Double-wide manufactured homes shall be permitted in mobile home parks and farm operations in the same manner as provided hereinabove in Subsection A and B above.
   2. On all other approved residential lots, double-wide manufactured homes shall be placed on concrete foundations which comply with the New York State Building Code and shall be enclosed with an approved masonry foundation. Plastic sheeting is specifically prohibited.

D. A special use permit may be granted by the Planning Board for a single mobile home on a farm provided the following conditions are met:
   1. For the purposes of this section, a “farm” shall be defined as a parcel of fifteen (15) or more acres used principally in the raising or production of agricultural products, including livestock, and the necessary or usual dwellings, farm structures, storage, and equipment.
   2. One (1) mobile home may be situated on a farm. Said mobile home shall be occupied only by the owner, operator, or person employed full-time on the farm and the immediate family of such person.
   3. The mobile home shall be fully skirted and situated on a stand as defined in Section 75-8A of Chapter 75, Mobile Home Parks of the Town Code.
   4. The mobile home shall be situated as nearly as possible to the center of the farm’s operations as practicable.
   5. Any special use permit shall expire with the cessation of such agricultural use for which it serves.

106-30.16 MULTI-FAMILY DWELLINGS
Newly constructed multi-family dwellings are subject to the following requirements:

A. Site Plan Review shall be required for all newly constructed multi-family dwellings in accordance with Article 52.

B. A single dwelling structure may have up to ten (10) units and may not exceed two (2) stories in height, unless otherwise approved by the Planning Board. The footprint of said dwelling
structures may not exceed 6,000 square feet of land area (excluding private and public street areas) per dwelling unit.

C. All dwelling structures shall be served with water and sewer facilities meeting all applicable federal, state, and local health and sanitary codes.

D. Each multi-family dwelling development shall provide a passive or active recreation area or areas furnished with recreational equipment at a standard of 500 square feet per dwelling unit.

E. Off-street parking facilities shall be provided in accordance with Article 41 of this Chapter. Said facilities may be located in any yard other than the front yard, but no closer than twenty (20) feet from any property line and shall comply with all other regulations of the district in which the use is located.

F. The minimum distance between buildings in a multi-family development shall be twenty-five (25) feet.

G. Buildings shall not have large or long continuous wall or roof planes. Varied roof heights, projecting bays, gables, recesses, and porches shall be used to visually divide larger buildings. To prevent an out-of-scale, monolithic appearance, larger buildings shall be visually divided into smaller sections no longer than fifty (50) feet in length by gaps, recesses, or other architectural devices.

H. Garage entrance/exit doors are prohibited on the front façade of buildings unless otherwise approved by the Planning Board.

I. Stairways to upper floors shall be located inside the building.

J. Entrances to structures shall have direct access from their primary street frontage.

K. Accessory structures, such as clubhouses, pools, pool buildings, storage buildings, and trash enclosures shall be located in a manner to create a walkable campus environment and should not detract from the public realm of the site (pedestrian walkways, roadways, etc.).

106-30.17 OUTDOOR RECREATION FACILITIES

For recreation facilities operated either wholly or partially outside of an enclosed structure, the following restrictions shall apply:

A. **Distance from Residential, Public, and Semi-Public Properties.** No outdoor recreational facility shall be established within 1,000 feet of any residentially zoned district or within 1,000 feet of any church, school, park, or playground, unless otherwise stated in this Chapter. For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property used as part of the outdoor recreation premises to the nearest property line of a residentially zoned district, church, or school or to the nearest boundary of a park or playground.

B. **Restrooms Required.** Adequate restroom facilities for employees and customers shall be provided on site.

C. **Fencing.** Depending on the nature and intensity of the outdoor recreational use, the Planning Board may require that the site be fenced in an effort to address potential conflicts, such as noise, errant equipment, or fumes. Said fencing shall be a minimum of four (4) feet in height or as otherwise required by the Planning Board.

D. **Noise Levels.** Noise levels shall be limited to sixty-five (65) decibels as measured from seventy-five (75) feet outside the site and/or required wall or fencing.

106-30.18 OUTDOOR SALES AND DISPLAY

A. The following requirements shall apply to all commercial operations regardless of the district in which they are located.

    1. The display area shall not exceed fifteen percent (15%) of the gross floor area of the primary structure.
2. The display area shall not block automotive traffic, private sidewalks, fire lanes, or other travel lanes.
3. Such displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five (5) feet from the wall.
4. Such displays shall not be permitted to block windows, entrances or exits and shall not impair the ability of pedestrians to use the building.
5. The items for display are for sale and said area is not used for storage purposes.

B. Personal garage, lawn, yard, or rummage sales shall be allowed without zoning permits provided that no more than two (2) such sales are held on a single property in any twelve (12) month period for a maximum duration of no more than seven (7) days, with a minimum of seven (7) days between the ending of a sale and the beginning of a new sale. At the end of a sale, all items that are for sale shall be moved so as not to be visible from the public right-of-way.

106-30.19 OUTDOOR STORAGE
Outdoor storage shall be allowed only in nonresidential districts and shall be subject to the following requirements. This section does not apply to the storage of materials within an approved accessory structure to a single-family residential use in residential districts.

A. Limited Commercial District, Lakeshore Neighborhood Commercial District, and all Mixed-Use Districts.
   1. Outdoor storage shall not be allowed in the front yard.
   2. Outdoor storage shall not occupy more than fifteen percent (15%) of the entire lot area.
   3. All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses.
   4. Screening shall be of sufficient height and density to completely hide storage from public view, including from streets and other public accessways.
   5. All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.

B. General Commercial and Industrial Districts.
   1. Outdoor storage shall not be allowed in the front yard setback.
   2. All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses.
   3. Service areas and outdoor storage areas shall be located so as to not be visible from public streets, public pedestrian ways or public open space. To the extent possible, service, loading and storage facilities should be architecturally incorporated into the building or architecturally treated with walks, fencing and landscaping. Where these facilities are visible from public or private pedestrian areas, public streets or public open space, they shall be screened with opaque materials.
   4. All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.
   5. Storage areas must be a minimum of 150 feet from a residential use.

106-30.20 PUBLIC UTILITIES
Public utility installations shall comply with the following:

A. Such facility shall be surrounded by a fence approved by the Planning Board.
B. The facility shall be landscaped in a manner approved by the Planning Board.
C. To the extent practicable, equipment shall be stored so as not to be visible from surrounding properties or public right-of-way.
D. Any additional requirements determined to be necessary by the Planning Board through Site Plan Review.

106-30.21 QUARRIES, EXCAVATION, AND FILL MATERIAL

A. Establishment, expansion, closure, or any other alteration of bank earth product excavation operations shall require Site Plan Review by the Planning Board.
B. Any excavations for the removal of topsoil or other earth products must be adequately drained to prevent the formation of pools of water or the casting of surface water on another's property.
C. It is hereby deemed the Town's policy to preserve the normal flow of water and the normal fall of land whenever possible.
D. Unless specifically permitted, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.
E. The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone on any vacant land, provided that the existing grade shall not be raised more than one foot above the nearest road, that hazardous or noxious conditions are not created and that an unsightly appearance or unstable slopes are not created.

106-30.22 TRANSPORTATION OR FREIGHT TERMINAL FACILITIES

A. Repair and service of commercially licensed vehicles may be permitted with the issuance of a special use permit for motor vehicle repair within an enclosed building subject to the regulations set forth in Section 106-30.6.
B. Loading doors or docks shall not be located adjacent to any residential use or zone or along residential street frontage.
C. Any outdoor storage of materials shall be subject to the outdoor storage requirements specified in Article 30.19.
D. Idling of vehicles shall be in conformance with Sections 217-1 through 217-3 of Title 6 of the New York Codes, Rules and Regulations.
E. A fueling station for use by designated commercial freight may be allowed as an accessory use with the issuance of a special permit.
F. Additional landscaping and buffering beyond that which is required by Article 42 may be required by the Planning Board if the facility is adjacent to less intensive uses such as commercial, residential, or mixed-uses.
G. The Planning Board shall also take into consideration the character of the area, the traffic impacts, the proximity to arterial roadways suitable for large trucks, and other pertinent issues through the Site Plan Review process (Article 52).

106-30.23 WINERIES AND BREWERIES
Wineries and breweries located within the Town of Geneseo shall require the issuance of a Special Use permit and shall be in conformance with the following:

A. Where structures of local or national historic or architectural significance exist on site, they shall be utilized and any additions thereto must be designed to be consistent with the original structure to the extent reasonably possible.

106-30.24 WIRELESS TELECOMMUNICATION TOWERS

A. Applicability.
   1. New towers and antennas. All new towers or antennas shall be subject to these regulations, except as provided in this Subsection 30.24 A(2) through (4) below.
   2. Amateur radio station operators/receive-only antennas. These regulations shall not govern
any tower, or the installation of any antenna, that is under seventy (70) feet in height and is
owned and operated by a federally licensed amateur radio station operator or is used
exclusively for receive-only antennas.

3. Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be
required to meet the requirements of this Subsection 30.24 other than the requirements of
this Subsection 30.24 B(6) and (7).

4. AM array. For purposes of implementing this Subsection, an AM array, consisting of one or
more tower units and supporting ground system which functions as one AM broadcasting
antenna, shall be considered one tower. Measurements for setbacks and separation distances
shall be measured from the outer perimeter of the towers included in the AM array. Additional
tower units may be added within the perimeter of the AM array by right.

B. General requirements.

1. Principal or accessory use. Antennas and towers may be considered either principal or
accessory uses. A different existing use of an existing structure on the same lot shall not
preclude the installation of an antenna or tower on such lot.

2. Lot size. For purposes of determining whether the installation of a tower or antenna complies
with district development regulations, including but not limited to setback requirements, lot
coverage requirements and other such requirements, the dimensions of the entire lot shall
control, even though the antennas or towers may be located on leased parcels within such
lot.

3. Inventory of existing sites. As part of any application for a tower, each applicant for an
antenna and/or tower shall provide to the Code Enforcement Officer an inventory of all
existing towers, antennas or structures, or sites approved for towers or antennas which
exceed 75% of the height of the proposed tower, that are either within the Town of Geneseo
or within one mile of the border thereof. Such inventory shall include specific information
about the location, height and design of each tower.

4. Aesthetics. Towers and antennas shall meet the following requirements:

i. Towers shall either maintain a galvanized steel finish or, subject to any applicable
   standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

ii. At a tower site, the design of the buildings and related structures shall, to the extent
   possible, use materials, colors, textures, screening and landscaping that will blend them
   into the natural setting and surrounding buildings.

iii. If an antenna is installed on a structure other than a tower, the antenna and supporting
    electrical and mechanical equipment must be of a neutral color that is identical to, or
    closely compatible with, the color of the supporting structure so as to make the antenna
    and related equipment as visually unobtrusive as possible.

iv. If towers or antennas are required by either FAA regulation or permit condition to be
    painted any color which varies from the above, the applicant must provide to the Planning
    Board, as part of the application documents, copies of any and all FAA documents
    requiring such painting.

5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other
applicable authority. If lighting is so required, the lighting alternatives and design chosen
must cause the least disturbance to the surrounding views. The applicant must submit
written proof of such requirement as part of its application documentation.

6. State or federal requirements. All towers must meet or exceed current standards and
regulations of the FAA, the FCC and any other agency of the state or federal government
with the authority to regulate towers and antennas. If such standards and regulations are
changed, then the owners of the towers and antennas governed by this Subsection 30.24
shall bring such towers and antennas into compliance with such revised standards and
regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town of Geneseo concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense. In furtherance of the provisions hereunder, the Town shall reserve the right to engage professional consultants, including but not limited to qualified engineers, to engage in the aforesaid inspection. The expense of engaging such consultants shall be paid by the applicant, and the payment of any such reasonable fees or expenses shall be a condition of any permit authorizing the construction of the tower.

8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town of Geneseo, irrespective of municipal and county jurisdictional boundaries.

9. Not essential services. To the extent permitted by federal and state laws, towers and antennas shall be regulated and permitted pursuant to this Subsection 30.24 and shall not be regulated or permitted as essential services, public utilities or private utilities.

10. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communications system have been obtained and shall file a copy of all required franchises with the Code Enforcement Officer.

11. Signs. No signs shall be allowed on an antenna or tower.

12. Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with any and all of the requirements of the Town of Geneseo site plan regulations as contained in Chapter 106 of the Code of the Town of Geneseo, as well as any other state or local building code.

13. Multiple antenna/tower plan. The Town of Geneseo encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

14. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Board may reduce the standard setback requirements if the goals of this Subsection 30.24 would be better served thereby:

   i. Towers must be set back a distance equal to at least 100% of the height of the tower from any adjoining lot line.
   ii. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

15. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Board may reduce the standard separation requirements if the goals of this Subsection 30.24 would be better served thereby:

   i. Separation from off-site uses/designated areas.
a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 30-3, except as otherwise provided in Table 30-3.

b. Separation requirements for towers shall comply with the minimum standards established in Table 30-3.

### Table 30-3: Separation from Off-Site Uses/Designated Areas.

<table>
<thead>
<tr>
<th>Off-Site Use/Designated Area</th>
<th>Separation Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family or duplex residential units&lt;sup&gt;1&lt;/sup&gt;</td>
<td>200 feet or 300% of the height of the tower, whichever is greater</td>
</tr>
<tr>
<td>Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired</td>
<td>200 feet or 300% of the height of the tower,&lt;sup&gt;2&lt;/sup&gt; whichever is greater</td>
</tr>
<tr>
<td>Vacant unplatted residually zoned lands&lt;sup&gt;3&lt;/sup&gt;</td>
<td>100 feet or 100% of the height of the tower, whichever is greater</td>
</tr>
<tr>
<td>Existing multifamily residential units greater than duplex units</td>
<td>100 feet or 100% of the height of the tower, whichever is greater</td>
</tr>
<tr>
<td>Nonresidentially zoned lands or nonresidential uses</td>
<td>None; only setbacks apply</td>
</tr>
</tbody>
</table>

**NOTES:**

1- Includes modular homes and mobile homes used for living purposes.

2- Separation measured from base of tower to closest building setback line.

3- Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residually zoned land greater than duplex.

4- Collapsible towers may be permitted by the Planning Board to satisfy fall zone requirements.

ii. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 30-4.

### Table 30-4: Separation Distances Between Towers (in linear feet)

<table>
<thead>
<tr>
<th>Existing Tower Types</th>
<th>Lattice</th>
<th>Guyed</th>
<th>Monopole 75 Ft. in Height or Greater</th>
<th>Monopole Less Than 75 Ft. in Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lattice</td>
<td>5,000</td>
<td>5,000</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>Guyed</td>
<td>5,000</td>
<td>5,000</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>Monopole 75 Ft. in Height or Greater</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>Monopole Less Than 75 Ft. in Height</td>
<td>750</td>
<td>750</td>
<td>750</td>
<td>750</td>
</tr>
</tbody>
</table>

16. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Board may waive such requirements, as it deems appropriate.
17. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Board may waive such requirements if the goals of this Subsection 30.24 would be better served thereby.

i. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

ii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

iii. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

18. Buildings or other equipment storage.

i. Antennas mounted on structures or rooftops. No antenna shall be mounted on any building or structure other than a tower specifically constructed for supporting said antenna, unless the applicant demonstrates either that there are no alternative sites suitable for constructing a tower.

ii. Antennas mounted on utility poles or light poles. Antennas shall not be mounted on utility poles or light poles.

iii. Antennas located on towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than six feet in height and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

iv. Modification of building size requirements. Any building size requirements set forth in this chapter may be modified by the Planning Board to encourage collocation.

C. Supplementary application information. In addition to the requirements set forth by Article 52 (Site Plan Review) and Article 53 (Special Permits), applicants for special use permits for wireless communications towers shall submit the following information:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed to be necessary to assess compliance with this Subsection 30.24.

2. The legal description of the parent tract and leased parcel (if applicable).

3. The setback distance between the proposed tower and the nearest residential unit, platted residually zoned properties and unplatted residually zoned properties.

4. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

5. A landscape plan showing specific landscape materials.

6. The method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

7. A description of compliance with all applicable federal, state or local laws.

8. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

9. Identification of the entities providing the backhaul network for the tower(s) described in the
application and other cellular sites owned or operated by the applicant in the municipality. 
10. A description of the suitability of the use of existing towers, other structures or alternative 
technology not requiring the use of towers or structures to provide the services to be 
provided through the use of the proposed new tower.

D. **Factors considered in granting special use permits for towers.** In addition to any standards for 
consideration of special use permit applications pursuant to Article 53, the Planning Board shall 
consider the following factors in determining whether to issue a special use permit, although the 
Planning Board may waive or reduce the burden on the applicant of one or more of these criteria 
if the Planning Board concludes that the goals of this Subsection 30.24 are better served thereby:

1. Height of the proposed tower.
2. Proximity of the tower to residential structures and residential district boundaries.
3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography.
5. Surrounding tree coverage and foliage.
6. Design of the tower, with particular reference to design characteristics that have the effect of 
reducing or eliminating visual obtrusiveness.
7. Proposed ingress and egress.
8. Availability of suitable existing towers, other structures or alternative technologies not 
requiring the use of towers or structures, as hereinafter discussed in Subsection 30.24(E).

E. **Availability of suitable existing towers, other structures, or alternative technology.** No new tower 
shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the 
Planning Board that no existing tower, structure or alternative technology that does not require 
the use of towers or structures can accommodate the applicant's proposed antenna. An applicant 
shall submit information requested by the Planning Board related to the availability of suitable 
existing towers, other structures or alternative technology. Evidence submitted to demonstrate 
that no existing tower, structure or alternative technology can accommodate the applicant's 
proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet 
applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering 
requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's 
proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna 
on the existing towers or structures, or the antenna on the existing towers or structures 
would cause interference with the applicant's proposed antenna.
5. The fees, costs or contractual provisions required by the owner in order to share an existing 
tower or structure or to adapt an existing tower or structure for sharing are unreasonable. 
Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers 
and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of 
towers or structures, such as a cable microcell network using multiple low-powered 
transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative 
technology that exceed new tower or antenna development shall not be presumed to render 
the technology unsuitable.

F. **Removal of abandoned antennas and towers.** Any antenna or tower that is not operated for a 
continuous period of 12 months shall be considered abandoned, and the owner of such antenna
or tower shall remove the same within 90 days of receipt of notice notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. As a condition to the approval of any special use permit, the Planning Board may require the posting of a performance bond to secure compliance with this section.

G. Nonconforming uses.

1. Not expansion of nonconforming use. Towers that are constructed, and any antennas that are installed whether initially or on a collocation basis, in accordance with the provisions of this Subsection 30.24 shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they existed on the effective date of this zoning law. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Subsection 30.24.

3. Rebuilding damaged or destroyed nonconforming towers or antennas. Nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements. The type, height and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then-applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.
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106-40.1 PURPOSE
The primary purpose of these sign regulations for the Town of Geneseo is to identify the location or occupant for a parcel of land while protecting public health, safety and general welfare. All signs and signing systems are subject to the regulations that follow in this Chapter. These regulations also serve to:

A. Ensure right to free speech as protected under the Constitution;
B. Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
C. Provide businesses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
D. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
E. Minimize the adverse effect of signs on nearby public and private property;
F. Avoid personal injury and property damage from unsafe or confusing signs; and
G. Establish a clear and impartial process for those seeking to install signs.

106-40.2 REQUIRED COMPLIANCE AND PERMIT

A. **Required Conformance.** No person shall erect, place, establish, paint, or retain any sign, or cause a sign to be located or retained within the Town of Geneseo unless all provisions of this Sign Code have been met.

B. **Sign Permit Required.** To ensure compliance with the provisions of this Sign Code, a sign permit shall be acquired from the Code Enforcement Officer for each sign unless specifically exempted by this Sign Code.

C. **Sign Permit Application Requirements.** The following information shall be provided to the Town Office prior to the review or issuance of a sign permit:

1. Name, address, contact information, and signature of the applicant;
2. Name, address, and signature of the building owner (if not the applicant);
3. Dimensions and drawings indicating the size, shape, construct, materials, and layout of the sign(s); and
4. Site plan and elevations indicating the proposed location and size of the sign(s) to scale.

D. **Sign Permit Required for Alteration.** A sign initially approved for which a permit has been issued shall not be modified, relocated, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, relocated, altered, or replaced if any such design element constituted a basis for approval of such sign unless an amended or new sign permit is obtained consistent with these regulations.

E. **Specific Situations Requiring Sign Permit.** The following specific situations shall require a sign permit:

1. Installation of a new sign.
2. A change of the face of a sign.
3. Moving or enlarging of a sign.

F. **Specific Situations Not Requiring Sign Permit.** The following specific situations shall not require a sign permit:

1. The repainting, repairing, changing of parts and preventive maintenance of signs.
2. A change in the message on a changeable copy sign.
3. Repainting of supports and sign area provided no change in sign message.
G. **Expiration of Sign Permit.** Any sign permit shall expire if the sign for which the permit has been issued is not fully constructed within one hundred eighty (180) days from the date of issuance of the sign permit.

H. **Lapse of Sign Permit.** A sign permit shall lapse automatically if the zoning permit for the premises lapses, is revoked, or is not renewed. A sign permit shall be reviewed as part of the zoning permit renewal for the premises on which it applies. A sign permit shall also lapse if the activity on the premises for which the sign permit was issued is discontinued for a period of one hundred eighty (180) days or more.

### 106-40.3 REGULATIONS APPLICABLE TO ALL SIGNS

The following regulations are applicable to all signs within the Town of Geneseo unless specifically states otherwise within this Section:

A. **Traffic Safety.** All signs shall be designed, constructed, and located in accordance with the following criteria:

1. No sign shall be erected at or near any intersection of any streets, or alleys, or any railway and any street, in such a manner as to obstruct free and clear vision.
2. No sign shall be of a shape or color that may be confused with any authorized traffic control device.
3. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display.

B. **Design and Construction.** All signs shall be designed and constructed in accordance with the following criteria:

1. Construction Materials. Except for banners, flags, and temporary signs and window signs conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent, weather resistant, and durable materials.
2. Sign Supports and Braces. All permanent signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the Building Code. All sign supports shall be reviewed as part of the sign design.
3. Lettering. All sign lettering shall be permanently affixed to the sign. Manual changeable copy signs shall be enclosed and locked.
4. Preferred Design and Materials. Signs located in any Mixed-Use District shall utilize relief in detail or letting. It is encouraged that signs in other districts also utilize relief in detail or lettering, such as carved wood signs.

C. **Location.** All signs shall be located in accordance with the following standards:

1. Signs shall not be erected within nor project into any public right-of-way, unless otherwise specified within this Chapter. Signs must be located on private property and comply with the dimension and setback requirements contained in the “Table of Sign Regulations” (Section 106-40.11; Table 40-1).
2. Off-premise signs are prohibited. All permanent signs shall be located on the site being promoted, identified or advertised. Signs for uses in New York State Agriculture and Markets Agricultural Districts are exempt from this provision.
3. No sign shall cover any part of any window unless specifically permitted under this Chapter. No sign shall cover any door, or hinder or prevent free ingress to or free egress from any door, window, fire escape, or other required exit way.
5. Altering or covering of architectural details is prohibited. No sign shall cover or cause the removal of architectural details to a building façade including, but not limited to, arches, sills, moldings, cornices, and transom windows.

6. All signs, unless otherwise noted within this Article, are to be setback at least five (5) feet from any property line or public right-of-way of the state highway.

D. **Illumination.** Any illuminated sign shall be in accordance with the following standards:

1. **Brightness.** Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrians or motorists and shall be shielded so as not to cast an illumination of more than two (2) foot-candles on contiguous properties nor more than one-tenth (0.1) foot-candle on residential properties.

2. **Electric Considerations.** All light fixtures and wiring shall comply with National Electrical Code. Electrified signs shall bear an approved testing laboratory label and all electrical connections shall be approved by an approved inspection agency. All transformers, wires, and similar items shall be concealed and properly protected from the elements. In the case of freestanding signs, all wiring shall be placed underground.

3. **Flashing.** Intermittent illumination, or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited, except as permitted for electronic displays of time and/or temperature.

E. **Maintenance and Repair.** All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Chapter at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of such sign. If any sign does not comply with the above maintenance and repair standards, the Code Enforcement Officer shall require its removal.

F. **Protection of Property.** Signs shall not be posted in any manner destructive to public property. Signs shall also not be attached or otherwise applied to trees, utility poles, transit shelters, benches, trash receptacles, or newssacks.

G. **Obsolete Signs.** Any sign that no longer advertises or identifies the current or permitted use of the property must be removed within thirty (30) days after written notification from the Code Enforcement Officer.

**106-40.4 MEASUREMENT**

A. **Sign Area.**

1. **Computation of Individual Sign Area.** The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, and/or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

2. **Computation of Multi-faced Sign Area.** In the case of a multi-faced sign only one side of the sign is considered in determining sign area if one (1) the message is identical on both sides, and two (2) the sides of the sign are back-to-back or diverge at an angle of less than forty-five (45) degrees.

3. **Structural Support Not Included in Sign Area.** The supporting structure or bracing of a sign shall not be computed as part of the sign area, unless such supporting structure or bracing is made a part of the sign’s message by including a symbol, logo, or other three-dimensional figure. If such is the case, a combination of regular geometric shapes which can encompass the area of said symbol or figure shall be included as part of the total sign area computation.
4. Combining Individual Elements. For a sign comprised of individual letters, figures, or elements mounted on a wall or wall extension, the area of such sign shall be calculated by determining the smallest geometric form or combination of forms that comprise all the display area, including the space between the elements.

B. **Sign Height.**

1. Computation of Height of Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. The elevation of the ground directly beneath the center of the sign shall be construed to be the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

2. Computation of Height of Building Signs. The height of an awning, canopy, projecting, wall, or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letter or character, whichever is highest, to the elevation of the ground underneath such sign.

3. Structural Support Included in Sign Height. Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

C. **Frontage.**

1. Freestanding Sign Frontage. The term frontage as used in calculating freestanding signs shall refer to the dimension of the lot along the street.

2. Wall Sign Frontage. The term frontage as used in calculating wall signs shall refer to the building wall dimension facing the street or parking lot.

3. More Than One Frontage. If a use or structure contains walls facing more than one street line, the number of signs and sign areas will be computed separately for each side of the building facing a different frontage.

4. No Direct Frontage. For uses or structures having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

**106-40.5 SIGNS AUTHORIZED WITHOUT A PERMIT**
The following types of signs may be erected in the Town without obtaining a sign permit. Although permits are not required for these signs, the signs shall conform to the height, setback and size requirements detailed in this Chapter:

A. **Banners or pennants.** Such signs shall not require a sign permit only if all the following conditions are satisfied:

1. There shall be no more than one (1) banner per enterprise at one time;
2. It shall be displayed for no more than thirty (30) days;
3. It shall not have a total face area in excess of 150 square feet nor a height of more than six (6) feet;
4. It shall not extend above the first floor facade of the building or project beyond property lines;
5. It shall not be illuminated; and
6. It must not be placed in such a manner as to impede pedestrian traffic.
B. Construction or home improvement signs. No sign permit shall be required for temporary construction or home improvement signs should the following conditions be met:

1. A maximum of one (1) sign is installed and located within the limits of the construction site;
2. The sign area does not exceed six (6) square feet in residential districts, or twelve (12) square feet in all other districts; and
3. The sign shall be displayed for no more than thirty (30) days.

C. Decorations. Temporary displays of patriotic, religious, charitable, or civic character with no commercial message, including holiday lights and decorations that are erected for customary periods of time. Winter holiday decorations may be displayed from the weekend prior to Thanksgiving until January 10th of the succeeding year.

D. Directional signs. Signs that provide direction and are located entirely on the property to which they pertain and contain no commercial message shall not require a sign permit provided they do not exceed four (4) square feet in area. Directional signs include, but are not limited to, signs identifying public rest rooms, public telephones, walkways or signs providing direction, such as parking lot entrance and exit signs, and those of a similar nature. Such directional signs shall be allowed within the street setbacks and side and rear yards in so far as they do not obstruct free and clear vision to traffic.

E. Drive-through Signs. Businesses with drive-through facilities may have one (1) sign not exceeding twelve (12) square feet in area or six (6) feet in height for each drive-through lane provided such sign is oriented solely for the use of patrons utilizing the drive-through lane and is not intended to be visible from adjacent property or the right-of-way.

F. Flags. The flags, emblems or insignia of any nation, political subdivision, including those of commercial and noncommercial interest. Flagpoles shall be subject to the height restrictions imposed by each respective zoning district. Commercial flags shall be limited to one (1) per lot.

G. Gasoline Station Price Signs. Signs not exceeding four (4) square feet advertising the price of gasoline and indicating self-service or full-service, when attached to a gasoline pump or pump service island.

H. Governmental signs. Any official sign, public notice, or warning sign supported by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. (Example: NYS inspection station or authorized repair shop identification). There are no size requirements for governmental signs.

I. Historical signs. Signs that are in the nature of cornerstones, commemorative tablets, and historical signs, provided that such signs are less than nine (9) square feet and not illuminated.

J. Home Occupation Signs. One (1) sign for each legally established home occupation, not to exceed four (4) square feet in area.

K. House numbers and nameplates. Address and name of occupant of premises for a residential structure, not including designations as to employment or home occupation, are to be limited in size to four (4) square feet per dwelling unit.

L. Incidental signs. Such signs shall have an aggregate area not to exceed four (4) square feet.

M. Internal signs. Any sign within a building not legible from the right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as athletic field, where sign is not legible beyond the property lines.

N. Limited Signs. Signs and notices advertising an open house, sale, or event displayed for no more than thirty (30) days. These signs must be placed on the property where the open house, sale, or event is being held.

O. Noncommercial Signs. Any lot shall be allowed up to two (2) signs of any type containing solely noncommercial messages provided said signs are in conformance with the size, height, setback, and illumination regulations set forth within the “Table of Sign Regulations” (Section 106-40.11; Table 40-1) for each applicable sign type.
P. **Political and Campaign Signs.** Political and campaign signs on behalf of candidates for public office or measures on election ballots are permitted without permit under the following conditions:

1. Up to two (2) signs of any type per lot in conformance with the size, height, setback, and illumination regulations set forth within the “Table of Sign Regulations” (Section 106-40.11; Table 40-1) for each applicable sign type;
2. Said signs are not placed more than thirty (30) days in advance of said election or ballot; and
3. Said signs are removed upon closing of the applicable election or ballot.

Q. **Portable Signs.** One (1) non-illuminated, two-sided portable sign not to exceed thirty-two (32) square feet in size and six (6) feet in height in the following situations:

1. New businesses awaiting the erection of a permanent sign, not to exceed a period of thirty (30) days.
2. A business that has lost the use of an existing sign by reason of fire or other catastrophe, not to exceed a period of thirty (30) days.
3. All portable signs must be placed at least ten (10) feet from all property lines.

R. **Real Estate Signs.** Up to two (2) signs on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies, is in conformance with the size, height, setback, and illumination regulations set forth within the “Table of Sign Regulations” (Section 106-40.11; Table 40-1) for each applicable sign type.

S. **Sandwich Board Signs or “A-Frame” Signs.** One (1) sandwich board sign is permitted per use. Said sign shall not exceed six (6) square feet in area. Said sign must be removed at the close of each business day. A sandwich board sign shall not require a sign permit if the following conditions are met:

1. The sign is not more than three (3) feet in height and three (3) feet in width;
2. The sign is not illuminated;
3. The sign is displayed only during business hours; and
4. The sign is not located within the public right-of-way or on public property and is located on the property on which the business is located.

T. **Works of Art.** Works of art that do not include a commercial message, logo, or trademark and do not contain any property identification message.

### 106-40.6 PERMITTED SIGNS
The “Table of Sign Regulations”, located in Section 106-40.11, lists the requirements for different types of permitted signs that may be proposed for installation in the Town. The Table addresses each type of sign by zoning category, listing whether each sign type is permitted in each zone, the number of signs permitted per site, and the allowable size, height, setbacks, and lighting requirements.

### 106-40.7 PROHIBITED SIGNS
The following types of signs are prohibited:

A. Signs for which no permit was issued or for which a permit has been revoked;
B. Obsolete signs or signs that are not properly maintained, considered structurally unsound, hazardous or otherwise unsafe;
C. Signs that contain words or pictures of an obscene or pornographic nature;
D. Signs that emit audible sounds, odor, or visible matter;
E. Signs that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle; or bear one of more of the words "stop" "go slow,"
"caution," "danger," "warning" or other similar words; or hide from view any traffic or street sign, signal or device;
F. Signs that interfere with official traffic lights or traffic control devices;
G. Flashing, rotating, revolving signs/lights, except barber poles or holiday decorations; which do not violate D, E, F, or G above;
H. Signs with unshielded lighting devices or reflectors placed to outline or provide the background of a sign;
I. Signs that are animated or use full motion or video technology;
J. Signs that utilize electronic changeable copy;
K. Signs with mirrors;
L. Permanent banner, pennant, windblown or inflated signs. These may be permitted as a temporary sign for a total of thirty (30) days;
M. Portable signs attached to or placed on an unregistered vehicle parked on private property for the primary purpose of being viewed by motorists within the right-of-way;
N. Pennants not affixed to the face of a building;
O. Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any street or within the public right-of-way unless otherwise permitted;
P. Signs, banners, or pennants mounted on or extending above the roof of any building or structure;
Q. Signs painted directly on an exterior wall;
R. Off-premise signs; and
S. Freestanding signs supported by a single pole or post with more than thirty (30) inches clearance from the bottom of the sign to the ground below. Commonly referred to as a "Pole Sign."

106-40.8 SPECIFIC PROVISONS BY ZONING DISTRICT
(See the "Table of Sign Regulations" in Section 106-40.11 for sign allowances)

A. Residential Districts.

1. All signs in any residential district shall be in conformance with the regulations set forth in Table 40-1 for Residential (R) Districts.
2. Up to two (2) signs may be permitted for each public, quasi-public, non-profit, church, schools, hospital or other similar uses.
3. Uses in the Highway Residential (HR) District may be permitted one (1) freestanding sign as part of the total allotted signage provided it is no more than thirty-two (32) square feet in area and six (6) feet in height with a setback of at least twenty (20) feet. Said sign must be landscaped.
4. One (1) non-illuminated freestanding sign not exceeding thirty-two (32) square feet in area and six (6) feet in height shall be permitted at each entrance of an unimproved subdivision for a period of up to one (1) year. If a building permit is not issued within the subdivision for a period of twelve (12) months, or upon completion of the subdivision, such sign must be removed immediately. Such sign may be installed after approval of the Planning Board of the final subdivision plat or when a valid Building Permit has been issued.

B. Non-Residential Districts.

1. All signs in any non-residential district shall be in conformance with the regulations set forth in Table 40-1 for the district in which the sign shall be erected.
2. Two (2) signs per use are permitted for a single business or industry. Where contiguous businesses or industries are located on a single lot, such as, but not limited to, industrial centers, or business parks, each business or industry shall be permitted two (2) signs and the lot may be permitted one (1) additional freestanding sign.
3. Where groups of two (2) or more contiguous stores are located together, two (2) signs per use shall be permitted in addition to a single freestanding sign for the mall or plaza, subject to the “Table of Sign Regulations”.

C. Mixed-Use Districts.

1. All signs in the Mixed-Use I, Mixed-Use II, Mixed-Use III Districts shall be in conformance with the regulations set forth in Table 40-1 for Mixed Use (MU) Districts.
2. The entrance to any major commercial, residential, or industrial subdivision or development site shall be permitted one (1) freestanding sign.
3. Each individual use within any commercial or industrial subdivision shall be permitted up to two (2) signs, with no more than one (1) wall sign per use at any given time.
4. Signs for individual uses shall compliment the design of the subdivision or development site’s freestanding sign so as to portray a cohesive look throughout the development. This may be achieved through the coordinated use of color, lettering, sign structures, or sign types.

106-40.9 TEMPORARY SIGN REGULATIONS

A. Temporary Signs. Temporary signs on private property shall be allowed upon the issuance of a temporary sign permit unless specifically exempted from such permit within this Chapter. All temporary signs shall conform to the following conditions:

1. Term. A temporary sign may be placed upon a property or structure for no more than thirty (30) days, with no more than one (1) thirty (30) day extension.
2. Number. Only one (1) temporary sign is permitted for a property or structure at any given time. A maximum of four (4) temporary signs may be displayed during each calendar year.
3. Illumination. Interior illumination of temporary signs is prohibited. Signs requiring exterior illumination or electricity shall conform to the regulations of Section 40.3(D) of this Chapter, and those within the “Table of Sign Regulations” (Section 106-40.11; Table 40-1).
4. Size, Height, Clearance, and Setback Requirements. Temporary sign area, height, and setback requirements shall follow the same regulations set forth for any permanent sign of similar type or configuration within the applicable zoning district. See “Table of Sign Regulations” (Section 106-40.11; Table 40-1).

106-40.10 NONCONFORMING SIGNS

A. Permitted Nonconforming Signs. Any sign erected prior to the adoption of this Chapter that does not conform to the provisions of this Article is permitted to remain as a nonconforming sign, provided that the sign:

1. Was erected under an approved sign permit prior to the adoption of this Chapter; and
2. Is not an obsolete sign.

B. Loss of Nonconforming Status. A sign characterized as a nonconforming sign shall lose its nonconforming status if:

1. The sign is altered in any way in structure or size (except for routine maintenance);
2. The sign is relocated; or
3. The sign is replaced.
106-40.11 TABLE OF SIGN REGULATIONS

All signs permitted by the Town shall be subject to the regulations set forth in Table 40-1 below, where “P” indicates permitted and “NP” indicates not permitted. The “maximum # permitted” requirement shall not apply to noncommercial signs, political signs, or real estate signs. See Section 106-40.5(O), (P), and (R) for number of sign types permitted.

Table 40-1: Table of Sign Regulations

<table>
<thead>
<tr>
<th>ZONE</th>
<th>R Districts</th>
<th>LC District</th>
<th>LNC District</th>
<th>GC District</th>
<th>I Districts</th>
<th>RA District</th>
<th>MU Districts</th>
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</thead>
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<tr>
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<td>Limited Neighborhood Commercial</td>
<td>General Commercial</td>
<td>Industrial</td>
<td>Rural Agricultural</td>
<td>Mixed Use</td>
</tr>
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<td>A. FREESTANDING SIGNS</td>
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<td>I</td>
<td>RA</td>
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<td>NP</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
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</table>

B. WALL SIGNS

Any sign fastened to a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign. The sign will not project more than twelve (12) inches from the building or structure.

| Permitted in Zone | R           | LC          | LNC          | GC          | I           | RA          | MU          |
|                  | P           | P           | P            | P           | P           | P           | P            |
| Maximum # Permitted | 1 per structure | 1 per structure | 1 per structure | 1 per use | 1 per use | 1 per structure | 1 per use |
| Maximum Area | 10% of wall OR 6 sf maximum | 20% of wall OR 12 sf maximum | 20% of wall OR 12 sf maximum | 20% of wall area OR 1 sf per linear foot of building front plus ¼ sf per linear foot setback beyond the required setback of the principle building. In no case shall a wall sign exceed 150 sf per structure. |
| Maximum Height | 2 ft        | 4 ft        | 4 ft         | 6 ft        | 6 ft        | 6 ft        | 4 ft         |
| Illumination | NP          | P           | P            | P           | P           | P           | P            |
### C. PROJECTING SIGNS

**A sign wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from the building.**

<table>
<thead>
<tr>
<th></th>
<th>R</th>
<th>LC</th>
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<th>GC</th>
<th>I</th>
<th>RA</th>
<th>MU</th>
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<tr>
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</tr>
</tbody>
</table>

### D. SUSPENDED SIGNS

**A sign attached to and supported by the underside of a horizontal plane.**

<table>
<thead>
<tr>
<th></th>
<th>R</th>
<th>LC</th>
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<th>GC</th>
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<td>P</td>
</tr>
</tbody>
</table>

### E. AWNING & CANOPY SIGNS

**A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.**

<table>
<thead>
<tr>
<th></th>
<th>R</th>
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<th>GC</th>
<th>I</th>
<th>RA</th>
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<td>NP</td>
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</tr>
</tbody>
</table>

**Awning signs may only be placed in the area encompassed by the bottommost twelve (12) inches of the awning edge that runs parallel to the ground.**
**F. WINDOW & DOOR SIGNS**

*A sign that is affixed, painted on, or attached to the glass or facade of a window or door, or displayed within three (3) feet of the inside surface of a window, designed and intended to allow those outside the structure to view it.*

<table>
<thead>
<tr>
<th>Permitted in Zone</th>
<th>R</th>
<th>LC</th>
<th>LNC</th>
<th>GC</th>
<th>I</th>
<th>RA</th>
<th>MU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum # Permitted</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>1 per use</td>
</tr>
<tr>
<td>Size - Maximum share of window area</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>20%</td>
</tr>
<tr>
<td>Illumination</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
</tbody>
</table>

Window and door signs shall not be included in the count towards to number of signs permitted for any use or property.

**G. TEMPORARY SIGNS**

*A sign which is not intended to be used for a period of time to exceed thirty (30) days, nor is attached to a building, to a structure, or into the ground in a permanent manner.*

<table>
<thead>
<tr>
<th>Permitted in Zone</th>
<th>R</th>
<th>LC</th>
<th>LNC</th>
<th>GC</th>
<th>I</th>
<th>RA</th>
<th>MU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum # Permitted</td>
<td>1 per use</td>
<td>1 per use</td>
<td>1 per use</td>
<td>1 per use</td>
<td>1 per use</td>
<td>1 per use</td>
<td>1 per use</td>
</tr>
<tr>
<td>Illumination</td>
<td>See applicable sign type in the tables above.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE 41 | OFF-STREET PARKING AND LOADING REGULATIONS

106-41.1 INTENT
The intent of the following standards is to:

A. Ensure that any parking area or facility is designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles;
B. Reduce congestion on the street network in the Town;
C. Ensure there are adequate amounts of parking and loading facilities to serve the use(s) and users of the property;
D. Encourage alternative parking designs and modes of transportation to reduce dependence on single-occupancy vehicular trips and improve efficiency during travel; and
E. Encourage safe, well-planned multi-modal access to all commercial and residential properties within the Town while minimizing potential vehicular and pedestrian conflicts.

106-41.2 APPLICABILITY
In all districts, at any time a building, structure, or use of land is erected, altered, extended or changed in use or occupancy, there shall be provided for every use off-street parking, loading and access facilities as set forth below as a condition precedent to occupancy of all buildings or land. Off-street parking, loading, and access facilities conforming to the requirements of this Article shall be provided as follows:

A. New or moved buildings and uses. Parking and loading facilities as required, shall be provided for all buildings and uses constructed, established or moved to new sites.
B. Increase in intensity of use. An increase in the intensity of use of a building or premises shall mean the addition of dwelling units, gross floor area, occupancy or any other unit of measurement used as a basis for determining required parking and loading facilities. Additional parking and loading facilities, as required, shall be provided for any such increases in an existing use.
C. Change in use. When the use of any building or premises is changed to a different use; parking and loading facilities, as required, shall be provided for the different use.
D. Existing facilities. Off-street parking and loading facilities in existence on the effective date of this article shall not be reduced below, or if already less than, shall not be further reduced below the requirements for an equivalent new building or use. In no case shall it be necessary to continue parking and loading facilities in excess of those required by this article.
E. Nonconforming parking and loading facilities. A building, use or occupancy lawfully existing at the time this article or any amendment thereto becomes effective, but which does not conform with the off-street parking and loading requirements, may be occupied or continued without such facilities being provided. Any such spaces that may be provided thereafter shall comply with the requirements of this article. If an existing building, use or occupancy is altered so that there is an increase in the number of dwelling units, seating capacity, employees or floor area, or if the use is changed to one requiring more off-street parking and loading spaces, the number of such spaces shall be provided at least equal to the number required for the increased area of the building or use in accordance with all provisions of this Article.
F. Vehicle Reference. The term "vehicle," as used in this section, shall include, but not be limited to automobiles, motorcycles, trucks, recreational vehicles, campers and trailers, including recreational and boat trailers.

106-41.3 GENERAL REQUIREMENTS
Off-street parking and loading facilities required by this Article shall conform to the following requirements:
A. **Location of Spaces.** All off-street parking and loading spaces, excluding single-family residential uses, shall be located in accordance with the following:

1. All parking spaces and loading spaces shall be on the same lot as the use they are intended to serve unless otherwise specified in this Chapter.
2. Parking areas should not be located within fifty (50) feet of a residential district.
3. Loading areas should not be located within 100 feet of a residential district.
4. Parking and loading areas may not be located within fifteen (15) feet of the front lot line unless proper screening or decorative fencing is installed to the satisfaction of the Planning Board.
5. Off-street parking spaces are encouraged to be located in the rear or side yard where practicable. Said spaces may be located in front of a building provided that at least fifty percent (50%) of the parking area is landscaped and the areas are not placed in any setbacks. All landscaped areas shall conform to the regulations of Article 42 of this Chapter.
6. Off-street parking spaces in residential districts may be provided in any yard space except front yard space. However, parking in front yard space may be allowed on a driveway compliant with Table 41-4 of this Article, provided that the parking of such vehicle does not obstruct the view of oncoming traffic.
7. Loading docks, bays, and service areas shall be located to the rear of the structure. In cases where this is not feasible, the Planning Board may approve a side loading area if appropriate screening is provided.
8. When the rear of a structure abuts a primary street, loading areas shall receive additional screening as the Planning Board determines appropriate.

B. **Areas Computed as Off-street Parking or Loading Space.**

1. Areas that may be considered as off-street parking space include any private garage, carport or other area available for parking other than a street, entrance and exit lanes, or driveway. No vehicle shall be parked or stored in any required fire lane.
2. For single family, two-family, and mobile homes, no more than fifty percent (50%) of the lot width for lots less than sixty (60) feet in width or thirty-three percent (33%) for lots equal or greater than sixty (60) feet in width may be used for parking.
3. Loading and unloading space as required under Section 106-41.7 shall be provided in addition to off-street parking space and shall not be considered as supplying off-street parking space.

C. **Required Improvements.** Off-street parking and loading facilities required by this article serving three (3) or more residential dwelling units on a single lot as well as all nonresidential uses, shall conform to the following requirements:

1. Landscaping, Screening and Buffering. All parking and loading facilities shall be properly screened and landscaped in accordance with the requirements set forth in Article 42 of this Chapter.
2. Marking. All parking and loading facilities shall be clearly marked with a minimum painted strip of four (4) inches in width.
3. Drainage. Parking and loading facilities and their access driveways shall be graded so as to provide for the proper mitigation of storm water and runoff.
4. Paving. Parking and loading areas located within any Commercial, Industrial, or Mixed-Use District must be appropriately paved and maintained. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt and must be permanently marked.
5. Wheel Stops. Wheel stops shall be provided adjacent to any building, wall, fence, walkway, landscaped area or property line to protect people, property and other vehicles. The wheel
stops shall not be placed less than eighteen (18) inches in from the front of the parking space.

6. Fire Lanes. Parking facilities shall be constructed in such a way to accommodate emergency vehicle access as required by the Town Fire Department.

7. Americans with Disabilities Act (ADA). All new or upgraded parking areas must meet the requirements of the ADA. Upgrading of a parking lot shall include reconstruction or re-paving but not sealing an existing surface.

8. Pedestrian Walkways. All parking lots that contain more than twenty (20) spaces, including access lanes and driveways, must include clearly identified pedestrian route from the parking area to the main building entrance and to the public sidewalk along the street if present.

D. Parking Spaces for the Handicapped. Parking facilities shall comply with the requirements of the New York Uniform Fire Prevention and Building Code. The size and number of handicapped spaces required shall be approved by the Code Enforcement Officer. Each such space may be included in the computation of required number of spaces by use.

E. Operation and Use of Parking Facilities. Required parking facilities shall be used exclusively for the temporary parking of passenger vehicles or light trucks of patrons, occupants or employees of the structure or use to be served. Required parking facilities shall not be used to satisfy the requirements for loading facilities nor for the sale, display, rental or repair of motor vehicles.

F. Separation Between Spaces and Dwellings Served. All parking spaces in an open parking facility shall be separated from dwelling unit walls on the same lot if the walls contain windows, other than garage windows, that are on the same or approximately the same level as the parking facility. The separation shall be at least ten (10) feet in width, of which one-half (1/2) shall be landscaped to the satisfaction of the Planning Board.

G. Landscaping, Screening, and Buffer Regulations. Off-street parking areas shall be screened in accordance with the landscaping, screening and buffer regulations specified in Article 42 of this Chapter.

H. Lighting. All parking and loading areas and their appurtenant passageways and driveways serving commercial and industrial uses shall be illuminated in conformance with the lighting standards in Article 43. Adequate shielding shall be provided by uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

I. Snow Removal. For all off-street parking and loading areas a dedicated area for the placing and storage of snow shall be required. The location and size of snow storage areas shall be approved by the Town Code Enforcement Officer. Said storage area shall be provided independently of off-street parking and loading requirements and shall not impede access to off-street parking or loading spaces.

106-41.4 JOINT AND SHARED PARKING FACILITIES

A. Shared Access. Shared entrances and exits to parking facilities shall be provided where appropriate and feasible.

B. Joint Parking Facilities. The collective provision of off-street parking areas by two (2) or more buildings or uses located on the same lot or adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.

C. Shared Parking Facilities. Common or shared parking facilities between two principal businesses with differing hours of peak operation shall be required to decrease the amount of impervious surface and increase the amounts of open space where appropriate and feasible. Such facilities shall be in conformance with the following:

1. Parking is located within 400 feet of buildings or uses it is intended to serve.
2. The applicant demonstrates that the uses have different peak hour parking demands or that the total parking demand at one time would be adequately served by the total number of parking spaces proposed.
3. A Shared Parking Agreement and/or Cross Access Easements must be drafted documenting the joint use and must be reflected in a deed, lease, contract, easement or other appropriate legal document tying said agreement or easement to the property or properties in question.
4. A Maintenance Agreement is drafted documenting the responsibility of each user and/or property owner in the maintenance and upkeep of said shared parking and access facilities.

106-41.5 PARKING FACILITY DESIGN STANDARDS

A. **Aisle Widths.** Aisle widths shall follow the minimum dimensions of Table 41-1 below:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Minimum Aisle Width (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>Two-way Traffic</td>
</tr>
<tr>
<td>Ninety-degree parking</td>
<td>24</td>
</tr>
<tr>
<td>Sixty-degree parking</td>
<td>23</td>
</tr>
<tr>
<td>Forty-five degree parking</td>
<td>21</td>
</tr>
<tr>
<td>Parallel parking</td>
<td>19</td>
</tr>
</tbody>
</table>

B. **Size of Parking Spaces.** The size of the parking spaces shall follow the minimum dimensions of Table 41-2 below, and each space shall be separated by four (4) inches from an adjoining space.

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Minimum Width (Feet)</th>
<th>Minimum Length (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ninety degree parking</td>
<td>9</td>
<td>18</td>
</tr>
<tr>
<td>Sixty degree parking</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Forty-five degree parking</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Parallel parking</td>
<td>8</td>
<td>22</td>
</tr>
</tbody>
</table>

106-41.6 ACCESS MANAGEMENT

The purpose of this section is to assure proper and well-planned access roads and driveways that provide safe travelling conditions for both vehicles and pedestrians to surrounding businesses and residential neighborhoods. It is the intent of the Town of Genesee to make sure that safe access can be made to all commercial and residential properties while minimizing potential traffic and pedestrian conflicts.

A. **Access road development** shall apply to all districts with adjoining property boundaries where points of ingress or egress are separated by a distance of less than 500 feet and shall conform to the following standards:

1. Shared access agreements or cross access easements will be required of the first developer and/or owner of a site, and shall be established in perpetuity to adjoining properties as a contingency of site plan approval.
2. All direct access driveways to public highways shall be minimized and meet or exceed the minimum spacing requirements, excluding single-family residences, listed in Table 41-3 below. Minimum driveway spacing is to be measured from the closest edge of the driveway to the closest edge of the nearest driveway.

<table>
<thead>
<tr>
<th>Speed Limit</th>
<th>Arterial (feet)</th>
<th>Collector and Local (feet)</th>
</tr>
</thead>
</table>
3. Each site shall have an access driveway into the parking area that complies with the dimensions of Table 41-4 below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Width (Feet)</th>
<th>Maximum Width (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-family</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>2. Multi-family</td>
<td>16 (combined drive)</td>
<td>30</td>
</tr>
<tr>
<td>3. All other uses</td>
<td>12 (one way)</td>
<td>40</td>
</tr>
</tbody>
</table>

4. All parking spaces, except those required for single- or two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

5. No driveway providing access to an off-street parking area shall be located closer than 150 feet to the intersection of public streets.

### 106-41.7 MINIMUM PARKING SPACE REQUIREMENTS

A. The minimum number of parking spaces for all uses and structures shall be provided in accordance with Table 41-5.

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily dwelling, studio-1 bedroom</td>
<td>1.5 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily dwelling, 2-3 bedroom units</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Senior housing</td>
<td>1 per dwelling unit</td>
</tr>
<tr>
<td>Boarding houses</td>
<td>0.5 per rooming unit</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>2 per mobile home unit</td>
</tr>
<tr>
<td><strong>B. Government/Cultural/Educational</strong></td>
<td></td>
</tr>
<tr>
<td>School, elementary &amp; intermediate</td>
<td>1 per employee + 2 per classroom</td>
</tr>
<tr>
<td>School, secondary</td>
<td>1 per 15 students + 1 per employee + 2 per classroom</td>
</tr>
<tr>
<td>School, College/occupational/skill training</td>
<td>1 per employee + 1 per 5 classroom seats</td>
</tr>
<tr>
<td>Place of worship</td>
<td>1 per 3.5 seats</td>
</tr>
<tr>
<td>Community Center</td>
<td>5 per 1,000 sf</td>
</tr>
<tr>
<td>Library</td>
<td>2 per 1,000 sf</td>
</tr>
<tr>
<td>Auditorium</td>
<td>1 per 3.5 seats</td>
</tr>
<tr>
<td>Private club</td>
<td>5 per 1,000 sf</td>
</tr>
</tbody>
</table>
### Recreational:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling Alley</td>
<td>2 per lane</td>
</tr>
<tr>
<td>Skating Rink</td>
<td>1 per 5 persons¹</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>1 per 4 persons¹</td>
</tr>
<tr>
<td>Tennis Club</td>
<td>3 per court</td>
</tr>
<tr>
<td>Day care or nursery</td>
<td>1 per 6 enrolled + 1 per employee</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 per 2 beds + 1 per employee</td>
</tr>
<tr>
<td>Medical clinic, medical office</td>
<td>5 per 1,000 sf</td>
</tr>
<tr>
<td>Nursing home</td>
<td>1 per 4 beds + 1 per employee</td>
</tr>
</tbody>
</table>

### C. Commercial/Retail

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>General retail</td>
<td>3 per 1,000 sf</td>
</tr>
<tr>
<td>Food store</td>
<td>3 per 1,000 sf</td>
</tr>
<tr>
<td>Convenience store</td>
<td>3 per 1,000 sf</td>
</tr>
<tr>
<td>Home occupations</td>
<td>Max of 2 spaces in addition to residential requirement</td>
</tr>
</tbody>
</table>

### D. Service

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank</td>
<td>2 per 1,000 sf</td>
</tr>
<tr>
<td>Drinking Establishment/tavern/nightclub</td>
<td>3 per 1,000 sf</td>
</tr>
<tr>
<td>Bed &amp; breakfast</td>
<td>2 spaces + 1 per guest bedroom</td>
</tr>
<tr>
<td>Barbershop/beauty salon</td>
<td>1.5 per chair</td>
</tr>
<tr>
<td>Dry cleaning/Laundromat</td>
<td>2 per 1,000 sf</td>
</tr>
<tr>
<td>Hotel/motel</td>
<td>1 per room + 1 per employee²</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>10 per 1,000 sf</td>
</tr>
<tr>
<td>Office, professional or business</td>
<td>3 per 1,000 sf</td>
</tr>
<tr>
<td>Restaurant, carry-out</td>
<td>2 per 1,000 sf</td>
</tr>
<tr>
<td>Restaurant, drive-through</td>
<td>1 per employee² + 4 per 1,000 sf</td>
</tr>
<tr>
<td>Restaurant, sit-down</td>
<td>5 per 1,000 sf</td>
</tr>
<tr>
<td>Winery</td>
<td>1 per employee² + 5 per 1,000 sf of retail or tasting space</td>
</tr>
</tbody>
</table>

### E. Vehicle Related

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle repair/service or gas station</td>
<td>2 per bay</td>
</tr>
<tr>
<td>Vehicle sales</td>
<td>2 per employee</td>
</tr>
<tr>
<td>Vehicle rental</td>
<td>1 per 1,000 sf of floor area</td>
</tr>
<tr>
<td>Car Wash</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Marina</td>
<td>.75 per boat slip</td>
</tr>
</tbody>
</table>

### F. Industrial / Manufacturing

<table>
<thead>
<tr>
<th>Activity</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>All uses</td>
<td>1 per employee²</td>
</tr>
</tbody>
</table>

**NOTES:** (1) Based on capacity. (2) At maximum shift.

**B.** Bicycle parking shall be provided in all mixed-use districts at 10% of the motorized vehicle parking requirements but not less than two (2) bicycle spaces and not more than ten (10) bicycle spaces for any use.

**C.** Should the minimum parking space requirement result in a fractional number of spaces based on the previous calculations, the requirement shall be rounded to the next highest whole number.

**D.** The Planning Board may reduce the number of off-street parking spaces required if the applicant can make permanent arrangements for space sharing with other residential or nonresidential uses or can otherwise prove that the parking standards are excessive for the particular use proposed.
E. The maximum number of parking spaces allowable is not to exceed 125% of the requirement as outlined in Table 41-5 of this Article, unless otherwise approved by the Planning Board.

F. Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the Planning Board based upon the capacity of the facility and its associated uses through Site Plan Review. The Planning Board may consult with any other board, commission, department, agency, and/or official it deems advisable. The Planning Board may also engage the services of engineers, planners, or other professionals to aid in their determination. The applicant shall reimburse all costs incurred by the Town for such professional services.

G. The Planning Board may require off-street parking spaces in addition to those required by this Article in order to protect the health, safety, and general welfare of the public.

106-41.8 LOADING SPACE REQUIREMENTS

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in order to avoid undue interference with the public use of streets or alleys.

A. **Access.** Access to a loading space shall be provided directly from a public street or alley or from any right-of-way in such a way that it will not interfere with public convenience and will permit orderly and safe movement of delivery vehicles.

B. **Maneuvering.** Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way.

C. **Shared Loading Facilities.** Off-street loading facilities for separate uses within the same building may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided, that the use complies with all regulations governing the location of spaces in relation to the use served are adhered to.

D. **Minimum Number and Space Dimensions.** The required number and space dimensions of loading space shall be determined by the gross floor area of the use that it will serve as listed in Table 41-6 below:

<table>
<thead>
<tr>
<th>Gross Floor Area (square feet)</th>
<th>Number</th>
<th>Width (feet)</th>
<th>Length (feet)</th>
<th>Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Less than 4,000</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2. 4,000 to 15,000</td>
<td>1</td>
<td>12</td>
<td>25</td>
<td>14</td>
</tr>
<tr>
<td>3. 15,000 to 30,000</td>
<td>1</td>
<td>14</td>
<td>50</td>
<td>15</td>
</tr>
<tr>
<td>4. 30,000 or greater</td>
<td>2</td>
<td>12</td>
<td>25</td>
<td>14</td>
</tr>
<tr>
<td>5. Each additional 50,000; or fraction thereof</td>
<td>1</td>
<td>14</td>
<td>50</td>
<td>15</td>
</tr>
</tbody>
</table>

(i) For buildings over 100,000 square feet, the number of loading spaces may be limited by the Planning Board to four (4) loading spaces of appropriate size if the applicant can establish that the number and size of loading spaces provided is sufficient to support the proposed operations.
ARTICLE 42 | LANDSCAPING, SCREENING, AND BUFFER REGULATIONS

106-42.1 INTENT

The following standards are intended to assure an adequate degree of landscaping, screening, and buffering between land uses, particularly between residential and nonresidential uses, providing a balance between developed uses and open space, enhancing the visual and aesthetic appearance of the community, and encouraging preservation of existing natural features. Specifically, these regulations are intended to:

A. Encourage the landscaping of developments and to dissuade the unnecessary clearing and disturbing of land so as to preserve the natural and existing growth of vegetation and to replace removed or plan new vegetation indigenous to the region.

B. Provide natural visual screening of parking areas and along property boundaries to protect the existing visual quality of adjacent lands.

C. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas.

D. Provide natural buffers that reduce glare and noise, and protect wetlands, stream corridors and other significant environmental features.

E. Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks.

F. Enhance the overall environmental and aesthetic quality of the community in order to provide a healthful and pleasant atmosphere for Town residents and visitors.

G. Encourage the application of green infrastructure to landscaping, screening, and buffering elements for the natural management of stormwater and runoff (eg. Bioswales, bioretention cells, permeable pavement, green roofs, etc).

106-42.2 GENERAL REQUIREMENTS

A. Site Plan Review. Development activities requiring site plan approval shall submit, as part of such approval, a landscaping plan in accordance with Section 42.4 of this Article. This shall include, but not be limited to, commercial, retail, industrial, multi-family residential, subdivisions, and institutional uses.

B. Existing Site Features. Existing unique, cultural, or natural site features, such as stone walls, shall be incorporated into landscaping plans to the maximum extent feasible. Sites that possess significant ecological properties such as aquifers, public water supply watersheds, wetlands, and streams whose degradation would negatively affect other properties should be developed in a manner that will effectively prevent the possibility of such degradation.

C. Existing Trees. Existing healthy trees with a minimum twelve (12) inch caliper should be identified on development plans and preserved. Said preserved trees shall be credited against the requirements of these regulations in accordance with their size and location.

D. Completion of Work. The issuance of a Certificate of Occupancy shall require completion of lot grading, seeding and required landscaping, or posting of a performance guaranty acceptable to the Code Enforcement Officer. If the applicant cannot perform the work due to seasonable impracticalities, all landscaping work shall be completed by June 30th of the year following the issuance of the temporary Certificate of Occupancy.

E. Pedestrian Access. Pedestrian access to sidewalks or buildings shall be considered in the design of all landscaped areas.

F. Compliance. Where existing conditions make compliance with these regulations not feasible, the Planning Board, at its discretion, may modify the requirements provided they comply with the intent of these regulations to the maximum extent practicable.
G. **Appropriate Plant Species.** All plant materials must conform to the most current edition of the American Nursery and Landscape Association’s American Standard for Nursery Stock (ANSI Z60.1 - 2004). Applicants are required to design and install landscaping that shall be tolerant of typical environmental conditions of this region (USDA Hardiness Zones 5 and 6). Proper trees shall be chosen where any height restrictions (i.e. power lines) exist to minimize conflicts and improper pruning techniques. Species appropriate for the Town should be determined by a registered Landscape Architect, landscape consultant, or other professional.

H. **Minimum Plant Size.** Unless otherwise specifically stated elsewhere in this section, all plant materials shall meet the minimum size standards set forth in Table 42-1 below at the time of installation.

### Table 42-1: Minimum Plant Size in Buffer

<table>
<thead>
<tr>
<th>Plant Material</th>
<th>Side or Rear Yards</th>
<th>All Other Landscaped Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Trees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deciduous</td>
<td>1 ½ inch caliper</td>
<td>2 ½ inch caliper</td>
</tr>
<tr>
<td>Evergreen</td>
<td>4 feet (height)</td>
<td>5 feet (height)</td>
</tr>
<tr>
<td><strong>2. Shrubs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deciduous</td>
<td>15 inches (height)</td>
<td>24 inches (height)</td>
</tr>
<tr>
<td>Evergreen</td>
<td>12 inches (height)</td>
<td>18 inches (height)</td>
</tr>
</tbody>
</table>

### 106-42.3 LANDSCAPING STANDARDS

All nonresidential uses and multifamily uses must comply with the following landscape standards where applicable:

A. **Perimeter landscaping.** Landscaping shall be required along the perimeter of projects, or within the required setbacks, and shall be provided except where driveways or other openings may be required.

1. The Planning Board may consider alternatives to the location of landscaping materials, based on the existing character of the neighborhood.
2. A landscaped area of at least thirty (30) feet in depth shall be provided in the front setback area of any lot bordering a primary roadway (Route 20A or Lima Road) within a Mixed-Use District.
3. For large development projects such as shopping centers, perimeter landscaping shall apply to the full perimeter of the project, and not to internal property lines.
4. The linear feet guidelines below are to be used to calculate the number of required plantings; they do not require that plantings be uniformly spaced. Rather, grouping of plants consistent with accepted landscape practice is encouraged.
   
   i. At least one (1) tree for each forty (40) linear feet of the perimeter of the lot; and
   
   ii. At least one (1) shrub for each ten (10) linear feet of the perimeter of the lot.

B. **Street Trees.** All streets and roads within the Town shall be lined with trees unless visibility by traffic would be obstructed.

1. Trees should be placed between the sidewalk and curb to form a protective row that makes pedestrians feel safely separated from traffic. Trees should be spaced no more than fifty (50) feet apart in areas with slow speed limits, and no more than 100 feet apart in higher speed situations. A minimum of two (2) trees should be provided on all lots. The Planning Board shall approve the exact number of trees, their location and spacing during Site Plan Review.
2. Residential street trees should be placed close to the road and to each other to create a park-like canopy or consistent with existing tree spacing on neighborhood lots when present.
3. Street trees should be hardy, deciduous varieties that are salt and drought resistant, free of droppings that mar sidewalks and cars, and tall enough to frame the street and placed in locations that do not block the view of storefronts.

4. 

C. **Building Foundations.** Building foundations shall be mulched and planted with ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers. The arrangement of said landscaping shall be arranged along the front façade and along other facades where principal entrances are present or are visible from the public right-of-way, as required by the Planning Board. Trees and shrubs shall be provided according to the following requirements:

1. At least one (1) tree for each thirty (30) linear feet of the perimeter of the building; and
2. At least one (1) shrub for each five (5) linear feet of the perimeter of the building.

D. **Parking Areas.** Parking lots containing ten (10) or more spaces, per Article 41 (Off-Street Parking and Loading), shall be internally landscaped, so as to provide shade and screening, and facilitate the safe and efficient movement of traffic. The area designated as required setbacks shall not be included as part of the required landscaping. Plantings shall be spaced and grouped consistent with accepted nursery standards, and shall not be located in a manner that impedes driver visibility. Specific requirements are as follows:

1. A landscaped buffer at least ten (10) feet in width must be provided between a parking lot and the public rights-of-way;
2. A minimum of one (1) landscaped island shall be provided for every ten (10) parking spaces contained within each single row of parking. Islands shall be planted with trees, shrubs, and ground cover to the satisfaction of the Planning Board with a minimum of one (1) tree per ten (10) parking spaces unless otherwise approved by the Planning Board;
3. End islands shall be required for all parking configurations entirely surrounded by drive aisles, provided such configurations contain more than five (5) spaces in a single row and ten (10) spaces in a double row. End islands shall completely separate the parking spaces from the drive aisle;
4. Landscaped parking lot medians, a minimum of ten (10) feet in width, shall be used to completely separate driveway entrance aisles from parking areas;
5. All landscaped areas shall be no less than eight (8) feet in average width; and
6. Plantings shall present a clear view of any driving lane within fifteen (15) feet.

E. **Screening and Buffering Requirements.**

A. A fence without landscaping shall not be considered a buffer.
B. A landscaped barrier at least ten (10) feet in width shall be provided to screen vehicular activity from adjacent properties.
C. If there is insufficient space to accommodate a ten (10) foot landscaped area, The Planning Board may allow screening to consist of a wall, fence, berm, hedge, or other plant materials or combinations thereof no less than five (5) feet high.
D. Screening and buffering planting of coniferous and/or deciduous trees, shrubs, ground cover, and fencing (where desired), will be required along side and rear property boundaries of adjacent, non-compatible uses or established residential areas. This shall include, but not be limited to, the following situations:

i. Multi-family dwellings abutting single-family or two-family dwellings.
ii. Commercial, industrial, and institutional uses abutting residential uses.
iii. Manufactured home communities abutting a public right-of-way or residential use.
iv. New residential development adjacent to active farm operations or vacant, open fields that contain prime agricultural soils.

v. Outdoor storage areas as specified in Section 106-30.19 of this law.

E. Loading and service areas shall also be buffered from adjacent non-compatible uses, established residential areas, and street rights-of-way.

F. **Storm Water Facilities.**

1. Storm water facilities and detention ponds may be considered as contributing landscaping elements to meet the requirements of this Article.

2. Storm water facilities shall be integrated into the overall site design, or where existing, a larger regional retention and management system. The use of earthen basins should be kept to a minimum to achieve required regulatory standards.

3. Storm water detention or retention facilities are not permitted in front yards unless they provide positive and attractive design elements to the project, at which point the location of these facilities in front yards is left to the discretion of the Planning Board. Where the lay of the land or other physical constraints makes the placement of such facilities elsewhere infeasible, the Planning Board may also approve placement in front or side yards subject to enhanced landscaping provisions.

4. The siting, construction, and management of all storm water facilities in front yards should provide a positive and attractive design element. This can be achieved with the provision of enhanced landscaping, fountains, or other water features and a pleasing aesthetic. These facilities should appear to exist in a natural setting with the overt use of riprap and stone fill kept to a minimum.

5. The provision of fencing around storm water facilities shall not be allowed unless such fencing provides a positive design element as determined by the Planning Board. Chain-link fencing around storm water facilities shall not be allowed unless otherwise approved by the Planning Board.

6. The subterranean storage of storm water runoff is encouraged where practicable. Applicants shall follow all appropriate testing measures and obtain all applicable permits prior to construction of such measures.

7. Applicants shall ensure that measures taken in consideration of these design standards is in conformance and coordination with the development of a Storm Water Pollution Prevention Plan according to state environmental regulations.

**106-42.4 LANDSCAPING PLAN**

A. A required landscaping plan must be prepared by a licensed landscape architect, landscape designer, arborist, or other professional unless otherwise waived by the Planning Board. All landscaping plans shall contain the following information:

1. A title block with the name of the project, the name of the person preparing the plan, a scale, North arrow and date.

2. All existing, significant plant materials on the site.

3. Existing and proposed structures.

4. Topographical contours at two (2) foot intervals.

5. Drainage patterns.

6. Location, size and description of all landscape materials existing and proposed, including all trees and shrubs, and shall identify those existing plant materials that are to be protected or removed.

7. Landscaping of parking areas, access aisles, entrances, common open areas, recreation areas, and perimeter buffer areas.
8. Other information as may be required by the Code Enforcement Officer and/or the Planning Board.

B. Relief from any landscape plan requirements that are deemed unnecessary may be granted with Planning Board approval.

106-42.5 LANDSCAPING MAINTENANCE
It shall be the responsibility of the property owner and/or lessee to maintain the quality of all plant material, non-plant landscaping, and irrigation systems used in conjunction with the landscaping.

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

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

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

D. Improper maintenance shall be determined through periodic inspection by the Code Enforcement Officer. The Code Enforcement Officer may require a review and status report of plantings by a professional landscaper, arborist, or engineer. All reasonable costs for review and determination shall be at the expense of the property owner.

106-42.6 SCREENING OF DUMPSTERS, SERVICE AREAS AND MECHANICALS
In any district, all dumpsters, service areas or mechanical units used or intended to be used for any building or land use other than one-family and two-family dwelling units, shall be subject to the following:

A. All dumpsters, refuse storage, service areas, and mechanicals shall be placed in the rear yard unless otherwise approved by the Planning Board;

B. In instances where neighboring uses are compatible and rear lots are connected, refuse areas shall be combined;

C. All dumpsters, service areas and mechanicals shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier from adjacent properties and the public right-of-way. Said barrier shall be at least equal to the height of the containers or mechanicals; and

D. All dumpsters within a Mixed-Use District shall be located within a screened enclosure with no less than three sides constructed of the same or similar materials found in the principal structure. Where possible, gate access to the enclosure should be located out of direct view from parking areas and principal building entrances, and efforts should be made to maintain the gates in a closed position other than times of refuse pick-up or delivery.
ARTICLE 43 | OUTDOOR LIGHTING REGULATIONS

106-43.1 INTENT
The purpose of this section is to establish regulations to allow for outdoor illumination levels which are appropriate for the use, while promoting safety and security, and minimizing the undesirable side effects of excessive illumination such as glare, light trespass, and light pollution. Over time, it is the intent that this section will allow for reasonably uniform illumination levels in the community.

106-43.2 APPLICABILITY
This regulation shall apply to all new outdoor lighting fixtures, the expansion and alteration of existing fixtures, as well as the replacement of lighting fixtures except any routine repair or maintenance.

106-43.3 APPROVALS REQUIRED
For uses which require a site plan review, the Planning Board may require a lighting plan to be submitted showing the location, number, type/style, mounting height, and lighting levels produced on the ground (i.e. photometric report). All other uses shall conform to the general requirements contained herein.

106-43.4 GENERAL REQUIREMENTS

A. **Light Trespass.** All outdoor lighting shall be shielded or otherwise contained so as not to exceed 0.2 foot-candles from the property line on which the light originates.

B. **IESNA Criteria.** Exterior lighting fixtures on commercial, industrial, institutional, and multi-family properties shall conform to the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures. In addition, the lighting levels shall be designed to meet the minimum requirements of the latest recommended levels set forth by IESNA. Where no standard from IESNA exists, the Planning Board shall determine the appropriate level, taking into account levels for the closest IESNA activity.

C. **Hours of Operation.** All lighting, except as required for security, shall be extinguished during non-operating hours in order to minimize the indiscriminate use of illumination. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting.

106-43.5 SPECIFIC REQUIREMENTS

A. **Lighting Fixtures.** All light fixtures are subject to the following standards:

1. All exterior lighting fixtures shall be compliant with the International Dark-Sky Association’s Simple Guidelines for Small Communities, Urban Neighborhoods, and Subdivisions.
2. Lighting along public and private rights-of-way and along sidewalk and pedestrian zones shall be designed such that poles, fixtures, ornamentation, and materials are of a pedestrian scale and height, and provide for enhanced pedestrian experience and safety.
3. Lighting along sidewalks and pedestrian zones should be distinctive and human-scaled. Said lighting fixtures shall measure at a minimum of ten (10) feet, but no more than fifteen (15) feet.
4. Lighting fixtures within parking areas should not exceed twenty (20) feet in height.
5. Lighting fixtures should be compatible with architectural style and other features of adjacent or nearby buildings when deemed appropriate by the Planning Board.
6. Lighting fixtures should be of a consistent architectural style and utilize a design that allows light trespass to be fully shielded or fully cutoff.

B. **Parking Lots.** Parking lots shall not exceed light levels necessary for safety and for locating vehicles at night. The lighting plan shall be designed so that the parking lot is lit from the outside
perimeter inward and/or incorporate design features with the intent of eliminating offsite light spillage.

C. **Canopy and Roof Overhang.** Lights installed on canopies or roof overhangs shall be recessed so that the lens cover is flush with the bottom surface of the canopy or overhang. Lights shall not be mounted on the sides or top of the canopy or overhang.

D. **Bottom-mounted or Up-lighting.** To minimize unnecessary lighting, up-lighting shall be allowed for flagpoles that display federal, state, and/or local government flags only, unless noted otherwise within this Chapter (See Article 40, Sign Regulations). Illumination shall be directed solely onto the object for which it is intended.

E. **Security Cameras.** Facilities that utilize security cameras may employ appropriate lighting to ensure proper function during times when such cameras are in use.

### 106-43.6 EXEMPTIONS

The following types of outdoor lighting are exempt from this regulation unless otherwise specified:

A. Street lighting installed by the Town, Livingston County Highway Department, or the NYS Department of Transportation.

B. Low-voltage lighting as defined by the National Electric Code (NEC).

C. Holiday lighting.

D. Temporary construction and emergency lighting needed by police, emergency or highway crews, provided the light is extinguished upon completion of the work.

E. Hazard warning lights required by a federal or state regulatory agency, except that all fixtures used must be as close as possible to the federally required minimum output.

F. Lighting associated with farm or agricultural operations. However, farm or agricultural operations within 100 feet of an adjacent residential dwelling shall be shielded to prevent light trespass onto the adjoining property.

### 106-43.7 PROHIBITED LIGHTING

A. Blinking, flashing, strobe or search lights.

B. Exposed strip lighting used to illuminate building facades or signs.

C. Any light that may be confused with or construed as a traffic control device.
ARTICLE 44 | DESIGN STANDARDS AND GUIDELINES

106-44.1 APPLICABILITY
The following standards and guidelines shall apply to the Mixed-Use Districts, Low Intensity Office District, and General Commercial District of the Town’s Zoning Code and Map. For the purposes of this Article the following terminology shall apply:

A. Primary Street. The term “primary street” shall refer to Route 20A, Lima Road, and Volunteer Road.
B. Fronting and Frontage. The terms “fronting” and “frontage” shall be synonymous and shall refer to a building having a façade that is parallel to the street or drive in question.

106-44.2 PURPOSE AND INTENT
The purpose of these design guidelines and standards is to describe the desired future development pattern, form, massing, site layout and architectural detailing for these districts along the Route 20A Corridor. The Town recognizes the importance of the Route 20A Corridor as an important gateway to the Village of Geneseo and as a retail and service destination with regional significance. It is important for this part of the Town to have established design standards that guide development and ensure safe and efficient circulation. Given its transitional nature, there is a need for clear standards that meet the goals and objectives of the community while still allowing for flexibility and creativity. These standards will provide the necessary regulatory guidance and framework for high-quality development while still allowing flexible design alternatives.

The Town reserves the right to seek the services of engineers, planners, architects, or other professional to aid in the consideration of all development design. The applicant shall reimburse all costs incurred for such professional services to the Town.

106-44.3 OBJECTIVES
The purpose of these design guidelines and standards is to preserve and promote the unique character of the Town by ensuring future development is consistent with the following objectives:

A. Create lively, pedestrian-friendly, and attractive buildings, sites, open spaces, and streetscapes where residents and visitors will enjoy walking, biking, and driving.
B. Encourage the development of retail, offices, restaurants, and other permitted uses in close proximity of each other creating dynamic activity centers for the benefit of residents and visitors alike.
C. Develop office and industrial parks to resemble a campus-like environment that incorporates open space and pedestrian amenities where appropriate.
D. Require that future private development positively contribute to the public realm and ensure compatibility with surrounding developments so as not to detract from the overall streetscape.
E. Utilize good site planning techniques that provide visual interest and accommodate multimodal travel such as varying building massing, emphasizing street corners, highlighting points of entry, and integrating site circulation and access between uses.
F. Encourage the development of buildings consistent with the goals of the Leadership in Energy and Environmental Design (LEED) program.
G. Ensure that new development building and site design does not negatively impact adjacent residential uses, respecting their existing scale and character.

106-44.4 SITE PLANNING STANDARDS
Site planning standards primarily address the organization of a project’s components. They are intended to address the location of buildings and site features such as parking lots, open space, and service areas, as well as the organization of circulation patterns for vehicles and pedestrians.
A. Projects with Multiple Buildings (see Figures 1 and 2 in Section 44.7 of this Chapter for Conceptual Examples).

1. Projects with multiple buildings shall be sited with pedestrian connections between structures, parking areas, and adjacent uses.
2. Multiple structures shall be placed in a fashion that creates a well-organized, accessible, and functional site. The Town encourages site layouts that create a unique sense of place and do not result in large parking lots lacking landscaping or pedestrian accommodations.
3. Projects with multiple structures are encouraged to attend a sketch plan meeting with the Planning Board as described in Article 52 (Site Plan Review).

B. Parking Location, Massing, and Orientation.

1. Location of Parking Facilities.
   i. Vehicular parking and standing facilities shall be located in the rear of structures whenever possible but may be allowed in the side yard if screened appropriately. Exceptions may be made, at the discretion of the Planning Board, to allow for a single row of angled parking spaces on the Volunteer Road side of the property, known as “convenience parking” (see Figures 4 and 5 in Section 44.7 of this Chapter), provided appropriate screening is used and the principal structure in in compliance with the all setback requirements.
   ii. For sites proposed with multiple structures the use of central courtyard parking is encouraged (see Figure 2 in Section 44.7 of this Chapter).
   iii. The linear distance at the front lot line parallel to primary streets of individual lots shall not be composed of more than thirty percent (30%) parking lot as a percentage of total distance along Route 20A, Lima Road, or Volunteer Road, including convenience parking. See Figure 3 in Section 44.7 of this Chapter for more information.

2. Massing of Parking Facilities (see Figure 6 in Section 44.7 of this Chapter).
   i. Parking lots shall be arranged such that long uninterrupted views across large areas of parking are not visible from the primary road. To achieve this parking lots shall be designed in “rooms” containing no more than 180 vehicles each.
   ii. Multiple rooms shall be broke up by vegetated medians that preclude an uninterrupted view from room to room. Pedestrian accommodations within the vegetative medians are required. See numbers 3 and 7 in Figure 6 in Section 44.7 of this Chapter.

3. Orientation of Parking Facilities.
   i. Parking facilities shall be oriented such that drive aisles traverse perpendicular to the adjacent plane of the building, where applicable.
   ii. Parking lots shall be designed and oriented to allow for cross lot access and internal access management whenever possible.

4. Curbing and Bump Stops.
   i. Whenever appropriate, as determined by the Planning Board, parking areas shall be bounded by concrete or granite curbing to delineate vehicular and pedestrian zones and to control drainage, as needed.
   ii. Pedestrian walks, landscaped islands and medians, and building foundations shall be separated from parking facilities by raised concrete or granite curbing.
iii. Asphalt or wood curbing is not permitted.

C. **Landscaping and Buffering.** All landscaping, screening, and buffering shall comply with Article 42 of this Chapter, as well as the following additional regulations:

1. **Site Landscaping.**
   
i. Site landscaping shall be required at the location of all entrances, exits, and signage.
   
ii. Planting shall be limited to species endemic, indigenous, and hardy; those known to be non-invasive to this area and deer-resistant. Figure 7 in Section 44.7 of this Chapter contains an exemplary list of plants that meet these criteria. Significant deviations from these criteria must be supported by ample evidence by the Applicant.

2. **Foundation Landscaping.**
   
i. Foundation plantings shall consist of woody and/or herbaceous, deciduous, and/or coniferous shrubs, trees, and groundcovers, and shall not be limited to annual/perennial-type plant materials.
   
ii. In instances where outdoor seating is desired in the frontage of the lot, foundation landscaping may be waived by the Planning Board, or can be used to create a seating courtyard area.

3. **Screening and Buffering.** Parking facilities located along the front setback shall be buffered and/or screened from view using landscaping, attractive fencing consisting of natural materials that does not exceed four (4) feet in height, or a combination of landscaping and fencing. In no instance will coniferous trees be approved as a frontage buffer material.

4. **Parking Lot Landscaping** (see Figures 6 and 8 in Section 44.7 of this Chapter for example imagery).
   
i. Parking lot medians shall be required between parking "rooms" (maximum 180 cars, see Figure 6 in Section 44.7 of this Chapter). Medians shall be a minimum of ten (10) feet in width, and shall be planted to provide visual buffering between rooms to a density and arrangement deemed appropriate by the Planning Board.
   
ii. Circulatory drive aisles and curbed end medians shall be installed such that no more than twenty (20) parking stalls in a single row, or forty (40) in a double row, shall go uninterrupted.
   
iii. A minimum of two percent (2%) of the total parking facility area shall be required open space in addition to requirement for parking lot islands and medians.

D. **Internal Sidewalk, Pedestrian, Bicycle, and Vehicular Circulation** (see Figures 1, 2, and 6 in Section 44.7 of this Chapter).

1. **Internal Sidewalks.**
   
i. Sidewalks shall be constructed along the entire frontage length at a minimum width of five (5) feet or consistent with adjacent sidewalk widths, or wider at the discretion of the Planning Board based on anticipated pedestrian volumes.
   
ii. Sidewalks shall be constructed to provide access from principal building entrances to the sidewalk system (see Figure 9 in Section 44.7 of this Chapter).
   
iii. Curbed sidewalks shall be located along the building frontage to provide separation between pedestrians and vehicles.
   
iv. Where possible, sidewalks shall traverse parking lot medians and islands to permit safe and efficient pedestrian travel from parked vehicles to building entrances.
2. Pedestrian Circulation.
   i. Pedestrian circulation patterns shall be shielded and separated from vehicular patterns where possible.
   ii. Designated crosswalks shall be located between primary building entrances and exits as well as parking facilities.
   iii. Safe, convenient, and efficient pedestrian circulation patterns shall be provided between structures in a multiple structure development.

   i. Bicycle circulation patterns shall be shielded and separated from vehicular patterns where possible with the use of shoulders and/or bicycle lanes.
   ii. Designated bicycle parking facilities shall be provided at building entrances. Additional bicycle accommodations, such as bicycle lockers or shared bicycle services are encouraged.
   iii. Safe, convenient, and efficient bicycle circulation patterns shall be provided between structures in a multiple structure development.

   i. Vehicular circulation patterns shall be designed to minimize potential conflicts between vehicles and pedestrians.
   ii. Parking and vehicle circulation patterns shall be designed to reduce speeds and increase pedestrian friendliness, efficiency, and convenience.

E. Public Transit Stops and Access.

1. Public transit stops shall be constructed to the standards set forth by the Livingston Area Transportation Service, on an easement provided to the Town of Geneseo, with siting and design requiring approval by the Planning Board.
2. Transit stops that are integrated into the development as a feature of a primary structure or as part of an open space feature are encouraged by the Town.
3. In all instances, transit stops shall be accessible and integrated into the pedestrian circulation system, and must include uninterrupted sidewalk and crosswalk access to principal building entrances.
4. Adequate space for an immediate or eventual transit stop must be allocated during the Site Plan Review process if the principal building entrance is greater than 800 feet from an existing transit stop. Actual provision of such transit stop shall be coordinated with the Livingston Area Transportation Service.
5. See Figure 10 in Section 44.7 of this Chapter for examples of bus stops.

106-44.5 STREETSCAPE STANDARDS
The streetscape standards are intended to improve connectivity and character of the designated district areas to which these standards are applied. A community’s streets are its largest and most continuous system of public spaces, and it is especially important to acknowledge their significance in the retention or development of high quality neighborhoods and districts.

A. Street-level Transparency.

1. For buildings fronting on Volunteer Road, the primary building entrance shall be on Volunteer Road, or at the discretion of the Planning Board, at the side or rear of the structure
depending on the site layout (see Figures 1 and 9). Buildings fronting on roads other than primary streets shall have the principal entrance located on the secondary street or drive servicing such building. Regardless of where the entrance is built, building facades and yards facing primary streets shall always be considered front facades and yards, and shall be treated accordingly.

2. Windows and doors shall be provided on all building facades fronting on streets or drives to improve the streetscape aesthetic and provide an increased level of transparency into the structure. No façade facing a primary street shall be a blank wall without windows and/or doors.

3. Clear glass shall be permitted. In no instance shall glass inhibit views into the first floor. Flexibility shall be provided at the discretion of the Planning Board for non-retail uses.

B. Front Yards.

1. In no instance shall vegetation, walls, fences, or other structures or design elements be placed in yards as to prohibit views into the transparent portions of a façade of principal structures placed along a public right-of-way.

2. Sidewalks along all streets shall be required to provide for the health, safety, and general welfare of Town residents and visitors.

106-44.6 ARCHITECTURAL STANDARDS

Architectural standards are intended to address the exterior elements of buildings and components that define the look of a building, such as roofs, windows, articulation and details. Standards for architectural elements will encourage new development to define a unique district identity while allowing for flexibility of expression at the individual building level. New development or renovations, including those incorporating contemporary styles, should complement the valued historic character that has been established within the Town and Village of Geneseo.

A. Building Form and Massing.

1. Building Width. In instances where the front façade is greater than fifty (50) feet in width, appropriate delineations and treatments shall be used to break up the appearance of a single façade.

2. Façade Articulation (See Figures 12 and 13 in Section 44.7 of this Chapter).

   i. Structures with walls of more than 1,500 square feet shall incorporate fasciae, canopies, arcades, building setbacks of four (4) feet or more or other design features to break up large wall surfaces on the street-facing elevations (see Figures 12, 13, and 14 in Section 44.7 of this Chapter).

   ii. Wall surfaces shall be visually divided by such features into areas of 750 square feet or less.

   iii. Structures shall not have any wall surface longer than fifty (50) feet without a break, which entails a recess or offset measuring at least four (4) feet in depth that vary the depth of the building wall.

   iv. Not less than 25 percent of the building wall shall be varied in this way. The objective of this standard is to avoid large, undifferentiated wall surfaces. Acceptable substitutes may be granted at the discretion of the Planning Board.

3. Active Building Elevations (see also Streetscape, Subsection 44.5). New retail construction with frontage on public streets shall provide areas of transparency equal to or greater than seventy percent (70%) of the wall area between the height of three (3) feet and ten (10) feet from the ground.
B. Architectural Details.

1. Foundation Watertable. Where appropriate, elements that add detail and define the foundation of the building are encouraged.

2. Roofs, Cornices, Eaves, Overhangs, and Parapets.
   i. Elements that define the roof and the upper quartile of the façade shall incorporate design details that provide an added level of fenestration and articulation to the architectural expression of the building.
   ii. The choice of design elements and their scale, height, proportion, and mass should draw from design cues provided by the historical character of the Town and Village.
   iii. Modern interpretation and variation is not precluded, yet shall be subject to the discretion of the Planning Board.
   iv. To the maximum extent practicable, all roof-mounted mechanical equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district within 150 feet of the subject lot, measured from a point that is five (5) feet above grade.

3. Windows (see Figures 11, 12, and 13 in Section 44.7 of this Chapter).
   i. Windows shall be of a scale, proportion, and coverage appropriate to the overall style of architecture of the building.
   ii. Window openings shall be trimmed with an appropriate material (brick, stone, wood, wood-like, cementitious board, vinyl) to provide added definition and interest to the overall façade.

4. Doors and Entryways (see Figure 14 in Section 44.7 of this Chapter).
   i. Doors and entryways shall be of a scale, proportion, and coverage appropriate to the overall style of architecture of the building.
   ii. Commercial buildings shall have a transparent primary entryway that will be considered as part of the overall transparency requirement for the building frontage.
   iii. Entryways shall be detailed and announced to the general public through the use of decorative trim, moldings, overhangs, and other defining architectural features such that its purpose as the primary entrance is evident from the street. The same treatment is encouraged for all secondary entryways near parking locations.

5. High Quality Materials (see Figure 14 in Section 44.7 of this Chapter).
   i. Along street frontages, all exterior building walls and structures shall be constructed with durable materials including masonry, stone, brick, finishing wood, stucco (EIFS) and glass.
   ii. Vertical aluminum or metal siding shall not be permitted.
   iii. No more than three (3) exterior wall materials shall be used on any one (1) side of a building.
   iv. Changes in materials shall occur at inside corners. Material changes at the outside corners or in a plane shall be avoided.
   v. Concrete finishes or pre-cast concrete panels that are not exposed aggregate, hammered, embossed, imprinted, sandblasted, or covered with a cement-based acrylic coating shall not be used as exterior building materials and shall be prohibited on all exterior walls.
   vi. Standard masonry block walls shall be prohibited on exterior walls containing primary entryways and walls facing a street or drive.
vii. Decorative masonry materials such as split face and textured finished blocks shall be considered an acceptable alternative to stone, brick, finishing wood, stucco (EIFS) or glass.


i. Alternative energy sources, such as solar panels or shingles, are encouraged and should be incorporated into the design of the building so as not to detract from the overall design.

ii. Developers and builders are encouraged to utilize roofing materials that reflect sunlight (e.g. lighter colors) or incorporate vegetated roofing on at least fifty percent (50%) of the roof area. Methods such as these decrease heating and cooling needs on a building by reflecting sunlight rather than absorbing it. The Planning Board may approve an increase in the share of lot coverage for developments that incorporate green roofing materials to their satisfaction.

106-44.7 LISTING OF FIGURES
The following is a comprehensive listing of all the illustrative figures referenced within this Article.
**Figure 3**

Frontage Parking Percentage

Primary Street

Property frontage

Parking 30% max
Note that Figure 4 should not be interpreted as a single building lot with more than 30 percent parking along the linear distance of the front setback(s) (see 3.6.1)). This site layout concept is taken from Figure 2 (below).

1. Side parking lot
2. Pedestrian access to street via dedicated walkway and sidewalk connection to building entrances
3. Convenience parking area (one-way, angled parking)

---

**Figure 5**

**Example Cross Section of Volunteer Road Showing Convenience Parking**

| 1. Buffer strip, 10 feet wide | 3. 45 degree angled parking, 17 feet deep |
| 2. One-way 14 foot curbed travel aisle | 4. Building entry zone, 9 feet |
Figure 6

Shared Parking Room Concept

1. Shared Parking Room (180 cars max.)
2. Pedestrian Zone
3. Sidewalks on parking lot side within vegetative median
4. Building entry courtyard with screen wall
5. Service Court
6. Building entrance
7. Main drive aisle with vegetative medians
8. Parking lot circulation aisle

Note that Figure 6 should not be interpreted as a building with front-loaded parking [see 3.d. (1)]. This site layout concept is taken from Figure 2 (at right) where the parking lots are surrounded by other buildings and are not fronting on the street.
<table>
<thead>
<tr>
<th>Shrub</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Enonymous</td>
<td>Select Acer spp</td>
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<tr>
<td>Viburnum</td>
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<td>Arborvitae</td>
<td>Hemlock</td>
</tr>
<tr>
<td>Juniper</td>
<td>Tsuga canadensis</td>
</tr>
</tbody>
</table>

*Acceptable plant material*
1. Entry connection to sidewalk system and sensitivity to corner intersection.
2. Primary façade treatment wraps 15 feet onto non-primary façade.
3. Projection breaks up façade
4. Non-primary façade
5. Loading and refuse area
6. Screening from primary street
Figure 10

Examples of bus stops

Figure 11

Example of First Floor Transparency
Figure 13

Example of Variations in Wall Surfaces
Figure 14

1. Foundation watertable articulation
2. Differentiation of first and second story materials
3. Articulated window openings
4. Fenestration of upper quartile and roof line
5. Façade and entry articulation
6. Building recess

Example of Architectural Details
ARTICLE 45 | SETBACKS, YARDS, & YARD ENCROACHMENTS

106-45.1 FUTURE STREET SETBACKS
After the planned right-of-way line for future streets, for future extensions of existing streets or for future street widening (ultimate right-of-way) is established, buildings shall be set back from such street line as though it were a street property line.

106-45.2 FRONT SETBACK ENCROACHMENTS
The front setback shall be unobstructed except as provided in this section:

A. Uncovered landings shall be permitted, provided that they do not extend a distance greater than five (5) feet into the front setback.
B. An awning or movable canopy on a residential building shall not project more than ten (10) feet. On a commercial or industrial building, the marquee or awning may project to the street line, provided that there is a clear height under the permitted encroachment of ten (10) feet.
C. Fire escapes, uncovered stairs and landings, canopies, eaves or other architectural features not required for structural support may project into the front yard not more than a total of three (3) feet.
D. Porches and patios may project up to fifteen (15) feet into the front yard as measured from the point in which the porch or patio crosses the front setback line.
E. Expansions shall not encroach into the front setback further than the existing building. Said expansions shall also conform to all other applicable bulk requirements.
F. Handicap ramps are encouraged to be placed in the side or rear yard, and shall maintain an eight (8) foot setback from the respective street or property line.

106-45.3 SIDE AND REAR SETBACK ENCROACHMENT
The required side and rear setbacks of each district, as designated by the Lot, Area, and Yard Requirements under Part 2 of this Chapter, shall be unobstructed by any buildings or uses, except for plantings, screening, fencing, driveways and directional signs for the control of traffic within a parking facility.

A. Fire escapes, uncovered stairs and landings, canopies, eaves or other architectural features not required for structural support may project into the side or rear yard not more than a total of three (3) feet.
B. Porches and patios may project into the required rear yard up to twelve (12) feet.
C. Porches and patios may be located in the required side and rear yards not closer than ten (10) feet to any adjacent property line.

106-45.4 ACCESSORY BUILDING HEIGHT AND YARD REQUIREMENTS

A. Nonresidential accessory buildings shall be located to the side or rear of the principal building.
B. Accessory buildings shall comply with the setback requirements of the zoning district in which the property is located.

106-45.5 HEIGHT EXCEPTIONS

A. No building height limitation contained in this Chapter shall restrict the height of the following buildings or structures:

1. Church spires, cupolas, domes, or monuments.
2. Water towers, chimneys, smokestacks, elevator or stair bulkheads, or cooling towers.
3. Farm structures, silos, or flagpoles.
4. Radio or television antennas, telecommunications facilities, or utility transmission lines, poles, towers, or cables.
5. Parapet walls extending not more than four (4) feet above the limiting height of the building.
6. Passive and active solar energy equipment provided that the placement of the equipment does not deprive the adjoining properties of access to solar sky space.

B. None of the exceptions to the height regulations shall be used for human occupancy.

106-45.6 UNIQUE LOTS AND BUILDING LOCATIONS

A. Two or More Buildings on a Lot. Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this chapter which would normally apply to each building if each were on a separate lot.
B. Through Lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Planning Board shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot except as specified in Subsections A and C of this section.
C. Lots Fronting on an Alley. Individual lots existing at the effective date of this chapter fronting on an alley shall comply with all the requirements of this chapter and the district in which said lots are located.
D. Side Yard of a Corner Lot. The side of a corner lot which abuts a street shall be equal to the required front yard for that street.

106-45.7 USE OF SMALL LOTS
Any parcel of land with an area or width less than that prescribed for a lot in the district in which it is located, which at the time of the adoption of this Chapter was under one ownership and when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the district, provided all other regulations prescribed for the district by this Chapter are complied with. When two (2) or more adjacent lots are in a single ownership, they shall be considered as being a single lot.

106-45.8 ATTACHED RESIDENTIAL UNITS

A. In order for a residential building to be considered an attached structure, units on both sides of the party wall shall be built simultaneously.
B. Two-family attached buildings shall have only one (1) party wall with another residential building. The units on both sides of the party wall shall be built simultaneously.

106-45.9 MAXIMUM CONTIGUOUS SINGLE-FAMILY ATTACHED UNITS
There shall be no more than eight (8) contiguous single-family attached residential units in any single residential building structure.

106-45.10 VISIBILITY AT INTERSECTIONS
On corner lots, no obstruction of vision shall be erected, installed, planted, parked or otherwise placed within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lines. In such area no shrubbery, nor fences of masonry, wood or other material which creates a solid visual barrier, shall be erected higher than two (2) feet from the accepted street grade of the abutting top of curb, or from the crown of the abutting road, if there is no curbing, nor shall branches or foliage of trees be permitted less than ten (10) feet from the ground. An open fence of chain link wire, wrought iron, split, rail or other similar material which does not screen or obstruct views, light and air may be permitted in the triangular area, provided it does not obstruct visibility.
106-45.11 FENCES

Fences shall not be considered structures under this Chapter and, as such, may be erected in any district, subject to the following provisions:

A. Fence Permit Required.

1. No fence may be installed or constructed within the Town unless the Code Enforcement Officer has issued a permit. Fences installed and/or instructed as part of an agricultural operation or use recognized by the Town are exempt from this Section (45.11).
2. No permit for a fence shall be issued unless the proposed fence shall comply with the standards contained in this Article.
3. Fences no more than four (4) feet in height and no more than 50% opaque erected within the lot’s required setback area for the purposes of screening a garden or other such feature may be exempt from this Section (45.11).
4. An application for a fence permit shall be made to the Town Office on forms provided by the Town Office. Fence permit applications to erect a fence within any given required front, side, or rear yard shall be accompanied by a survey map reflecting the current extent of the property and depicting the proposed location of said fence.
5. Fence permit applications for lots with direct shoreline frontage in the Lakeshore Residential District shall also depict the mean water line on the current survey map.

B. General Requirements.

1. No fence shall be erected or encroach upon a public right-of-way.
2. Any fence shall have its finished or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
3. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence.
4. Natural fencing, hedges, or other landscaping planted at or near to lot lines with the intent to act as fencing must comply with all applicable regulations set forth in this Chapter, and must maintain a three (3) foot setback from any existing sidewalk when fully grown.
5. Fences incorporating barbed wire, electric current, or similar materials or devices shall be allowed only when necessary for agricultural or public utility operations and, unless part of an agricultural operation, shall be subject to a minimum ten (10) foot setback.
6. Fences expressly designed with the intent to maim or injure prospective intruders are prohibited except as authorized in Subsection 5 above.
7. Every fence shall be maintained to provide functional, visual, and structural integrity. No fence shall be erected that will create a safety problem for people using the public right-of-way.
8. If the fence is to be located on a corner lot, the provisions of Section 106-45.10 (Visibility at Intersections) shall also apply. No solid fences over twenty-four (24) inches in height shall be permitted in the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are twenty-five (25) feet in distance from the point of intersection measured along the street lines. Measurement of height shall be from the grade of the abutting top of curb or from the crown of the abutting road, if there is no curbing. Split-rail fences, cyclone fences or other similarly open fences are permitted in the triangular area, provided that they do not create a traffic hazard or block visibility.
9. Fences adjacent to driveways which intersect public highways or private right-of-ways and fences adjacent to intersections of public highways or private rights-of-ways or any combination thereof shall not obstruct the vision of operators of motor vehicles traveling on such public highway or private right-of-ways or of vehicles entering the same from intersecting driveways.
10. The Planning Board, as part of Site Plan Review (Article 52), may require a fence or other screen to shield adjacent residences or other uses from undesirable views, noise, or light.

C. **Nonresidential Districts.** All fences within nonresidential districts shall also comply with the following:

1. Fences may be constructed, established or built up to twelve (12) feet in height above the average natural grade, provided that they do not create a traffic hazard or block visibility.
2. Fences six (6) feet or lower in height are exempt from the setback requirements of the lot on which they are located. For fences greater than six (6) feet in height, the setback requirements of the lot on which they are located shall apply. There shall be an additional one (1) foot setback for every one (1) foot in height exceeding the first six (6) feet.

D. **Residential Districts.** All fences within residential districts shall also comply with the following:

1. No fences shall be constructed, established or built in excess of six (6) feet in height, with the exception of tennis or recreation courts, which may be up to twelve (12) feet in height.
2. Fences six (6) feet or lower in height are exempt from the setback requirements of the lot on which they are located. For fences greater than six (6) feet in height (tennis or recreation courts), the setback requirements of the lot on which they are located shall apply. There shall be an additional one (1) foot setback for every one (1) foot in height exceeding the first six (6) feet.
3. No fence or wall over four (4) feet in height shall be constructed in the front yard of any lot, except for decorative posts on said fence, which may be no more than twelve (12) inches in excess.
4. All front yard fences in residential districts shall not be of chain link material or design.
5. This Section does not regulate necessary retaining walls.

E. **Lakeshore Residential District.** In addition to the residential district fencing requirements above, all fences in the Lakeshore Residential (LR) District shall comply with the following regulations:

1. No fence shall be erected on a property in the LR District that unduly impairs views of the lake or other natural scenic vistas from adjacent or other nearby properties. The Planning Board may, as conditions necessitate, reduce the height of fences, alter their location, size, or design so as to accomplish this objective.
2. Fences located between the mean water line and the rear building line of a principal structure, including decks and porches, shall not exceed four (4) feet in height.
3. Fences located in side yards may have a height in excess of four (4) feet but shall not exceed six (6) feet in height.
4. Fences located between the mean water line and the rear building line of a principal structure, including decks and porches, shall be comprised of materials that are at least sixty percent (60%) transparent, as viewed from an angle of ninety (90) degrees.
5. Fence materials for fences or portions of fences located in side yards may be opaque.
6. Fences may be constructed from wood, chain link, stone, rock, brick, masonry brick, wrought iron, vinyl, and aluminum.
7. No fence shall be constructed from cast-off, secondhand, or other items not originally intended to be fencing, plywood less than ⅝ inch thick, low-grade plywood, particle board, paper, foam board, plastic, tarps (and similar materials), razor wire or other dangerous materials, sheet metal, roll metal, corrugated metal, concrete block, or chain links.
ARTICLE 46 | NOISE LIMITS ON USES

106-46.1 INTENT
The intent of this Article is to prevent unreasonably loud, disturbing, and unnecessary noise, and to reduce noise levels from existing, proposed, or approved uses within the Town in an effort to preserve the public health, safety, and welfare of the community while fostering a high quality of life for Town residents.

106-46.2 APPLICABILITY
The maximum permissible sound pressure levels of any continuous source of sound from any one use shall be as herein established for the district listed in Table 46-1 of this Article. This includes, but is not limited to, sound from such activities as productions, processing, cleaning, servicing, testing, operating, or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the Town shall constitute prima facie evidence that such sound is an unnecessary noise. This Article shall not apply to residential uses in Residential Districts.

106-46.3 SOUND LEVELS
Where any use is adjacent to a residential or mixed-use district at any point at the district boundary, the most restrictive district use noise level limit shall apply. Sound pressure levels shall be measured at the approximate location of the property line or at the boundary of the public right-of-way, at a height of at least four (4) feet above the immediate surrounding surface. Such measurements should be made on a sound level meter of standard design and operated on the “A” weighting network designed for the level limits listed in Table 46-1. All sound monitoring equipment shall comply with the most recent ANSI standards available.

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<td>55</td>
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<tr>
<td>B. Commercial</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>C. Industrial</td>
<td>75</td>
<td>75</td>
</tr>
</tbody>
</table>

106-46.4 EXEMPTIONS
The following sounds shall not be deemed to be a violation of this chapter:

A. Sounds created by church bells or chimes.
B. Sounds created by any government agency by the use of public warning devices.
C. Sounds created by public utilities in carrying out the operation of their franchises.
D. Sounds connected with events of any public or private school, or a Town authorized event, concert, carnival, fair, exhibition, or parade.
E. Sounds connected with agricultural activities.
F. Sounds created by the proper use of power equipment rated fifteen (15) horsepower or less when used within the least restrictive time period of 7AM to 10PM.
G. Sounds created by the discharge of firearms for the purposes of target practice and/or hunting during the hours permitted by state and local law.
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ARTICLE 50 | GENERAL AND COMMON PROVISIONS

106-50.1 APPLICABILITY
The provisions of this Section apply to all the articles in this Part (Part 5) unless otherwise expressly stated.

106-50.2 APPLICATION SUBMITTAL

A. **Form of Application.** Applications required under this zoning law must be submitted in a form and in such numbers as outlined. The Town Office may develop checklists of application submittal requirements and make those checklists available to the public. Application forms and checklists of required submittal information may be available in the Town Office.

B. **Completeness and Accuracy.**

1. Applications submitted to the Town Office shall include at least eight (8) copies of required materials and maps as well as one electronic version of all materials and maps unless otherwise waived by the reviewing board.

2. The Code Enforcement Officer shall indicate that an application is considered complete and ready for processing only if it is submitted in the required number and form, includes all required information, and is accompanied by the required filing fee.

3. A complete application declaration by the Code Enforcement Officer in no way shall be interpreted to include a determination of the adequacy or accuracy of application materials, but rather serves as an acknowledgement to the full submission of all initially required application materials. The Code Enforcement Officer may consult with other agents of the Town Office, Planning Board, or Town Board in making such a determination.

4. If an application is determined to be incomplete, the Code Enforcement Officer must provide paper or electronic written notice to the applicant along with an explanation of all known deficiencies in the application that will prevent competent review of the application. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within sixty-two (62) days, the application will be considered withdrawn.

5. No further processing of incomplete applications will occur; any incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.

6. The Town Office may require that applications or plans be revised before being placed on the agenda of a review or decision-making body if it is determined that:

   a. The application or plan contains one (1) or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan’s/application’s compliance with zoning law standards; or

   b. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan’s/application’s compliance with zoning law standards.

C. **Application Sufficiency and Acceptance.** Applications deemed complete will be considered to be in the processing cycle and will be reviewed by the Code Enforcement Officer and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning law.

D. **Application Filing Fees.**

1. Application filing fees are required for processing permits and applications by the Code Enforcement Officer, Town Board, Planning Board, and Zoning Board of Appeals.

2. The amount of the initial fees for the various applications covered by this article shall be established from time to time by resolution of the Town Board. Said schedule shall remain in
effect and shall apply to all applicants until amended or revised by subsequent resolution. Said fee schedule shall be kept on file at the Town Office.

3. Fees shall be paid to the Town Clerk.
4. The payment of fees is not required with applications initiated by the Town Board, Planning Board, or Zoning Board of Appeals.
5. If the application for a building permit and/or certificate of occupancy is denied, that portion of the fee in excess of the minimum shall be refunded to the applicant. All other application fees are nonrefundable.

E. Unresolved Violations. Applications shall not be accepted for review that include a parcel(s) for which there is an outstanding, unresolved written violation from the Code Enforcement Officer that is not the subject of said application.

106-50.3 PUBLIC HEARING PROCESS

A. Application Processing Cycles. The Town Office, after consulting with review and decision-making bodies, shall promulgate processing cycles for applications. Processing cycles may establish:

1. Deadlines for receipt of complete applications;
2. Dates of regular meetings;
3. The scheduling of agency and staff reviews and reports; and
4. Time frames for review and decision-making.

B. Public Hearings.

1. Parties in interest and citizens shall be given an opportunity to appear and be heard at required public hearings, subject to reasonable rules of procedure.
2. A public hearing for which proper notice was given may be continued to a later date without providing additional notice as long as the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
3. If a public hearing is tabled, deferred or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public notice must be given before the rescheduled public hearing. If the applicant requests a postponement, the applicant must pay all costs of re-notification.

C. Public Hearing Notices.

1. Newspaper Notice. Whenever the provisions of this Chapter and NYS Town Law require that newspaper notice be provided, the notice must be published at least five (5) days in advance of such hearing in a newspaper of general circulation within the Town.
2. Mailed Notice.
   i. Whenever the provisions of this Chapter and NYS Town Law require that notices be mailed, the notices must be sent by United States Postal Service first class mail at least ten (10) days in advance of such hearing.
   ii. Addresses must be based on the latest property ownership information available from the Real Property Assessment Records. When required notices have been properly addressed and deposited in the U.S. mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.
   iii. In the case of an application to the Zoning Board of Appeals, the appellant shall at his own expense mail notice of such hearing by certified mail, return receipt requested to all property owners situated within 500 feet of the appellant's boundaries. The Board of Appeals, upon a showing of good cause, may waive the aforementioned mailing
requirement, provided that the applicant establishes that a neighboring property within 500 feet of the applicant's boundary is situated a substantial distance from the proposed use or structure so as not to be directly impacted by it. In no case shall said mailing requirement be waived when a neighboring property is situated within 500 feet of the proposed use or structure regardless of the location of the applicant's boundary.

3. Posted Notice. When the provisions of this Chapter and NYS Town Law require that posted notice be provided, at least one (1) notice sign must be posted on each public street frontage abutting the subject property in a location plainly visible to passers-by at least five (5) days in advance of such hearing. A posted notice shall be exempt from including items ii and iii under Subsection C(4) provided a Town Office contact is listed where additional information on the matter can be obtained.

4. Content of Notice. All required public hearing notices must:
   
i. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;
   
ii. Describe any property involved in the application by street address or by general description;
   
iii. Describe the general nature, scope, and purpose of the application or proposal; and
   
iv. Indicate where additional information on the matter can be obtained.

106-50.4 ACTION BY REVIEW BODIES AND DECISION-MAKING BODIES

A. Review and decision-making bodies may take any action that is consistent with:

1. The regulations of this zoning law;

2. Any rules or by-laws that apply to the review or decision-making body; and

3. The notice that was given.

B. Review and decision-making bodies are authorized to defer action or continue a public hearing in order to receive additional information or further deliberate.

106-50.5 REVIEW AND DECISION-MAKING CRITERIA; BURDEN OF PROOF OR PERSUASION

In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria. Applications must address relevant review and decision-making criteria.

106-50.6 ZONING APPROVAL PROCESS

All persons desiring to undertake any new construction, structural alteration or change to the use of a building or lot shall apply for a building permit from the Code Enforcement Officer by filling out the appropriate application form and by submitting the required fee. No person shall erect, alter or convert any structure, building or part thereof, nor alter the use of any land, subsequent to the adoption of this Chapter until the Code Enforcement Officer has issued a building permit. No such building permit or certificate of occupancy shall be issued for any building where said construction, addition, alteration or use thereof would be in violation of any provision of this Chapter. All applications for such permits shall be in accordance with the requirements of this Chapter and the local law providing for the enforcement of the New York State Uniform Fire Prevention and Building Code.

A. Issuance of Building Permits. It shall be the duty of the Code Enforcement Officer to issue a building permit, provided that he or she is satisfied that the proposed structure, premises, and use thereof conform to all requirements of this Chapter and that all other reviews and actions, if any, called for in this Chapter have been complied with and all necessary approvals have been secured therefore.

B. Denial of Building Permits. When the Code Enforcement Officer is not satisfied that the
applicant’s proposed development or use will meet the requirements of this Chapter, he shall deny to issue a building permit and will indicate in writing the reasons for a denial. The applicant may appeal to the Zoning Board of Appeals for a reversal of the Code Enforcement Officer’s decision.

C. **Building Permit Application Types:**

1. Applications for one-family dwellings, two-family dwellings, accessory buildings or alterations to such dwellings, or accessory farm buildings.
   i. When found to meet all requirements of this Chapter, the Code Enforcement Officer may administratively approve applications for permits.

2. Applications for any other use, in any zone.
   i. When found to meet all requirements of this Chapter except site plan requirements, the Code Enforcement Officer shall direct the application to the Planning Board for site plan review.
   ii. When found not to meet all requirements except site plan requirements, the building permit shall be denied by the Code Enforcement Officer. Should the applicant appeal the denial, the application should be referred to the Planning Board for a preliminary review of the site plan prior to going before the Zoning Board of Appeals.

D. **Posting of a Building Permit.** All building permits shall be issued in duplicate and one (1) copy shall be kept conspicuously on the premises affected whenever construction work is being performed thereon and shall be protected from the weather. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation is displayed as required by this Chapter, nor shall they perform building operations of any kind after notification of the revocation of said building permit.

E. **Expiration of Building Permit.** A building permit shall expire after one (1) year if the applicant fails to take action on his application as filed with the Code Enforcement Officer. Said building permit shall remain valid as long as said project is completed in three (3) years, unless otherwise determined by the Planning Board. Extensions of project completion time may be granted upon mutual agreement by the Town Board and said applicant.

F. **Revocation of Permits.** If it shall appear, at any time, to the Code Enforcement Officer that the application or accompanying plan is in any material respect false or misleading or that work is being done upon the premises differing materially from that called for in the application filed under existing laws or laws, the Code Enforcement Officer may forthwith revoke the building permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Code Enforcement Officer. After the building permit has been revoked, the Town Board, in its discretion, before issuing the new building permit, may require the applicant to file an indemnity bond in favor of the Town of Geneseo with sufficient surety conditioned for compliance with this Chapter and all building laws and laws then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

G. **Suspension or Revocation of Permits.** The Code Enforcement Officer may temporarily suspend a permit until such time as the Town Board reviews the suspension. The Town Board, upon recommendation of the Code Enforcement Officer, may suspend or revoke a development permit issued in accordance with the provisions of this section where it has found evidence that the applicant has not complied with any or all terms or conditions of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the application. The Town Board shall have sixty-two (62) days from ratification by the Code Enforcement Officer to set forth in writing its findings and reasons for revoking or suspending a permit issued pursuant to this section and shall forward a copy of said findings to the applicant.

H. **Court Review.** Any person aggrieved by any decision any reviewing board or officer, department,
board or bureau of the Town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within sixty-two (62) days after the filing of a decision in the office of the Town Clerk. The Court may take evidence or appoint a referee to take such evidence as it may direct and report the same with his findings of fact and conclusions of law, if it shall appear that testimony is necessary for proper disposition of the matter. The Court at a Special Term shall itself dispose of the cause on the merits, determining all questions that may be presented for determination. Costs shall not be allowed against the Town unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

I. **Post Issuance of Building Permit Procedures.** After the applicant has received the building permit he may proceed to obtain other necessary permits and undertake the action permitted by the building permit.

### 106-50.7 CERTIFICATES OF OCCUPANCY

A. **General.** The purpose of a certificate of occupancy is to certify that the premises comply with the provisions of this Chapter and may be used for the purpose set forth in the certificate of occupancy. Prior to the use or occupancy of any land or building for which a building permit is required or prior to any change of use of any existing building or any change of use of land, a certificate of occupancy shall be secured from the Code Enforcement Officer.

B. **Application Process.** Only after receiving an approved building permit may the applicant apply to the Code Enforcement Officer for a certificate of occupancy, where such is required. If the Code Enforcement Officer finds that the action of the applicant has been taken in accordance with the building permit, he will then issue a certificate of occupancy allowing the premises to be occupied.

C. **Deposits and Reimbursements.** No certificate of occupancy shall be issued until the applicant has made all payments for required deposits and reimbursements as outlined in Section 106-50.9.

D. **Display Certificate.** A copy of the certificate of occupancy shall be kept by the owner and shall be displayed upon request made by an appropriate officer of the municipality.

E. **Record of Certificates.** The Code Enforcement Officer shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

### 106-50.8 PENALTIES

Any person violating any provision of this Chapter or who shall violate or fail to comply with any order or regulation made hereunder, or who shall build in violation of any statement, specification or plan submitted hereunder or who shall violate any permit or certificate of occupancy issued hereunder or who shall continue to work upon any structure after service of notice in writing by the Code Enforcement Officer of the municipality to desist therefrom, shall forfeit and pay a fine not to exceed $350; for a second violation within five years, the minimum fine shall be $350 and the maximum fine shall be $700; and for a third or subsequent violation within five years, the minimum fine shall be $700 and the maximum fine shall be $1,000. In addition thereto or in place of the said fine, a violation may also be punished by a penalty of imprisonment for a period of up to six months pursuant to § 268, Subdivision 1, of the Town Law. Each week's continued violation shall constitute a separate, additional offense. Service of the notice shall be sufficient if directed to the owner, agent of the owner or the contractor and left at his last known place of business or residence, if within the municipality; and if no place of business or residence can be found, then the notice shall be served by posting in a conspicuous place on the premises which are the subject of the violation.

### 106-50.9 DEPOSITS AND REIMBURSEMENTS

A. **Purpose and Intent.** The Town Board hereby finds and determines that in order to protect and safeguard the Town of Geneseo, its residents and their property, with respect to land
development within the Town, all buildings, structures, highways, drainage facilities, sanitary sewer facilities, water supply utilities, other utilities and parks within any such development should be designed and constructed in a competent and workmanlike manner and in conformity with all applicable governmental codes, rules and regulations and, where applicable, dedicated and conveyed to the Town in a legally sufficient manner, that in order to assure the foregoing, it is essential for the Town to have competent engineers retained by the Town to review and approve plans and designs, make recommendations to the Town Board and Planning Board, inspect the construction of highways, drainage, sewer, other facilities and parks to be dedicated to the Town and to recommend their acceptance by the Town, and to have competent attorneys retained by the Town to negotiate and draft appropriate agreements with developers, obtain, review and approve necessary security instruments, insurance and other legal documents, review proposed deeds and easements to assure the Town is obtaining good and proper title and to generally represent the Town with respect to any issues with respect to such development, and that the cost of retaining such competent engineers and attorneys should ultimately be paid by those who seek to profit from such developments rather than from general Town funds which are raised by assessments generally paid by taxpayers of the Town. This article is enacted under the authority of New York State Municipal Home Rule Law § 10, Subdivision 1, Paragraphs (ii) a (12) and d (3), and New York State Municipal Home Rule Law § 22. To the extent Town Law §§ 274-a, 276 and 277 do not authorize the Town Board or Town Planning Board to require the reimbursement to the Town of legal, engineering, and other professional service expenses incurred by the Town in connection with the review and consideration of any of the application for the permits or approvals described hereinafter, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Town. It is the expressed intent of the Town Board to change and supersede Town Law §§ 274-a, 276 and 277 and any other provision of the New York State, Town Law or General Municipal Law to empower the Town to require such payment as a condition to such approvals.

B. **Reimbursement of Fees and Expenses.**

1. The applicant shall reimburse the Town for all reasonable and necessary expenses for engineering, legal, and other professional services incurred by the Town in connection with the review and consideration of an application for such approval.

2. A developer who constructs, or proposes to construct, one or more highways, drainage facilities, utilities or parks within or in conjunction with any development in the Town shall reimburse the Town for all reasonable and necessary legal, engineering, and other professional service expenses incurred by the Town in connection with the inspection and acceptance by the Town of such highways, drainage facilities, utilities and parks and the dedication of same to the Town.

3. Exceptions. The Town Board may make the determination to exempt an application from reimbursements if deemed appropriate.

4. Notwithstanding anything to the contrary contained in this article, an applicant or developer shall not be required to reimburse the Town for any part of a legal, engineering and/or professional service fee incurred by the Town for services performed in connection with matters resulting from complaints or legal action by third parties as to which the Town Board determines that the applicant or developer had no responsibility or was beyond the reasonable control of the applicant or developer.

C. **Deposit Amounts.**

1. The amount of the initial deposit for the various developments covered by this article shall be as set forth in a schedule of deposits established from time to time, by resolution of the Town Board. Said schedule shall remain in effect and shall apply to all applicants and developers until amended or revised by subsequent resolution.
2. The deposits required by this article shall be in addition to any application fees as may be required by other laws, rules, regulations or laws of the Town and shall only be used to offset the specific expenses of the Town in connection with the application or development and shall not be used to offset the Town's general expenses of legal, engineering, and/or other professional services for the several Boards of the Town, nor its general administration expenses.

D. Deposit and Payment of Reimbursements. Simultaneously with the filing of an application as defined herein, and prior to the commencement of any construction of buildings, highways, drainage facilities, utilities or parks therein, the applicant or developer, as the case may be, may be required to deposit with the Town Supervisor a sum of money, as determined in Subsection C above, which shall be used to pay the costs incurred by the Town for engineering, legal, or other professional services as described in this Section. The process for the management of said deposits and fees shall be as follows:

1. Upon receipt of such sums, the Town Supervisor shall cause such moneys to be placed in a separate non-interest-bearing account in the name of the Town and shall keep a separate record of all such moneys so deposited and the name of the applicant or developer and project for which such sums were deposited.

2. Upon receipt and approval by the Town Board of itemized vouchers from an engineer and/or attorney for services rendered on behalf of the Town pertaining to the application or development, the Town Supervisor shall cause such vouchers to be paid out of the moneys so deposited and shall furnish copies of such vouchers to the applicant or developer at the same time such vouchers are submitted to the Town.

3. The Town Board shall review and audit all such vouchers and shall approve payment of only such engineering, legal, and other professional service fees as are reasonable and necessarily incurred by the Town in connection with the review, consideration and approval of any application for development and the inspection of all construction and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such development. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by engineers or attorneys to the Town for services performed in connection with the approval or construction of a similar development. In this regard, the Town Board may take into consideration the size, type and number of buildings, structures or facilities to be constructed; the amount of time to complete the development; the topography of the land on which such development is located; soil conditions; surface water; drainage conditions; the nature and extent of highways, drainage facilities, utilities and parks to be constructed; and any special conditions or considerations that the Town Board may deem relevant. A fee or part thereof is necessarily incurred if it was charged by the engineer or attorney for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town or to protect public or private property from damage from uncontrolled surface water runoff and other factors, and to assure the proper and timely construction of highways, drainage facilities, utilities and parks and protect the legal interests of the Town, including receipt by the Town of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability, and such other interests as the Town Board may deem relevant.

4. If at any time during or after the processing of such application or in the construction, inspection or acceptance of buildings, highways, drainage facilities, utilities or parks there shall be insufficient moneys on hand to the credit of such applicant or developer to pay the approved vouchers in full, or if it shall reasonably appear to the Town Supervisor that such moneys will be insufficient to meet vouchers yet to be submitted, the Town Supervisor shall cause the applicant or developer to deposit additional sums as the Supervisor deems necessary or advisable in order to meet such expenses or anticipated expenses.
5. In the event that the applicant or developer fails to deposit such funds or such additional funds, the Town Supervisor shall notify, as applicable, the Planning Board, Town Board, Zoning Board of Appeals and/or the Town's Code Enforcement Officer of such failure, and any review, approval, building permit or Certificates of Occupancy may be withheld by the appropriate Board, officer or employee of the Town until such moneys are deposited.

6. The issuance of a final certificate of occupancy shall not occur unless and until all fees incurred hereunder have been paid in full.

7. After final approval, acceptance and/or the issuance of a certificate of occupancy relating to any specific development, and after payment of all approved vouchers submitted regarding such development, any sums remaining on account to the credit of such applicant or developer shall be returned to such applicant or developer, along with a statement of the vouchers so paid.
ARTICLE 51 | ZONING TEXT AND MAP AMENDMENTS

106-51.1 AUTHORITY TO FILE
Amendments to the zoning text or zoning map (rezonings) may be initiated only by the Town Board or by a petition requesting such change, presented to the Town Board. Zoning map amendment petitions shall be duly signed by the owners of at least fifty percent (50%) of the frontage of the parcels included within the area proposed to be rezoned. Rezoning petitions may be filed by the owner or by the owner’s authorized agent.

106-51.2 NOTICE OF HEARING
Notice of required public hearings on zoning text and map amendments must be provided as required by the Town Board and by state law (See 106-50.3C for additional information on public hearing notices).

106-51.3 REVIEW AND REPORT—PLANNING BOARD
The Planning Board must review all proposed zoning text and map amendments and prepare a report that evaluates the proposed amendment in light of adopted plans, the relevant provisions of this zoning law and the review criteria of Section 106-51.7.

106-51.4 REFERRALS
A. Whenever required under §§239-l and §§239-m of the NYS General Municipal Law, zoning law text and map amendments must be forwarded to the County Planning Department for review prior to the public hearing and final action by the Town Board.
B. If any proposed amendment consists of a change in the district classification applying to real property within 500 feet of a municipal boundary, the Town Clerk shall serve notice of the proposed amendment to the chief elected official of the affected municipality, prior to the public hearing and final action.

106-51.5 STATE ENVIRONMENTAL QUALITY REVIEW
For zoning law text and map amendment applications subject to SEQR requirements, all required environmental reviews must be completed before final action is taken on the amendment.

106-51.6 HEARING AND FINAL ACTION—TOWN BOARD
A. After receiving the report of the Planning Board, the Town Board must deny the proposed amendment or convene its own public hearing on the proposed text and/or map amendment.
B. Following the public hearing, the Town Board may act to approve the proposed amendment, approve the proposed amendment with modifications or deny the proposed amendment. The Town Board may also return the application to the Planning Board for further consideration.
C. The Town Board may act by a simple majority vote of those Town Board members, except when a valid protest petition has been submitted in accordance with Section 106-51.8.
D. The Town Office shall notify, by mail, the petitioner of the action taken by the Town Board.
E. If the Town Board approves the amendment, supplement, change or modification to the text of this Chapter or associated map, the Zoning Code shall be amended after publication as required by Local Law.
F. The Town Board may, in order to protect the public health, safety, welfare and environmental quality of the community, attach to its resolution approving the petition, additional conditions deemed necessary to achieve the review criteria.

106-51.7 REVIEW CRITERIA
In reviewing and making decisions on zoning amendments, the Code Enforcement Officer, Planning Board, and Town Board must consider at least the following criteria:
A. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning law or meets the challenge of a changing condition;
B. Whether the proposed amendment is in substantial conformance with the adopted plans and policies of the municipality;
C. Whether the proposed zoning amendment is in the best interests of the municipality as a whole;
D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested rezoning, if applicable;
E. Whether the rezoning will substantially harm the public health, safety or general welfare or the value of nearby properties, if applicable;
F. Whether the rezoning is compatible with the zoning and use of nearby property, if applicable;
G. The suitability of the subject property for the uses and development to which it has been restricted under the existing zoning regulations, if applicable; and
H. The gain, if any, to the public health, safety and general welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

106-51.8 PROTEST PETITIONS

A. A formal protest petition opposing a zoning text and/or map amendment must be submitted to the Town Board or on the public record before the Town Board’s vote, allowing sufficient time for the municipality to determine the validity of the petition (See NYS Town Law Section 235(1) for more information on protest petitions).
B. A protest petition will be considered “valid” if it is signed by:
   1. The owners of twenty percent (20%) or more of the area of land included in such proposed change;
   2. The owners of twenty percent (20%) or more of the area of land immediately adjacent to that land included in such proposed amendment, extending 100 feet therefrom; or
   3. The owners of twenty percent (20%) or more of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.
C. When a valid protest petition has been submitted, approval of a zoning amendment requires a majority plus one (1) vote of those Town Board members.

106-51.9 PETITION FOR AMENDMENT

A petition requesting a change in regulations or other provisions of this Chapter shall be typewritten and be signed and acknowledged by the person presenting it in the same manner as it is required for the recording of a deed to real property and shall be filed with the Town Clerk in triplicate.
ARTICLE 52 | SITE PLAN REVIEW

106-52.1 INTENT
The intent of the site plan review process is to determine compliance with the objectives of this Chapter while also preserving and enhancing the character of a neighborhood, achieving compatibility with adjacent development, mitigating potentially negative impacts on traffic, parking, drainage and similar environmental concerns, improving the overall visual and aesthetic quality of the Town, and increasing the capability of the Zoning Law to adapt to a variety of unique circumstances. It is the further intent of this Section to ensure the optimum overall conservation, protection, preservation, development and use of natural and man-related resources of the Town through this process.

106-52.2 APPLICABILITY
Site plan review shall be required in accordance with the District Use Tables set forth in Part 2 of this Chapter and the Article 16 of the New York State Town Law. No construction or site improvement work may commence until site plan approval, where required by this Chapter, has been granted. Site plan approval must be obtained prior to the issuance of a building permit or certificate of occupancy.

A. Site Plan Review Exemptions. Site Plan Review shall not be required for the:
   1. Construction of a single one- or two-family dwelling on an approved building lot, including residential subdivisions, meeting the dimensional requirements of this Chapter;
   2. Permitted accessory structures to one- and two-family dwellings;
   3. Exterior alterations or additions to one- and two-family dwellings;
   4. Agricultural land uses, with the exception of roadside stands for the sale of agricultural products;
   5. Placement of a mobile home or manufactured home on a single lot or in an approved mobile home or manufactured home park;
   6. Incidental landscaping or grading; and
   7. Maintenance of existing sign structures in all districts.

B. Issuance of Decision. The Planning Board at a regular meeting shall review and approve, approve with modification or disapprove a site plan in connection with any matter requiring submission of a site plan.

C. Existing Uses and Structures. This subsection does not apply to uses and structures that are lawfully in existence as of the date this subsection is adopted. Any use that would otherwise be subject to this subsection, which has been discontinued for a period of one year or more, shall be subject to review pursuant to the terms herein defined before such use is resumed. Any use or structure shall be considered to be in existence, provided that such use or structure has started construction prior to the effective date of this subsection and is fully constructed and completed within one year after the effective date of these regulations.

D. Uncertain Applicability. Any person uncertain of the applicability of the provisions of this subsection to a given land use activity may apply in writing to the Code Enforcement Officer for a written jurisdictional determination.

106-52.3 REFERRALS
Whenever required under §§239-l and §§239-m of the NYS General Municipal Law, Site Plan Review applications must be forwarded to the County Planning Department for review prior to final action by the Planning Board.

106-52.4 SITE PLAN REVIEW PROCEDURE
The general procedure for site plan review consists of an optional sketch plan conference, preliminary site plan review and approval, and final site plan review and approval. To apply for site plan approval, an
applicant shall complete the appropriate site plan application form. The application form and materials shall be filed with the Town Office together with the site plan application fee.

A. Optional Sketch Plan Conference.

1. Applicants are encouraged to schedule a sketch plan conference prior to submitting a site plan review application in order to receive a conceptual review by the Code Enforcement Officer and/or the Planning Board. The purpose of the sketch plan conference is to provide the applicant with the opportunity to seek nonbinding, advisory direction from the Town in order to better prepare the applicant and project application for the site plan review process.

2. The submission of a complete application as determined by the Code Enforcement Office may not be required for the purposes of a sketch plan conference.

3. At the sketch plan conference, the Planning Board will determine if the proposal is in conformity to the adopted Town Master Plan and any other approved plans. To the extent feasible, the Planning Board shall provide the applicant with an indication of whether the proposal in its major features is acceptable or should be modified before expenditures for more detailed planning are made.

4. In order to accomplish these objectives, the applicant shall provide the following at a date specified by the Town prior to the date when the Planning Board will discuss the sketch plan: a sketch showing the locations and dimensions of principal and accessory structures, parking areas, signs, existing and proposed vegetation and other existing or planned features; a narrative describing anticipated changes to existing topography and natural features, including state and federal wetlands; proposed water supply and sewage and waste disposal facilities; provisions for stormwater drainage, recreation and open space; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.

5. The Planning Board, upon review of the sketch plan, with the concurrence of the Town Engineer, may waive requirements for application materials for developments for which, due to character, size, location or special circumstances, such information is not required in order for the Planning Board to properly perform site plan review.

6. To ensure relevancy of review and comment from the sketch plan conference, a complete application shall be submitted to the Code Enforcement Officer within six (6) months following the proposed project’s optional sketch plan conference.

B. Preliminary Site Plan Review.

1. The Planning Board may waive the preliminary site plan review step for an applicant when deemed unnecessary due to the nature of the application. In the event that preliminary site plan review is waived, the applicant shall comply with the requirements of final site plan review and outlined in this Article and all other applicable provisions of this Chapter.

2. The applicant shall submit to the Code Enforcement Officer a complete preliminary site plan application in accordance with Section 106-52.5.

3. The Code Enforcement Officer shall certify on each preliminary site plan or amendment whether or not the preliminary plan meets the requirements of all regulations other than those of this Chapter regarding preliminary site plan approval.

4. The Planning Board, upon completion of preliminary site plan review, shall impose any conditions that the applicant must meet prior to receiving preliminary site plan approval.

5. Within sixty-two (62) days of the Planning Board’s receipt of a complete application for preliminary site plan approval, the Planning Board shall act on it, unless the deadline is extended by mutual consent or unless the deadlines of the State Environmental Quality Review Act (SEQRA) do not allow for this decision by the Planning Board because of the SEQRA review process.
i. If no decision is made within said sixty-two (62) day period, the preliminary site plan shall be considered approved and the applicant so notified.

ii. The Planning Board's action shall be in the form of a written statement to the applicant, stating whether or not the preliminary site plan is approved, disapproved, approved with modifications or approved by default when not reaching a timely decision.

iii. The Planning Board's statement may include recommendations of modifications to be incorporated in the final site plan, and conformance with said modifications shall be considered a condition of approval.

iv. If the preliminary site plan is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

6. In the case of a proposed development that is phased over a number of years, the applicant shall submit an overall plan for the total development of the project and a phasing plan for each phase of the development. If the overall plan for this project is approved and the first phase of the project is approved, then the first phase of the project continues on to final site plan review and approval. If there is no substantial change in the overall plan or the phasing plan of the project, each succeeding phase of the development need only be reviewed for final site plan approval. If there are substantial changes to the overall plan or the phasing plan, the Planning Board shall require subsequent phases to go through preliminary site plan review and approval.

7. Any resubmission of a previously approved preliminary site plan shall be required to go through the same procedures as the original preliminary site plan application.

C. Final Site Plan Review.

1. After receiving approval from the Planning Board on a preliminary site plan and approval for all necessary permits and curb cuts from state and county officials, the applicant may submit a complete final site plan application for review and approval. Said application must meet the requirements of Section 106-52.6.

2. If more than one (1) year has elapsed since the Planning Board issued its preliminary approval, and if conditions have substantially changed, the Planning Board may require resubmission of the preliminary site plan for possible revision prior to accepting the proposed final plan for review.

3. Within sixty-two (62) days of the receipt of the final site plan application the Planning Board shall render a decision. The time period in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified, or agreed upon between the applicant and Board, shall constitute Planning Board approval of the site plan as submitted or last amended.

4. Issuance of Final Site Plan Decision.

i. Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall immediately file a copy of the final site plan in the Town Clerk's office. A copy of the final plan shall be forwarded to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements. A copy of the written statement of approval shall be mailed to the applicant by certified mail. The written statement shall contain a list of modifications or conditions if required by the Planning Board.

ii. Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the Town Clerk and a copy thereof mailed to the applicant
by certified mail along with a letter stating the reasons for disapproval.

5. A final site plan approval by the Planning Board shall be valid for a period of one (1) year from the date of such approval. An approval granted hereunder shall become null and void if a building permit has not been issued or, in the event a building permit has been issued, if construction has not commenced within one year of the date of such approval. An applicant may submit a written application for an extension of the site plan approval, provided that such application has been submitted in writing prior to the expiration of one year. Such application shall set the reason or reasons that prevented the applicant from either obtaining a building permit or commencing construction within the required time period. The Planning Board shall have the discretion to grant an extension and to set any reasonable time limit thereon, or to deny the extension. If the application for extension is denied, the Planning Board shall set forth the basis for its denial in written findings.

D. Public Hearing.

1. The Planning Board may conduct a public hearing for preliminary site plan review if considered desirable by a majority of its members. Such hearing shall be held within sixty-two (62) days of the Planning Board's acceptance of the preliminary site plan application.
2. In those cases where the proposed site plan involves a use subject to review for a special use permit, the public hearing hereunder may be held concurrently with any required public hearing under the provisions for special use permits.
3. Notice of required public hearings on a site plan review must be provided as required by the Town Board and by state law. See 50.3(C) for more information on the requirements for public notice.

E. Segmentation. The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total planned development. In such situations, the Planning Board shall return such application to the applicant, together with a letter stating the basis for its determination.

F. Referral to Other Agencies and Boards. The Planning Board may refer the site plan for review and comment to local and county officials or their designated consultants and to representatives of federal, state and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the State Department of Environmental Conservation and the state or county Department of Health, whichever has jurisdiction.

G. Relevant Comments. In reviewing site plans it shall be the responsibility of the Planning Board to obtain comments or approvals in writing from any relevant Town department/division before a decision on approval is made.

106-52.5 PRELIMINARY SITE PLAN APPLICATION REQUIREMENTS
All applications for preliminary site plan review shall be made by the owner or the owner's agent and filed with the Town Office. The applicant shall have a current site plan map and report prepared by a civil engineer or surveyor licensed to practice in the State of New York in sufficient detail to permit an adequate review by an architect, civil engineer, surveyor, or land planner. The preliminary site plan shall be drawn at a scale of 100 feet to one inch or larger. The preliminary site plan shall include the following information:

A. Legal Data.

1. The name and address of the owner of record.
2. The name and address of the person, firm or organization preparing the map.
3. The date, North point and written and graphic scale.
4. Sufficient description or information to define precisely the boundaries of the property. All distances shall be in feet and tenths of a foot. All angles shall be given to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.
5. The locations, names and existing widths of adjacent streets and curblines.
6. The locations and owners of all adjoining lands as shown on the latest tax records and tax map identification numbers.
7. The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjacent to the property.
8. A complete outline of existing deed restrictions or covenants applying to the property.
9. Existing zoning within 500 feet of the site's perimeter.
10. Tape location map and the distance to the nearest public street right-of-way intersection.

B. Natural Features.

1. Existing contours with intervals of 10 feet or less referred to a datum satisfactory to the Board.
2. Approximate boundaries of any areas subject to flooding or stormwater overflows.
3. The location of existing watercourses, New York State and federal wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight inches or more measured three feet above the base of the trunk and other significant existing features.

C. Existing Structures and Utilities and Other Features.

1. The location of uses and outlines of all existing structures, drawn to scale, on and within 20 feet of the lot line.
2. Paved areas, sidewalks and vehicular access between the site and public streets.
3. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas to include:
   i. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic intervals.
   ii. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
   iii. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
4. Locations, dimensions, grades and flow direction of existing sewers, drainage ditches, culverts and water lines, as well as other underground and aboveground utilities within and adjacent to the property.
5. Other existing development, including fences, retaining walls, landscaping and screening.
6. Historic or archaeological resources on or adjacent to the site.

D. Proposed Development.

1. The location, type of construction and exterior dimensions of proposed buildings or structural improvements. [NOTE: Elevations and/or sections illustrating front, rear and side profiles drawn to the same or larger scale as the site development plan may be required by the Planning Board.] The elevations and/or sections shall clearly delineate the bulk and height of all buildings and other permanent structures included in the proposal.
2. The location and design of all uses not requiring structures, such as off-street parking and loading areas.
3. The location, direction, power and time of use for any proposed outdoor lighting.
4. The location, size and design for all proposed permanent outdoor signs.
5. The location and arrangement of proposed means of access and egress, including sidewalks and other pedestrian access, driveways, fire lanes and other emergency zones or other paved areas; and profiles indicating grading and cross sections showing width of roadway, location and width of sidewalks and location and size of water and sewer lines.
6. For commercial and industrial structures, identify the amount of gross floor area proposed for retail sales, services, offices and other uses.
7. Any setbacks or other dimensional information required by this Chapter.
8. Any proposed screening, landscaping, and open spaces including types and locations of proposed street trees, as well as a planting schedule. Preference for native species as listed in Article 42 of this Chapter.
9. The location and construction of any existing or proposed public transit or bicycle accommodations including bicycle parking facilities.
10. The description of the water supply system, location of well(s) and/or all proposed water lines, valves and hydrants and of all sewer lines and alternate means of water supply and sewage disposal and treatment.
11. An outline of any proposed easements, deed restrictions or covenants.
12. Any contemplated public improvements on or adjoining the property.
13. Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties on the street.
14. A drainage plan showing proposed watercourses, proposed detention/retention facilities and calculations of the impact to existing drainage created by the proposed development. [NOTE: Contour intervals of one or two feet may be appropriate for grading and drainage plans.]
15. Location of outdoor storage and waste receptacles and proposed screening for such.
16. Location and construction materials of all proposed site improvements, including drains, culverts, retaining walls and fences.
17. Location, design and construction materials of all energy-generation and distribution facilities, including electrical, gas and solar energy.
18. Estimated project construction schedule. If the site plan indicates only a first stage, a supplementary plan shall be provided that indicates ultimate development.
19. Record of applications and approval status of all necessary permits from federal, state, county and local agencies.
20. Estimate of the total cost of proposed site improvements that shall be confirmed by the Code Enforcement Officer or Town Engineer.

E. Waiving Requirements. The Planning Board may waive any of the previously listed requirements with the determination that they are unnecessary for a complete assessment of the project.

F. Additional Requirements. The Planning Board or Town Board may also require additional information beyond the previously listed requirement be presented in graphic form, and accompanied by a written text, and/or prepared by a licensed professional if such additional materials are deemed necessary for a complete assessment of the project.

G. Environmental Assessment. The environmental assessment shall be in accordance with the State Environmental Quality Review Act (SEQRA).

106-52.6 FINAL SITE PLAN APPLICATION REQUIREMENTS

A. Content of the Final Site Plan. The final site plan shall include the site plan construction sheet and a drainage report. The site plan construction sheet shall include:

1. All the information required for preliminary site plans in accordance with Section 106-52.5 of
2. The lines of existing and proposed streets and sidewalks immediately adjoining and within the site, including geometric layout of proposed streets.
3. The names of existing and proposed streets.
4. Typical cross sections of proposed streets.
5. Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation.
6. The layout of proposed buildings, parking areas and any other proposed structures or uses.
7. The location, size and profile of any existing and proposed sewers (stormwater or sanitary), manholes, drain inlets, catch basins, water mains and pipes on the property or into which any connection is proposed.
8. Provisions for water supply and sewage disposal and evidence that such provisions have received approval from the Livingston County Department of Health.
9. Location of survey monuments. Before acceptance of the dedication of the highways or streets, a certificate by a licensed land surveyor must be filed, certifying that the above monuments have been placed where indicated on the map.
10. Plans and typical cross sections of proposed sidewalks, bike lanes, paths, or other bicycle and pedestrian linkages, if applicable.
11. Development plan, including landscaping, for any proposed park or playground within the site.
12. Specifications or references to Town standards for all facilities to be constructed or installed.
13. Certification by a licensed professional engineer, licensed landscape architect and a licensed land surveyor as evidence of professional responsibility for the preparation of the construction sheet.
14. The boundaries of the site and information to show the location of the site in relation to surrounding property and streets, including names and tax account numbers for adjacent sites. In whatever manner is practical, the site boundary shall be referenced from two directions to established United States Coast and Geodetic Survey monuments or New York State Plan Coordinate monuments. In the event that such monuments have been obliterated, the site boundary shall be referenced to the nearest highway intersections or previously established monuments. Any combination of types of reference points may be accepted which would fulfill the requirement of exact measurements from the boundary to reference points previously established for or by a public agency.
15. The lines and purposes of existing and proposed easements immediately adjoining and within the site.
16. The lines, dimensions and areas in square feet of all property that is proposed to be reserved by deed of the site.
17. A legal description of all areas to be dedicated to the Town.

106-52.7 SITE PLAN REVIEW CRITERIA
The Planning Board shall review the site plan and supporting data before approval, approval with modifications, or disapproval of such site plan, based on the following criteria:

A. Considerations. The Planning Board review of a site plan shall include, but is not limited to, the following considerations:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
2. Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrians from vehicular traffic, sidewalks, linkages, control of intersections with vehicular traffic and pedestrian convenience.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading areas.
4. Location, arrangement, size, design and general site compatibility of buildings, lighting and
signs.

5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-deterring buffer between the proposed use and adjoining uses or properties.

6. In the case of an apartment complex or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation.

7. Adequacy of stormwater management and sanitary waste disposal facilities.

8. Protection of adjacent properties from noise, glare, unsightliness or other objectionable features.

9. Adequacy of water supply facilities.

10. Overall impact on the neighborhood, including compatibility of design and effect on the environment.

11. Conformance with the Town Master Plan and other plans which the Town uses as a guide for appropriate development.

B. Standards for Review and Design. The Planning Board, in reviewing site plans, shall consider the standards set forth below:

1. All buildings in the plan shall be integrated with each other and with adjacent buildings and shall have convenient access to and from adjacent uses.

2. Individual buildings shall be related to each other and to structures in the surrounding area in architecture, design mass, materials, placement and connections to harmonize visually and physically.

3. Treatment of the sides and rear of all buildings, where appropriate, shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings.

4. The design of buildings and the parking facilities shall take advantage of the natural topography of the project site, where appropriate.

5. All buildings shall be arranged to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be oriented to preserve visual and auditory privacy between adjacent buildings.

6. All buildings shall be accessible to emergency vehicles.

7. Landscaping shall be an integral part of the entire project area and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.

8. Primary landscape treatment shall consist of shrubs, ground cover and shade trees and shall combine with appropriate walks, walls and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to the growing conditions of the Town's environment.

9. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

10. There shall be an adequate, safe and convenient arrangement of bicycle and pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

11. Roads, pedestrian walks, bicycle facilities, and open space shall be designed as integral parts of an overall site design, be properly related to existing and proposed buildings and be appropriately landscaped.

12. Buildings and vehicular circulation areas shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.

13. Landscaped, paved or other suitable material and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

14. Materials and design of paving, light fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained and indicative of their function.

15. Compliance with all outdoor lighting regulations as set forth in this Chapter (Part 4).

16. Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars.
17. Parking facilities shall be designed with regard for orderly management, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.
18. Any above-grade loading facility shall be screened from public view to the extent necessary to eliminate unsightliness.
19. Off-street parking and loading requirements required in this Chapter shall be satisfied.
20. Drainage of the site and surface waters flowing therefrom shall not adversely affect adjacent properties or public roadways.
21. All site improvements, where required, shall comply with the requirements of the Americans With Disabilities Act.

C. Changes or Additions to Site Plan Material. The Planning Board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties from reasonably identifiable adverse impacts. Should the Planning Board require changes or additional facilities, final approval of the site plan shall be conditional upon satisfactory compliance by applicant in making the changes or additions.

D. Current Site Plan for Review. Any applicant wishing to make changes in an approved site plan shall submit a revised and current site plan to the Planning Board for review and approval.

106-52.8 GUARANTY OF SITE IMPROVEMENTS

A. General. Subsequent to the granting of site plan approval, no certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been provided by the applicant for improvements not yet completed.

B. Performance Guaranty Options. In order that the Town has the assurance that the construction and installation of such improvements as storm sewers, water supply, sewage disposal, sidewalks, parking and access roads will be constructed in accordance with Town standards and/or any site plan approval modifications, the Planning Board may require that the applicant enter into one of the following agreements with the Town:

1. Furnish bond executed by a surety company (licensed in New York State) equal to the cost of construction of such improvements as shown on the plans. Such bond shall be based on an estimate furnished by the applicant, confirmed by the Code Enforcement Officer or Town Engineer and approved by the Planning Board.
2. Deposit a certified check in sufficient amount up to the total cost of construction of such improvements as shown on the site plan.
3. Provide the Town with a letter of credit that is of sufficient amount to cover up to 110% of the total cost of improvements as shown on the site plan.

C. Conditions.

1. The performance guaranty shall be to the Town and shall provide that the applicant, his/her heirs, successors, assigns or his/her agent will comply with all applicable terms, conditions, provisions and requirements of this Chapter and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.
2. Any such bond shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency manner of execution and surety.
3. Certified checks shall be made payable to the Town of Geneseo and will be placed in an escrow account established by the Town for this purpose.
4. Letters of credit shall require the approval of the Town Board in consultation with the Town Attorney as to form, sufficiency, and manner of execution and shall be duly notarized.
D. **Extension of Time.** The construction or installation of any improvements or facilities, other than roads, for which a guaranty has been made by the applicant in the form of a bond or certified check deposit shall be completed within one year from the date of approval of the site plan. Road improvements shall be completed within two years from the date of approval of the site plan. The applicant may request that the Planning Board grant him or her an extension of time to complete such improvements, provided that the applicant can show reasonable cause for inability to complete said improvements within the required time. The extension shall not exceed six months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The Planning Board may also grant the applicant an extension of time whenever construction of improvements is not performed in accordance with applicable standards and specifications.

E. **Schedule of Improvements.** When a certified check or performance bond is issued pursuant to the preceding subsections, the Town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, 10% of the check deposit or performance bond shall not be repaid to the applicant until one year following the completion and inspection by the Town of all construction and installation covered by the check deposit or performance bond.

F. **Inspections.** Inspections during the installation of improvements shall be made by the Code Enforcement Officer to ensure conformity with the approved plans and specifications as contained in the contract and this Chapter. The applicant shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection. Upon acceptance, final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the contract to cover the cost of such completed work.

G. **Phased Development.** The Planning Board may further request, subject to Town Board approval, that the applicant deposit a separate performance bond or certified check for each phase of development proposed. In this event, 5% of the check deposit or performance bond shall be withheld from the applicant until sixty-two (62) days following the completion, inspection and acceptance by the Town of all construction and installation covered by such deposit. No subsequent phase of development shall be undertaken until each earlier phase has been completed and approved by the Code Enforcement Officer.

H. **Engineer's Fees.** Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with review of approved site plan shall be charged to the applicant.
ARTICLE 53 | SPECIAL USE PERMITS

106-53.1 APPLICABILITY
All uses and activities requiring a special use permit must be reviewed and approved in accordance with the procedures of this Article.

A. Special uses within the zoning districts are generally considered to be uses which are appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review and may require the imposition of conditions in order to assure the appropriateness of the use in a particular zoning district.
B. A special use permit shall be required in accordance with the district use tables set forth at Part 2 of this Chapter.
C. The Planning Board shall hear and decide all applications for special use permits.
D. Specially permitted uses require site plan review unless otherwise noted in this Chapter. An application for special use permit review and approval shall be made in tandem with the proposed project submission. These two applications shall follow one review and approval process, including a joint public hearing.

106-53.2 APPLICATION FILING
The property or building owner, their agent, or lessee, purchaser or tenant with permission of the owner, may file special use permit applications. Applications for a special use permit approval must be filed with the Town Office.

106-53.3 APPLICATION REVIEW SUPPORT
The Planning Board may request for additional information from any Town department or division as well as seek the opinion of any legal, engineering, design, or other professional to aid in the review of a special use permit.

106-53.4 REFERRALS
Whenever required under §§239-l and §§239-m of the General Municipal Law, the Planning Board must forward special use permit applications to the county planning agency for review prior to taking final action.

106-53.5 PUBLIC HEARING AND FINAL ACTION—PLANNING BOARD

A. Public Hearing.
   1. Within sixty-two (62) days from the day of a complete application is received for special permit approval, the Planning Board must convene a public hearing on the proposed application.
   2. Notice of required public hearings on a special use application must be provided as required by the Town Board and by state law. See 50.3(C) for more information on the requirements for public notice.

B. Final Action. Within sixty-two (62) days following the close of the public hearing, the Planning Board will issue a decision to approve, approve with conditions, or deny the proposed special use permit. The Planning Board shall review the application for special use permit approval based on the review criteria listed in Section 106-53.6.

106-53.6 REVIEW CRITERIA
In rendering a decision, the Planning Board shall consider whether or not the proposed use:

A. Will be generally consistent with the goals of the Town Comprehensive Plan;
B. Will meet any and all relevant criteria set forth in this Chapter;
C. Will be compatible with existing uses adjacent to and near the property;
D. Will be in harmony with the general purpose of this Chapter;
E. Will not tend to depreciate the value of adjacent property;
F. Will not create a hazard to health, safety or the general welfare of the public;
G. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents;
H. Will not be a nuisance to neighboring land uses in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions;
I. Will not cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area or cause adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;
J. Will not destroy or adversely impact significant historic and/or cultural resource sites;
K. Will not provide inadequate landscaping, screening or buffering between adjacent uses which are incompatible with the proposed project; and
L. Will not otherwise be detrimental to the public convenience and welfare.

106-53.7 CONDITIONS ON SPECIAL USE PERMITS
The Planning Board may impose such conditions upon the premises benefited by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood, including limitations on the time period for which the permit is granted. Such conditions shall be expressly set forth in the motion authorizing the special use permit.

106-53.8 CESSATION OF SPECIAL USE
A special use permit shall authorize only one (1) special use and shall expire if the special use ceases operation for more than twelve (12) consecutive months for any reason.
ARTICLE 54 | NONCONFORMING USES

106-54.1 PURPOSE
This Article regulates and limits the continued existence of uses, structures, lots, and all accessory uses and structures established prior to the effective date of this Chapter that do not conform to the regulations set forth by this Chapter in the applicable zoning districts in which such nonconformities are located. Such nonconforming uses, buildings, or lots are subject with the regulations set forth in this Article for the purposes of the following:

A. To permit these nonconformities to continue, but to minimize any adverse effect on adjoining properties and development.
B. To regulate their maintenance and repair.
C. To restrict their rebuilding if substantially destroyed.
D. To require their permanent discontinuance if not operated for certain periods.
E. To require the conformity if they are discontinued, and to bring about the eventual compliance with the objectives of the Town Comprehensive Plan, Town Code, and this Chapter.

106-54.2 GENERAL PROVISIONS

A. Determination of Nonconforming Status. The determination of any nonconforming use shall be made by the Code Enforcement Officer.
B. Restoration. If any such nonconforming use is damaged, a permit for its restoration or reconstruction may be obtained if such application is filed within 120 days of the initial damage or destruction.
C. Termination. Certain types of nonconforming uses or structures which present a special nuisance or hazardous condition shall be terminated as follows:

1. Upon a complaint registered with the Code Enforcement Officer from 50% of the property owners within 500 feet of a nonconforming use which is considered to be a general nuisance or a hazard to the health, safety, welfare of persons, uses or structures adjoining such nonconforming use or uses, the Board of Appeals shall hold a public hearing and make findings of fact with respect to the alleged nuisance or hazardous condition and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Board of Appeals, giving due consideration to the reasonable amortization of the capital investment in such uses.

D. Repair and Alteration. Normal maintenance and repair of, and incidental alteration to a building occupied by a nonconforming use are permitted if they do not extend the nonconforming use. No structural alteration or enlargement shall be made in a building occupied by a nonconforming use, except where required by law, i.e., court ordered, or to adapt a building to a conforming use or to any other use permitted under Subsection E or in a building occupied by a nonconforming use permitted to extend under Subsection F.
E. Change of Use. A nonconforming use may not be changed to a more intensive nonconforming use nor shall a conforming use be changed to a nonconforming use. Any nonconforming use when changed to a conforming use shall not thereafter be changed back to a nonconforming use. A nonconforming use, building, or structure shall not be enlarged except upon the issuance of a variance from the Board of Appeals.
F. Extension of Nonconforming Use. The extension, expansion, or enlargement of a nonconforming use shall require the approval of a use variance by the Zoning Board of Appeals (See Article 55 of this Chapter). Extension, expansion, or enlargement shall mean:

1. The enlargement of such building so as to create additional floor space.
2. The extension within any existing building to any portion of the floor area not formerly used for such nonconforming use, except where such additional floor area was manifestly designed for such use at the time such use became nonconforming.

3. The extension of the use to any area outside of the building.

4. In the case of a nonconforming, non-building land use, the use of any additional land on which no substantial operations were previously conducted, provided that any such extension or enlargement is on the same lot occupied by the nonconforming use on the effective date of this Chapter.

5. An accessory building(s) to a legally existing nonconforming residential use, in a nonresidential zoning district, is permitted by right, provided that the accessory building(s) meets the minimum yard requirements for the district in which the property is located and provided that the accessory building complies with all other requirements for such buildings.

G. Discontinuance or Abandoning of Use. A nonconforming use that has been discontinued for twelve (12) consecutive months shall not be reestablished and any future use shall be in conformance with the provisions of this Chapter. Where multiple uses exist, partial abandonment shall take place for those specific uses that meet the aforementioned criteria. The following conditions, which are not exclusive, shall contribute towards the discontinuance and abandonment of a use or structure:

1. Failure to occupy the property to continue the nonconformity;
2. Failure to maintain regular business hours, typical or normal for the use (past operations of the use and/or industry standards may be used to determine typical hours);
3. Failure to maintain any equipment, supplies, stock, or utilities that would be used for the active operation of the use; or
4. Failure to maintain, or renew when expired, any valid Federal, State, or local permit or license that is required for the active operation of the use.

H. Nonconforming Parking and Loading Facilities. A building, use or occupancy lawfully existing at the time this Chapter or any amendment thereto becomes effective, but which does not conform to the off-street parking and loading requirements, may be occupied or continued without such facilities being provided. Any such spaces that may be provided thereafter shall comply with the requirements of Article 41. If an existing building, use or occupancy is altered so that there is an increase in the number of dwelling units, seating capacity, employees or floor area, or if the use is changed to one requiring more off-street parking and loading spaces, the number of such spaces shall be provided at least equal to the number required for the increased area of the building or use in accordance with all provisions of Article 41.

I. Existing Nonconforming Lots. In any zone where a nonconforming lot exists as a separate entity at the time of passage of this Chapter and where the owner of the nonconforming lot does not own an adjoining lot, the following development is permitted:

1. If the lot is located in a district where residential uses are permitted, a single-family dwelling may be constructed on it as a permitted use, provided that the lot is in at least 75% compliance with each of the following requirements for a single-family dwelling, as specified for the district in which the lot is located; lot area, lot width, rear yard, side yard and maximum building coverage.
2. If the lot is located in any remaining district, then a structure not exceeding two stories in height may be constructed on it for a use permitted in the district in which it is located.

J. District Changes. Whenever the boundaries of a district shall be changed so that more restrictive provisions hereof apply to a lot or use, the foregoing provisions shall also apply to any nonconforming use existing therein or created thereby.
K. **Lots in More than One District.** Where a zoning district boundary line divides a lot in single ownership at the effective date of this Chapter, leaving part subject to more permissive regulations and part subject to more restrictive regulations, the Board of Appeals after public hearing may permit an extension of the use of that lot into the district where it is otherwise prohibited, provided that the extension does not extend more than fifty (50) feet into that district. Furthermore, the Zoning Board of Appeals may impose conditions on that extension to protect a neighboring property.
ARTICLE 55 | VARIANCES

106-55.1 APPLICABILITY
The Town of Geneseo Zoning Board of Appeals (ZBA) shall have the power, on appeal from the decision or determination of any administrative official charged with enforcement of this Chapter, to reverse or affirm, wholly or partly, or modify an order, requirement, decision, interpretation or determination by the granting of either use variances or area variances as authorized by Article 16 of the New York State Town Law and in accordance with the applicable standards set forth in Sections 106-55.4 and Section 106-55.5 of this Article. The variance procedures may not be used to:

A. Waive, modify or otherwise vary any of the review and approval procedures of this article; or
B. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by another authorized board or commission.

106-55.2 BURDEN OF PROOF
The petitioner seeking the variance shall have the burden of presenting sufficient evidence to allow the ZBA to reach a conclusion as set forth below as well as the burden of persuasion on those items.

106-55.3 APPROVAL PROCESS
A. Application. Applications for zoning variances may be initiated only by the owner of the subject property or by the owner’s authorized agent. Complete applications for a zoning variance must be filed with appropriate personnel in the Town Office.
B. Public hearing. Once the application has been determined to be complete, the ZBA must hold at least one (1) public hearing on a proposed zoning variance. Notice of said public hearing shall be provided as required by local and state law (See Section 106-50.3 for additional information on public hearing notices).
C. Decisions.
   1. The ZBA shall decide upon the appeal within sixty-two (62) days after the closing of the public hearing. The time within which the ZBA may render its decision may be extended by mutual consent of the petitioner and the Board.
   2. The ZBA may reverse, modify or affirm, in whole or in part, any such appealed order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made in strictly applying and interpreting the provisions of this Chapter and for such purposes shall have all the powers of the officer from whom the appeal is taken.
   3. The decision of the ZBA shall be filed with the Town Office within five (5) business days after the decision is rendered, and a copy mailed to the petitioner.
D. Appeals. Appeals for interpretation shall be decided by the concurring vote of a majority of the members of the ZBA in compliance with NYS Town Law.

106-55.4 USE VARIANCES
A use variance authorizes the use of land for a purpose that is otherwise not allowed or prohibited by this Chapter. A finding of unnecessary hardship is required to properly grant a use variance.
A. Criteria for Use Variance. No such use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, per NYS Town Law, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located the following conditions exist:
1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

B. Minimum Relief Necessary. The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

106-55.5 AREA VARIANCES
An area variance authorizes the use of land that is not allowed by the dimensional or physical requirements set forth in this Chapter. An area variance is one that does not involve a use that is otherwise prohibited by this Chapter. A finding of practical difficulty is required to properly grant an area variance.

A. Criteria for Area Variance. In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider the following as required by NYS Town Law:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial in relation to the requirement;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

B. Minimum Relief Necessary. The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

106-55.6 IMPOSITION OF CONDITIONS
The ZBA shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Town Code, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

106-55.7 TRANSFERABILITY
Zoning variance approval runs with the land and is not affected by changes of tenancy, ownership, or management.

106-55.8 AMENDMENTS
A request for changes in conditions of approval of a zoning variance must be processed as a new variance application, including the requirements for fees, notices, and hearings.
ARTICLE 56 | APPELLATE AND INTERPRETIVE REVIEW OF ADMINISTRATIVE DECISIONS

106-56.1 APPLICABILITY
The Zoning Board of Appeals (ZBA) is authorized to hear and decide appeals where it is alleged there has been an error in interpretation of any zoning code provisions or in any order, requirement, decision or determination made by the Code Enforcement Officer.

106-56.2 RIGHT TO APPEAL
Appeals of administrative decisions may be filed by any person aggrieved by the Code Enforcement Officer. The ZBA is authorized to make determinations about whether individuals filing appeals are “aggrieved by the decision or action.”

106-56.3 APPLICATION FILING
A. Applications for appeals of administrative decisions must be filed with the Town Office.
B. Appeals of administrative decisions must be filed within sixty-two (62) days of the date of the decision being appealed.

106-56.4 EFFECT OF FILING
The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the Code Enforcement Officer certifies to the ZBA, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property.

106-56.5 RECORD OF DECISION
Upon receipt of a complete application of appeal, the Code Enforcement Officer or other administrative official whose decision is being appealed must transmit to the ZBA all papers constituting the record upon which the action appealed is taken.

106-56.6 NOTICE OF HEARING
Notice of required public hearings on appeals must be provided as required by the Town Board and by state law. See Section 106-50.3 of this Chapter for additional information on public hearing notices.

106-56.7 HEARING AND FINAL DECISION
A. The ZBA must hold a public hearing on the appeal.
B. Following the close of the hearing, at the same or subsequent meeting, the ZBA must take action on the appeal.
C. In exercising the appeal power, the ZBA has all the powers of the official from whom the appeal is taken, and the ZBA may reverse the appeal or affirm the appeal, in whole or in part, or modify the decision being appealed.
D. In acting on the appeal the ZBA must grant to the official’s decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
ARTICLE 57 | REVIEW AND DECISION-MAKING BODIES

106-57.1 TOWN BOARD

A. **Final Action.** The Town Board shall be responsible for final action regarding the following:

   1. Amendments to the Zoning Map (rezoning); and
   2. Amendments to the text of this Chapter.

B. **Conduct.**

   1. The Town Board may appoint clerks or other employees serving at its pleasure to assist them.
   2. The Town Board may seek recommendations from other boards, commissions, departments, or agencies, as it deems appropriate.
   3. Hearings shall be public, and decisions shall be voted upon at public sessions. The Town Board may otherwise hold executive sessions in accordance with the NYS Open Meeting Law.

106-57.2 PLANNING BOARD

A. **Establishment.** The Planning Board is established under the provisions of NYS Town Law and by this Article.

B. **Membership, Terms, and Appointments.**

   1. The Planning Board shall consist of seven (7) residents appointed by the Town Board, of which one shall be appointed to serve as the Planning Board Chairperson.
   2. The terms of the members of the Planning Board shall be seven (7) years each with rolling terms.
   3. The Town Board may appoint additional clerks or other employees serving at its pleasure to assist the Planning Board.

C. **Alternate Members.** The position of alternate Planning Board member is hereby created for purposes of substituting for members in the event that a Planning Board member is unable to serve because of a conflict of interest or for any other reason.

   1. Such alternate Planning Board members shall be appointed by resolution of the Town Board, for terms established by the Town Board.
   2. The Planning Board Chairperson may designate an alternate member to substitute for a Planning Board member when such member is unable to participate due to a conflict of interest or is otherwise unavailable to participate on an application or matter before the Board, provided that the Town Board has appointed such alternate member to the position of alternate member.
   3. When so designated, such alternate member shall have all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the designation occurred.
   4. All other provisions of law relating to Planning Board member training, and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.

D. **Board Member Training.** Planning Board members are required to meet the minimum training requirements each year set forth by NYS Town Law.
E. **Compensation.** Compensation of the members of the Planning Board shall be as set forth from time to time by resolution of the Town Board.

F. **Conduct.**

1. The Planning Board may adopt rules for the conduct of its business consistent with statute and this Chapter.
2. The Chairperson of the Planning Board, or in the Chairperson’s absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses in the manner and to the extent permitted by NYS Town Law and the Civil Practice Law and Rules.
3. The Planning Board may seek recommendations from other boards, commissions, or agencies, as it deems appropriate.
4. Hearings shall be public, and decisions shall be voted upon at public sessions. The Planning Board may otherwise hold executive sessions in accordance with the NYS Open Meeting Law.
5. With regard to attendance by members of the Planning Board at its meetings, the failure to attend any two (2) regular or special meetings of such Board in succession or a total of three (3) such meetings thereof during a calendar year without satisfactory excuse may be determined to be cause by the Town Board for removal of that member from such Board pursuant to § 267, Subdivision 1, of NYS Town Law after a public hearing in accordance with the provisions of said section. The term "satisfactory excuse" shall include illness, accident, other excuses of medical nature, death in the immediate family and such other excuses as the Town Board may regard as acceptable after review thereof.

G. **Minutes.** The Town Office shall keep minutes of all proceedings before the Planning Board.

H. **Power and Duties.** Pursuant to this Article, and Article 16 of the New York State Town Law, the Planning Board is hereby authorized and empowered with Review Authority and Final Authority as follows:

1. Review Authority. The Planning Board shall be responsible for reviewing and making advisory recommendations regarding the following:
   
   b. Amendments to the Zoning Map (rezoning);
   c. Amendments to the text of this Chapter; and
   d. Applications for the creation of a Planned Development Districts (PDD) or Cluster Developments.

2. Final Authority. The Planning Board shall have sole jurisdiction over preliminary review and final action regarding applications for the following:

   a. Site plan review in accordance with this Chapter and pursuant to Section 274-a of the New York State Town Law;
   b. Special use permits in accordance with this Chapter and pursuant to Section 274-b of the New York State Town Law;
   c. Subdivision Review in accordance with this Chapter and pursuant to Sections 276, 277 and 278 of the New York State Town Law

3. General Authority. The Planning Board may exercise additional powers as directed by the Town Board and as may be described elsewhere in this Chapter and as permitted by NYS Town Law.

**106-57.3 ZONING BOARD OF APPEALS**

A. **Establishment.** The Zoning Board of Appeals (ZBA) is established under the provisions of NYS Town Law and by this Article.
B. **Membership, Terms, and Appointments.**

1. The ZBA shall consist of five (5) residents appointed by the Town Board, of which one shall be appointed to serve as the ZBA Chairperson.
2. Vacancies shall be filled as provided for in the NYS Town Law.
3. The terms of the members of the ZBA shall be five (5) years each with rolling terms.
4. The Town Board may appoint additional clerks or other employees serving at its pleasure to assist the ZBA.

C. **Alternate Members.** The position of alternate ZBA member is hereby created for purposes of substituting for ZBA members in the event that a ZBA member is unable to serve because of a conflict of interest or for any other reason.

1. Such alternate ZBA members shall be appointed by resolution of the Town Board, for terms established by the Town Board.
2. The ZBA Chairperson may designate an alternate member to substitute for a ZBA member when such member is unable to participate due to a conflict of interest or is otherwise unavailable to participate on an application or matter before the Board, provided that the Town Board has appointed such alternate member to the position of alternate member.
3. When so designated, such alternate member shall have all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial ZBA meeting at which the designation occurred.
4. All other provisions of law relating to ZBA member training, and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.

D. **Board Member Training.** ZBA members are required to meet the minimum training requirements each year set forth by NYS Town Law.

E. **Compensation.** Compensation of the members of the ZBA shall be as set forth from time to time by resolution of the Town Board.

F. **Conduct.**

1. The ZBA may adopt rules for the conduct of its business consistent with statute and this Chapter.
2. The Chairperson of the ZBA, or in the Chairperson’s absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses in the manner and to the extent permitted by NYS Town Law and the Civil Practice Law and Rules.
3. The ZBA may seek recommendations from the Planning Board and other agencies, as it deems appropriate.
4. Hearings shall be public, and decisions shall be voted upon at public sessions. The ZBA may otherwise hold executive sessions in accordance with the NYS Open Meeting Law.
5. With regard to attendance by members of the ZBA at its meetings, the failure to attend any two (2) regular or special meetings of such Board in succession or a total of three (3) such meetings thereof during a calendar year without satisfactory excuse may be determined to be cause by the Town Board for removal of that member from such Board pursuant to § 267, Subdivision 1, of NYS Town Law after a public hearing in accordance with the provisions of said section. The term "satisfactory excuse" shall include illness, accident, other excuses of medical nature, death in the immediate family and such other excuses as the Town Board may regard as acceptable after review thereof.

G. **Minutes.** The Town Office shall keep minutes of all proceedings before the ZBA.

H. **Powers and Duties.** The ZBA shall have all the powers and duties prescribed by NYS Town Law and by this Article.
1. Final Authority. The ZBA shall be responsible for final action regarding the following:
   a. Applications for variances;
   b. Administrative appeals;
   c. Applications for temporary use permits; and
   d. Amendments to restrictions enacted by the ZBA.

2. General Authority. The ZBA may exercise additional powers as directed by the Town Board and as may be described elsewhere in this Chapter and as permitted by NYS Law.

106-57.4 CODE ENFORCEMENT OFFICER

A. Appointment of Enforcing Officer. This Chapter shall be administered and enforced by the Code Enforcement Officer, who shall be appointed by the Town Board. The Code Enforcement Officer shall serve at the pleasure of the Town Board.

B. Duties and Powers. It shall be the duty of the Code Enforcement Officer to secure the enforcement of this Chapter, subject to the rules, laws, regulations and local laws of the Town Board and Zoning Board of Appeals. Such duties include, but are not limited to:

1. Determine completeness of applications as outlined in Section 50.2(B) of this Chapter;
2. Issuance of all permits or certificates required by this Chapter. No building permit or certificate of occupancy shall be granted by for any purpose except in compliance with the provisions of this Chapter;
3. Issuance of a written notice of violation to any person, firm or corporation violating any provisions of this Chapter;
4. Keep all records of applications, permits or certificates issued or variances granted, inspections made, reports rendered and notices or orders issued;
5. Make all inspections as required by this Chapter, the Town Board, and NYS Town Law; and
6. Perform all other duties as provided in this Chapter and/or by NYS Town Law.
PART 6 | TERMINOLOGY

ARTICLE 60 | GENERAL TERMS

106-60.1. WORD USAGE AND INTERPRETATION

Except where specifically defined herein, all words used in this Chapter shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular, unless the natural construction of the term indicates otherwise.

A. The term "person" includes a firm, association, organization, partnership, trust, company, corporation, individual, or any other entity.
B. The term "shall" is mandatory and directory.
C. The term "may" is permissive.
D. The term "used" includes the terms "designated, intended or arranged to be used or occupied."
E. The term "lot" includes the words "plot," "parcel," "tract," or "site."
F. The term "building" includes the word "structure."
G. The term "premises" includes a lot and all buildings or structures thereon.
H. The term "abut" shall include the words "directly across from."
I. The term "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used."
J. The phrases "to erect," "to construct" and "to build" a building or structure each have the same meaning and also include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
K. Unless otherwise specified, all distances shall be measured horizontally along the ground.
L. When doubts arise as to meanings of terms, the Town of Geneseo Board of Appeals shall define or make the interpretation of words, phrases, sentences and sections of this Chapter.

106-60.2. DEFINITIONS

For the purpose of this Chapter, the following words and terms shall be defined as:

A:

ACCESSORY — The term applied to a building, structure, or use (except for accessory dwelling unit) that:

(1) Is customarily incidental and subordinate to and serves a principle building or use;
(2) Is subordinate in area, extent, or purpose to the principle building or use served;
(3) Contributes to the comfort, convenience, or necessity of occupants of the principle building or principle use; and
(4) Is located on the same parcel as the principle building or use.

ACCESSORY DWELLING UNIT — A second subordinate dwelling unit that is:

(1) Contained with the existing primary single dwelling unit;
(2) An addition to the existing primary dwelling unit;
(3) An adaptive reuse of an existing permanent detached accessory structure such as a barn, carriage house, or garage on the same parcel as the primary dwelling unit; or
(4) Designed into new construction of a single dwelling unit.
**ACTION** — Any project or physical activity, such as construction or other activity that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that requires a permit or approval from any board or official of the Town of Geneseo.

**ADJACENT** — Having a common boundary or edge; abutting; touching

**ADULT** — Any person 18 years of age or older. (A minor is any person under the age of 18.)

**ADULT USE AND ENTERTAINMENT ESTABLISHMENTS** — A public or private establishment, or any part thereof, which presents any of the following entertainments, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages; service or entertainment where the servers or entertainers wear pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motels; adult motion-picture theaters; escort agencies; nude model studios; and sexual encounter centers. Adult use and entertainment establishments customarily exclude minors by reason of age. Such uses must comply with all applicable regulations of Article 30. The following definitions are included in support of Article 30 and the regulation of adult use and entertainment establishments.

**ADULT ARCADE** — Any place to which the public is permitted or invited wherein credit card-, coin-, tender- or slug-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by depicting or describing specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE OR ADULT VIDEO STORE** —

(1) A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

   a. Books, magazines, periodicals or other printed matter, or photographs, films, motion-picture, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
   b. Instruments, devices or paraphernalia which are primarily intended, labeled, designed, advertised or promoted for use in connection with specified sexual activities.

(2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. For purposes of this definition, "principal business purpose" shall mean 15% or more of any of the following:

   a. The number of different titles or kinds of such merchandise.
   b. The number of copies or pieces of such merchandise.
   c. The amount of floor space devoted to the sale and/or display of such merchandise.
   d. The amount of advertising which is devoted to such merchandise, either in print or broadcast media.
**ADULT CABARET** — A nightclub, bar restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

**ADULT MOTEL** — A hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified anatomical areas or specified sexual activities; and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions.

**ADULT MOTION-PICTURE THEATER** — A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

**ADULT THEATER** — A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

**ESCORT** — A person who, for a fee, tip or other consideration, agrees or offers to act as a date for another person; for consideration, agrees or offers to privately model lingerie for another person; for consideration, agrees or offers to privately perform a striptease for another person; or, for consideration but without a license granted by the State of New York, agrees or offers to provide a massage for another person.

**ESCORT AGENCY** — A person or business association who furnishes, or offers to furnish, or advertises to furnish, escorts as one of its primary business purposes for a fee, tip or other consideration.

**NUDE MODEL STUDIO** — Any place where a person who appears in a state of nudity or displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration, other than as a part of a course of instruction offered by an educational institution established pursuant to the laws of the State of New York.

**NUDITY or A STATE OF NUDITY** — The appearance of specified anatomical areas.

**SEMINUDE** — A state of dress in which clothing covers no more than the specified anatomical areas, as well as portions of the body covered by supporting straps or devices.

**SEXUAL ENCOUNTER CENTER** — A business or commercial enterprise that, as one of its primary business purposes, offers, for any form or consideration, activities between male and
female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

SPECIFIED ANATOMICAL AREAS —

(1) Unless completely and opaquely covered, human genitals, pubic regions, buttocks or breasts below a point immediately above the top of the areola; and
(2) Even if completely and opaquely covered, male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES — Includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or breasts;
(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
(3) Masturbation, actual or simulated; or
(4) Excretory functions.

ALLEY — A publicly or privately owned serviceway less than 22 feet in width providing a secondary means of access to abutting properties.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another, but not including normal maintenance or minor repairs or improvements.

ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

APARTMENT — See "dwelling, multifamily."

APPEAL — A request by an interested party for reconsideration of a decision.

APPLICANT — A person filing an application in accordance with this Zoning Code who is:

(1) The owner or lessee of property;
(2) A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in accordance with this Zoning Code, and who presents written authorization from the property owner to file an application with the Town; or
(3) The agent of either of the above who presents written authorization from the property owner to file an application with the Town.

APPLICATION — The formal request by an applicant or developer, as those terms are defined herein, for any permit or approval by the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer, along with the preparation of any and all plans and submittals submitted in
connection therewith, including, but not limited to, any required review under the New York State Environmental Quality Review Act (SEQRA).

**APPROACH HIGHWAY** — A non-limited access road which has a grade-separated highway interchange with a limited access highway and which extends from the end of the interchange ramp for a distance of not more than 2,000 feet.

**APPROVAL** — Favorable decision to an application that indicates acceptance and the terms of the application are satisfactory. Includes both approval and approval with conditions.

**ARCHITECTURAL FEATURE** — Any portion of the outer surface of a structure, including the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, awnings, canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure. Also referred to as, “architectural detail.”

**AUTOMOTIVE SALES** — The sales or leasing of new or used automobiles, motorcycles, trucks, and recreational vehicles, which includes storage and any incidental maintenance.

**AUTOMOTIVE REPAIR OR SERVICE STATION** — Establishments used or intended for use of one or any combination of the following activities:

1. Retail selling and installing of liquids, coolants, or lubricants where substantial disassembly is not required.
2. Engine tune-ups, bodywork, frame straightening, painting, electrical work, transmission repair, or any other repair services not specifically listed.

**AWNING** — A movable or retractable ornamental roof like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

**B:**

**BACKHAUL NETWORK** — The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

**BANKS, FINANCIAL INSTITUTIONS** — A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money.

**BANQUET FACILITIES** — A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, that is not open to the general public, whether or not a fee is charged.

**BASE FLOOD** — The flood having a one-percent chance of being equaled or exceeded in any one (1) given year. For purposes of this Chapter, “base flood” shall have the same meaning as the one-hundred-year flood.

**BASEMENT** — A story partly underground but having at least 1/2 of its height below finished grade. A basement shall not be counted as a story in determining the building height. Also referred to as a “cellar.”
**BED-AND-BREAKFAST** — A home occupation in an owner-occupied residence wherein lodging and breakfast are provided to transient guests for compensation.

**BERM** — A man-made earthen mound (usually from two to six feet in height) designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

**BLOCK** — The length of a street between two intersections.

**BOARDING HOUSE** — A dwelling where not less than two nor more than three unrelated persons are furnished sleeping accommodations or lodged for a fee with or without meals.

**BUFFER** — A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

**BUILDING** — Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or property.

**BUILDING, DETACHED** — A building surrounded by open space on the same lot.

**BUILDING, PRINCIPAL** — A building in which is conducted the principal or primary use of the lot on which it is situated.

**BUILDING AREA** — The total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

**BUILDING COVERAGE** — The ratio obtained by dividing the ground-floor area of all principal and accessory buildings, including covered porches, carports and breezeways, but excluding open patios, parking areas, swimming pools, tennis courts and other structures which are open, on a lot by the total area of the lot upon which the buildings are located.

**BUILDING HEIGHT** — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat or mansard roofs and to the average height of pitched, gable, hip and gambrel roofs.

**BUILDING INSPECTOR** — The duly designated Building Inspector of the Town of Geneseo to enforce the provisions of the New York State Uniform Fire Prevention and Building Code in the Town. Also referred to as, “building official.”

**BUILDING LINE** — A line parallel to the lot line or a major portion thereof, tangent to that point in a building face which is closest to such lot line. The building face includes sunparlors, breezeways and porches, whether enclosed or unenclosed, but does not include steps or terraces which are open.

**BULK** — The size and scale of buildings and non-building uses and the physical relationship of their size and scale in relation to the lot on which they are located. Bulk requirements include building height, building footprint, and lot coverage.

**BUSINESS PARK(S)** — An area of land in which a collection of more than one (1) non-industrial business is located.
C:

CALIPER — A horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including 12 inches, the caliper measurement must be taken at 12 inches above the ground level. For trees greater than 12 inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is 4.5 feet above the ground.

CAMP — Any one or more of the following, other than a hospital, place of detention, or school offering general instruction:

(1) RECREATION CAMP — Any area on which are located cabins, tents, trailers, shelters or other uses or accommodations of a design or character suitable for seasonal or temporary living, sleeping and recreation purposes.

(2) FARM CAMP — A camp located on a farm used or designed to be used for less than 10 persons who are transient farm laborers and their families, whether or not for compensation.

CAR WASH — Any building or premises, or portion thereof, where the use of which is devoted to the business of washing automobiles for a fee, whether by automated cleaning devices or otherwise.

CARPORT — An open-sided roofed automobile shelter, either freestanding or formed by extension of a roof from the side of a building, in which case it shall be deemed part of the structure to which it is attached. In either case, a carport shall not be deemed a garage.

CEMETERY — Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, crematorium, and columbaria.

CHURCH — A facility intended as a gathering place for organized religious worship and related activities.

CLINIC — The office of up to four licensed health care professionals, including but not limited to physicians, dentists, physicians' assistants, radiologists and nurses, for the treatment of persons on an outpatient basis only.

CLUB — A building or use catering exclusively to public or private club members and their guests for recreational, social, or athletic purposes, and not operated primarily for gain or profit.

CLUSTER DEVELOPMENT — A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, while maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the site plan.

CODE ENFORCEMENT OFFICER — The person officially designated by the Town that is responsible for the administration and enforcement of this Chapter. Also referred to as, “zoning officer” or “zoning enforcement officer.”

COMMUNITY CENTER — A meeting hall or place of assembly intended for use as a gathering place by members of the Town.

COMPATIBLE —
(1) Having a complimentary and congruent arrangement of elements in the design and/or appearance between two or more attributes of a structure;
(2) Having a complimentary and congruent arrangement of elements in the design and/or appearance between two or more structures;
(3) Having a complimentary and congruent arrangement of elements in the design and/or appearance between two or more attributes of a neighborhood; or
(4) Having a complimentary and congruent arrangement of elements in the use or function between two or more attributes of a neighborhood or area.

**CONDOMINIUM OWNERSHIP** — The ownership interest in dwelling units and other facilities pursuant to Article 9-B of the Real Property Law of New York State.

**CONFERENCE OR MEETING CENTER** — A building or complex of buildings that is used as a conference center and includes auditorium, meeting rooms, exhibition space, and banquet facilities.

**CONIFEROUS** — A plant with foliage that persists and remains green year-round. Also known as “evergreen.”

**COOPERATIVE OWNERSHIP** — The ownership interest in dwelling units and other facilities by a corporation organized pursuant to the Cooperative Corporation Law of New York State.

**COUNTY PLANNING BOARD** — The Livingston County Planning Board.

**COURT** — An unoccupied open space other than a yard. An "outer court" is one which extends to the front, side or rear yards; an "inner court" is any other court.

**CURB** — A stone, granite, or concrete boundary usually marking the edge of a roadway or paved area.

**CURB LEVEL** — The mean street grade established by municipal code or, in the absence of an established grade, the mean level of the existing curb or of the lot at the street line.

**D:**

**DANCE, ART, OR MUSIC STUDIO** — Establishments or work space dedicated to artists, artisans, musicians, dancers, or other individuals practicing one of the fine or performing arts or skilled in an applied art or craft. Incidental retail sales of work produced on the premises or related to the studio may be included in the business’s permitted function. This definition excludes all adult oriented uses.

**DAY CARE CENTER** — A place other than an occupied residence providing or designed to provide day care for seven or more persons on a regularly scheduled basis for more than three but less than 24 hours per day. Also see § 390, Subdivision 1(c), of the Social Services Law of the State of New York.

**DECIBEL** — A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure intensity of sound are calibrated in decibels.

**DECIDUOUS** — A plant with foliage that is shed annually.

**DENSITY** — A unit of measurement; "density" means the number of dwelling units per acre of land.
DEPARTMENT OF HEALTH — The New York State Department of Health and any other health board or department established pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Town.

DESIGN REVIEW/DESIGN CONTROL — The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards.

DESIGN STANDARDS/GUIDELINES — A set of requirements that pertain to the architectural appearance of a building, or improvement, that governs the alteration, construction, demolition, or relocation of a building, site, or improvement. Also referred to as “design criteria.”

DEVELOPER — Any person, firm, partnership, association, corporation, company, limited liability or entity or organization of any kind, whether or not an applicant as defined hereinabove, that constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development and to convey or dedicate same to the Town.

DEVELOPMENT — Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance of farm roads and agricultural practices.

DISTRICT OR ZONE — A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

DRAINAGE FACILITY — All surface water drainage facilities, including, but not limited to, catch basins, detention and retention ponds or basins, storm sewers and their appurtenances, drainage swales and ditches, and any easements through or over which said facilities may be constructed or installed in or in connection with a development.

DRINKING ESTABLISHMENT — An establishment serving alcoholic beverages for on-site consumption as the primary use, including bars, cocktail lounges, pubs, saloons, and taverns.

DRIVE-THROUGH FACILITIES — A building or use, which by design of physical facilities a product is sold to, or a service performed for, customers while they are in or near their motor vehicles, including but not limited to fast-food restaurants, drive-up bank tellers, film-processing service booths, etc.

DRIVEWAY — A roadway providing a means of access from a street to a property or off-street parking area. An accessway may also be deemed a "driveway."

DRY CLEANING FACILITIES — An establishment used to collect, distribute and/or clean articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal. A dry-cleaning facility may also press or clean fabric on site using the dry-cleaning process.

DRY CLEANING OUTLETS — An establishment used primarily to collect and distribute articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal elsewhere. A dry-cleaning outlet may also include equipment to press chapters of fabric cleaned elsewhere or dry-cleaning machines using only noncombustible and nonflammable solvents.
**DWELLING** — Any building, vehicle as defined below, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term “dwelling” shall not be deemed to include an auto court, rooming house, motel, tourist home, hotel, hospital, nursing home, dormitory, fraternity or sorority house.

(1) **DWELLING, SINGLE-FAMILY** — A detached building designed for or occupied exclusively by one family, except for a mobile home.

(2) **DWELLING, SINGLE-FAMILY ATTACHED** — (COMMONLY CALLED "TOWNHOUSE" OR "ROW HOUSE") — A row of two or more adjoining dwelling units each on their own lot and separated from each other by one (1) or more party walls.

(3) **DWELLING, TWO-FAMILY** — A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors.

(4) **DWELLING, MOBILE HOME** — A vehicle or movable dwelling structure designed to be used for permanent living or sleeping quarters and standing on wheels or on rigid supports or on a foundation, except for a travel trailer, as defined herein, and containing not more than one dwelling unit, but excluding prefabricated homes or sections thereof.

(5) **DWELLING, MULTI-FAMILY** — A building designed for occupancy of families living independently of each other and containing between three and 20 units per building.

(6) **DWELLING, MULTIFAMILY COMPLEX** — A series of multiple-family dwellings designed and built as an integrated development with a common architectural style. Also referred to as a “multi-family development.”

**DWELLING UNIT** — One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes. Where a multiple dwelling is designed for or occupied by transients as defined in the Multiple Residence Law, each four persons for or by whom the dwelling is designed or occupied shall be considered as being equivalent to one dwelling unit.

**E**: 

**EASEMENT** — Any authorization by a property owner for the use by another, for a specified purpose, of any designated portion of a lot.

**EAVE** — The projecting lower edges of a roof overhanging the wall of a building.

**EDUCATIONAL FACILITY** — Parochial, nursery, private and public school, college, university and accessory uses operated under the Education Law of the State of New York and governed by the NYS Department of Education and shall exclude commercially operated schools of beauty, culture, business, dancing, driving, music and similar establishments which are not so governed.

**ENGINEER OR LICENSED PROFESSIONAL ENGINEER** — A person licensed as a professional engineer by the State of New York.

**EXTRACTIVE ACTIVITY** — Any processes that involve the extraction of raw materials from the earth. Extractive processes consist of any operations that remove metals, mineral and aggregates from the earth. Examples of extractive processes include oil and gas extraction, mining, dredging, and quarrying.
F:

**FAA** — The Federal Aviation Administration.

**FAMILY** —

1. One of the following:
   a. One, two, three or four persons occupying a dwelling unit; or
   b. More than four persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

2. It shall be presumptive evidence that more than four persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.

3. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
   a. The group is one which in theory, size, appearance, structure and function resembles a traditional family unit.
   b. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family.
   c. The group shares expenses for food, rent or ownership costs, utilities and other household expenses.
   d. The group is permanent and stable. Evidence of such permanency and stability may include:
      i. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
      ii. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
      iii. Members of the household are employed in the area;
      iv. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
      v. There is common ownership of furniture and appliances among the members of the household; and
      vi. The group is not transient or temporary in nature.

4. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

**FARM** — Any parcel which is used for agricultural production or customary farm operations. It includes necessary farm structures, including dwellings and structures for the storage of equipment used.

**FARM WINERY** — A facility which possesses a New York State farm winery license pursuant to § 76-a of the New York State Alcoholic Beverage Control Law, and where grapes are grown and/or converted to wine for sale to the public or to other businesses, which may also include a wine tasting room where New York State labeled wines and wine products grown or processed on the property may be tasted and sold.

**FCC** — The Federal Communications Commission.
FENCE — A structure bounding an area of land designed to either limit access to the area or to screen such area from view, or both. The term "fence" shall include tennis court enclosures, backstops, and similar structures.

FILLING — The depositing of fill on land, whether submerged or not, including nonhazardous earth, clay, sand, or gravel.

FLOOR AREA — The sum of the horizontal area of the floors of a building and its accessory buildings on the same lot, excluding unfinished basement or cellar floor areas not devoted to habitable use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of several floors of a building or buildings, measured from the inside faces of exterior walls or from the centerline of walls separating two (2) uses. For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, "gross floor area" shall not include areas used principally for nonpublic purposes, such as storage, restroom, fitting or alteration rooms or general maintenance, or enclosed pedestrian malls or corridors.

FLOOR AREA, HABITABLE — The floor area of rooms in a dwelling unit used for bedrooms, living rooms, dining rooms and kitchens.

FOOD PROCESSING, BAKING AND PACKING PLANTS — Facilities which transform and process livestock and agricultural products into products for eventual consumption and package the processed goods for distribution to wholesalers or retailers.

FRATERNITY HOUSE, SORORITY HOUSE OR GROUP HOUSE — A multiple dwelling used and occupied by a cooperating group of college or university students and containing and providing domestic and social facilities and services thereto.

FRONITAGE — The extent of a building or a lot along one (1) public street as defined herein.

FUNERAL HOME — A building used for the preparation of the deceased for cremation or burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

G:

GARAGE SALE — A sale of used household or personal articles (as furniture, tools, or clothing) held on the seller's own premises.

GARAGE, ATTACHED — A garage having a common wall or a portion thereof with a principal residential building and used for the storage of motor vehicles, boats or trailers and in which no home occupation, business or service for profit is maintained.

GARAGE, DETACHED — A building used as an accessory use to a principal residential building for the storage of motor vehicles, boats or trailers and in which no home occupation, business or service for profit is maintained.

GARAGE, PRIVATE — An enclosed space for the storage of motor vehicles, provided that no business, occupation or service is conducted for profit therein.
**GARAGE, PUBLIC** — Any building, other than a private garage, which is available to the public, operated for gain and used for storage of automobiles.

**GASOLINE STATION** — Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories and which may include facilities for fueling, charging, lubricating, washing or servicing vehicles, but not including painting or body repairs.

**GOLF COURSE** — A recreation facility consisting of at least nine holes, each with tee, green, and fairway, located on a parcel of land containing at least 25 acres, as distinguished from golf driving ranges and miniature golf.

**GRADE, EXISTING** — The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by this Zoning Code.

**GRADE, FINISHED** — The elevation of the surface of the ground adjoining the building at the completion of a project regulated by this Zoning Code. Height measurements shall be based from the “finished grade.” Where the finished grade is below the level of the existing grade, the existing grade shall be used for this purpose.

**GRADE, STREET** — The officially established grade of the street upon which the lot fronts. If there is no officially established grade, the existing grade of the street at the midpoint of the frontage of the lot shall be taken as the "street grade."

**GROUP-CARE FACILITY** — A group-care facility is a building established and operated for the purpose of providing long-term, supportive residential care, room, board, housekeeping, personal care and supervision to three (3) or more elderly people and non-elderly adults with disabilities that are unrelated to the operator. The term shall not be applied to owner-occupied premises with one (1) or two (2) roomers.

**H:**

**HIGHWAY** — Includes a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass and underpass, or other form of public right-of-way, and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks in or in connection with a development.

**HOME OCCUPATION** — A use that:

1. Is clearly incidental and secondary to the use of such dwelling for residential purposes;
2. Is a single profession or hobby carried on within a dwelling by a member of the household residing in the dwelling unit; and
3. Can be conducted without substantial change in the appearance, character, or traffic generation of the residence.

**HOMEOWNERS' ASSOCIATION** — An organization of residential property owners residing within a particular development who contractually agree to provide, reserve and maintain commonly owned facilities and/or open space, in accordance with New York State law.
HOSPITAL — Any facility, structure or place for diagnosis and treatment of human illnesses, injuries or ailments either on an inpatient or outpatient basis. This includes a sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged.

HOTEL — A building having more than two stories with rooms intended, designed, used, rented or hired out to be occupied for sleeping purposes, along with the provision of food, meals and beverages to transient guests and/or the general public.

I:

IMPERVIOUS SURFACE — The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, asphalt driveways or parking areas.

INDUSTRIAL PARK — A collection of sites for the location of one or more industries, which may or may not be related to one another.

INSTITUTION — A facility that provides a public service and is operated by a federal, state, or local government, public or private utility, school, church or similarly recognized and legally established sect, public agency, tax exempt organization, or quasi-public organization.

J:

JUNKYARD — A place where waste, discarded or salvaged materials are bought, recycled, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled or where automobile wrecking takes place, but not including pawnshops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing.

K:

KENNEL — A lot or parcel of land where more than five (5) adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital, clinic or pet shop. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months.

L:

LANDSCAPING — The use of natural plant materials including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

LAUNDROMAT — A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LEED CERTIFICATION — As developed and administered by the U.S. Green Building Council, Leadership in Energy and Environmental Design (LEED) is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings.
**LIGHT INDUSTRIAL USE** — Research and development, material handling, processing, the manufacturing, compounding, processing, packaging, storage, service industry business, assembly, and/or treatment of finished or semifinished products from previously prepared materials, where input, output are wholly conducted within an enclosed building and the industry does not produce high volumes of polluting wastes and is compatible with other uses of the district.

**LIGHT TRESPASS** — Light trespass is light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

**LIVING SPACE** — The gross area of the floors of a dwelling, not including the area of porches, garages, cellars, breezeways, furnace rooms and areas used for home occupation.

**LOADING AREA** — An off-street space exclusive of passageways, driveways, ramps, columns and other areas that is used for the temporary parking of a commercial vehicle while loading or unloading deliveries, merchandise or materials.

**LODGING** — A single building or group of buildings containing guest rooms or apartments, with parking space or such rooms or apartments, which is primarily designed for the accommodation of transient travelers and does not contain individual cooking facilities. Lodging facilities may also provide additional services to guests, such as food and beverages, limited recreational facilities, conference rooms, and laundry. Hotels and motels are considered lodging.

**LOT** — A tract or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this Chapter. Said lot shall not have not less than the minimum area, width and depth required for a lot in the district in which such land is situated and shall have frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition of the issuance of a building permit for a building on such land.

**LOT, CORNER** — A lot located at the junction of and fronting on two (2) or more intersecting streets. All "corner lots" shall be deemed to have two (2) front yards, two (2) side yards and no rear yard.

**LOT, THROUGH** — A lot that is not a corner lot and which has frontage on two (2) streets.

**LOT AREA** — The total computed area contained within the property lines, excluding any part lying within the boundaries of a public street or proposed public street.

**LOT COVERAGE** — The percentage of the lot area covered by the combined area of the primary and accessory buildings. This definition includes all paved and impermeable surfaces such as driveways, swimming pools, decks, patios, parking areas and parking lots, excluding pedestrian walkways.

**LOT DEPTH** — The average distance between the front and the rear lot lines.

**LOT LINES** — The property lines bounding the lot.

(1) **LOT LINE, FRONT** — In the case of a lot abutting upon only one street, the line separating the lot from the street right-of-way; in the case of a lot abutting more than one street, each street line shall be considered a front lot line.
(2) **LOT LINE, REAR** — The lot line, which is generally opposite the front lot line. If the rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front lot line.

(3) **LOT LINE, SIDE** — The property line or lines extending from the front lot line to the rear lot line. A "side lot line" separating a lot from a street right-of-way is called a "side street lot line."

**LOT OF RECORD** — A lot which is part of an approved subdivision recorded in the Office of the County Clerk or a lot described by metes and bounds, the description of which has been so recorded.

**LOT SIZE** — The total area within the property lines, excluding any portion lying within the boundaries of a public street or future street right-of-way.

**LOT WIDTH** — The mean horizontal distance between the side lot lines, measured at right angles to the lot depth.

**M:**

**MANUFACTURED HOME** — A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

**MANUFACTURING ESTABLISHMENT** — Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like.

**MARQUEE** — Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

**MARINA** — A site adjacent to a body of water which is used for either the launching, storage or docking of boats. Facilities which can handle only one or two boats are not considered "marinas" and not subject to this Chapter. A marina shall be owned and/or operated by either a person, corporation, public organization or a municipal body and whose use is extended to the general public either on a paying or nonpaying basis.
MEAN WATER LINE — Eight hundred seventeen (817) feet above sea level as shown on the topographic map of the United States Geological Survey (1950). Also referred to as the “mean water level” or “mean Conesus Lake level.”

MEDICAL OFFICE — Includes medical, dental and clinical outpatient offices for the diagnosis and treatment of human ailments.

MINOR REPAIRS — Repairs that do not require the long-term dismantling and storing of parts; can be reasonably completed within a twenty-four (24) hour period.

MIXED USE — A development or redevelopment that allows for a mixture of uses in a single building or on a single lot including, but not limited to, two or more of the following: residential, commercial and industrial uses.

MOBILE HOME — A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

MOBILE HOME LOT — A parcel of land within a mobile home park reserved for the placement of a single mobile home and for the exclusive use of its occupants.

MOBILE HOME PARK — A parcel of land under single ownership on which two (2) or more mobile homes are occupied as residences or which is planned and improved for the placement of two (2) or more mobile homes for non-transient residential use.

MOBILE HOME STAND — The part of a mobile home lot that has been reserved for the placement of a mobile home and related structures or additions, including driveway apron and patio. The mobile home stand area is derived from the area of the lot that remains after all setbacks are met.

MODULAR HOME — A factory-manufactured dwelling unit, conforming to applicable provisions of this code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation.

MOTEL — A building or group of buildings having two stories or less, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing accessory off-street parking and, if desired, restaurant facilities. The term "motel" shall also include tourist courts, motor lodges and similar uses.

MOTOR VEHICLE — Any device in, upon or by which any person or property is or may be transported upon a public street or highway except such as is operated exclusively by human power. This includes, but is not limited to, cars, trucks, boats, recreational vehicles, airplanes, four-wheelers, dirt bikes, or motorcycles.
MUNICIPAL USES — Administrative, clerical, or public offices or buildings of a government agency (local, County, State, or Federal), including postal facilities, together with incidental storage or accessory uses/buildings.

N:

NEIGHBORHOOD — A residential development or mixed-use development where the primary use is residential housing.

NEIGHBORHOOD CHARACTER — The atmosphere or physical environment which is created by the combination of land use and buildings within an area. "Neighborhood character" is established and influenced by land use types and intensity, traffic generation and also by the location, size and design of structures as well as the interrelationship of all these features.

NONCONFORMING BULK — Any building, land or part thereof, existing at the effective date of this Chapter, which does not meet the bulk and dimensional requirements for the use and for the district in which it is located.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure that does not conform to the regulations of the district in which it is located upon the effective date of this Chapter.

NONCONFORMING LOT — Any lot lawfully existing at the time of adoption of this Chapter or any amendment thereto which does not conform to the minimum width, depth and area dimensions specified for the district wherein such lot is situated.

NONCONFORMING USE — An established use of a building or structure or of land existing at the effective date of this Chapter which does not conform to the use requirements of the district in which it is located.

NONRESIDENTIAL USE — All uses of land and buildings except one-family dwellings, two-family dwellings and multiple-family dwellings.

NURSING HOME — Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

NYS UNIFORM CODE(S) — The New York State Uniform Fire Prevention and Building Code, which shall include all subunits (Residential Code, Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Fire Code, Energy Code, and Property Maintenance Code) as currently in effect and as hereafter amended from time to time. The Uniform Code shall also be referred to as the “NYS Uniform Fire Prevention and Building Code” or “NYS Building Code.”

O:

OFFICE — Firms or organizations providing professional, executive, management, or administrative services, such as those listed in the “Professional Services” definition.

OPEN SPACE AND USABLE OPEN SPACE — An area or areas of a lot, including required yards, which are:
(1) Open and unobstructed from ground to sky, except by facilities specifically designed, arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation.
(2) Landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation.
(3) Accessible and usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

OUTDOOR STORAGE — The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than 24 hours.

OUTPARCEL — A parcel of land, generally located on the perimeter of a larger parcel of commercial land, that is subordinate to the larger parcel.

OWNER — An individual, firm, association, organization, partnership, trust, corporation, or company holding title to the property.

OWNER-OCCUPANCY — An owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means recognized by a unit of government.

P:

PARAPET WALL — That portion of a building wall that rises above the level of the roof.

PARK — An area of land located within a development which devoted to active or passive recreation.

PARKING AREA OR LOT — An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto.

PARKING FACILITY — Includes all required off-street parking spaces, loading areas, stacking spaces, aisles, driveways and landscaping as required in this Chapter.

PARKING SPACE — An off-street space used for the temporary location of one (1) licensed motor vehicle, not including access driveway(s), and having direct access to a street, road or alley.

PATIO — An area or courtyard designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences, walls, shrubs or hedges. Outdoor areas enclosed by a roof or awning shall be considered to be a structure.

PAVING — Ground surface covered with materials including but not limited to cobblestones, clay-fired bricks, concrete precast paver units poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PEDESTRIAN ORIENTED DEVELOPMENT — Refers to a pedestrian friendly policy providing clear, comfortable pedestrian access to commercial and residential areas and transit stops through the combination of land design practices including compact development, mixed use development, traffic
calming, pedestrian- and public transit-orientation, designated pedestrian circulation systems and amenities, and a mix of housing types.

**PERFORMANCE BOND** — A financial tool used to guarantee that in the event of a developer's or contractor's default, funds are available to finish the construction of a site improvement or infrastructure installation and ensure its proper functioning.

**PERMIT** — A document issued by the proper authority of the Town authorizing an applicant to undertake certain activities.

1. **BUILDING PERMIT** — A permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the provisions hereof and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as required under the terms of this Chapter.

2. **CERTIFICATE OF OCCUPANCY** — A certificate issued upon completion of the construction of a structure or change in use of structure or parcel of land indicating that the premises comply with the provisions of this Chapter and may be used for the purposes set forth in the certificate of occupancy.

3. **SIGN PERMIT** — A permit indicating that a proposed sign, sign structure, or any part thereof is in accordance with the provisions of this Chapter authorizing an applicant to commence with erection of said sign.

4. **SPECIAL PERMIT** — A document approved by the Planning Board that allows a specifically designed use that would not be appropriate generally or without restrictions throughout the zoning district but which, under certain conditions, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Also referred to as “Special Use Permit.”

**PERMITTED USE** — Any use other than a specially permitted use granted by right under the provision of Part 2 of this Chapter (Base Zoning Districts).

**PERSONAL SERVICE STORES OR SHOPS** — Establishments primarily providing services oriented to personal needs, such as barber and beauty shops, shoe repair shops, household appliance repair shops, dry cleaning and laundry pick-ups, shoe shine parlors, and other similar operations. Retail sales shall be allowed as incidental uses in personal service establishments.

**PLANNING BOARD** — The officially designated Planning Board of the Town of Geneseo, as established by the Town Board in accordance with NYS Town Law with duties and responsibilities as outlined in Part 5 of this Chapter.

**POND** — Any body of water, excluding natural bodies of water fed by rivers, springs, streams or brooks, having a depth at any point greater than three feet.

**PORCH** — An unenclosed and unscreened roofed permanent projection in which the roof is supported by piers, posts, or columns attached to the entrance of a principal building.

**PREEXISTING TOWER AND PREEXISTING ANTENNA** — Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this local law,
including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**PRINCIPALLY ABOVE GROUND** — When at least fifty-one percent (51%) of the structure, excluding land value, is above ground.

**PROFESSIONAL** — An individual or agency authorized to practice their discipline as defined by applicable New York State laws, such as an engineer, architect, or landscape architect.

**PROFESSIONAL OFFICE** — Includes but is not limited to the office of a physician, dentist, optometrist, architect, landscape architect, engineer, insurance agent, realtor, accountant, lawyer or other recognized professional person.

**PROFESSIONAL SERVICES** — Individuals or organizations that provide specialized services, including, but not limited to, medical practitioners, attorneys, architects, engineers, photographers, brokers, and other similar services. This classification excludes hospitals, banks, and savings and loan associations.

**PROPERTY LINE** — A line bounding a lot. Also known as a “lot line.”

**PUBLIC AND SEMIPUBLIC BUILDINGS AND USES** — Intended to designate anyone (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

1. Churches, places of worship, parish houses and convents.
2. Public parks, including golf courses, playgrounds and recreational areas when authorized or operated by a governmental authority.
3. Nursery schools, elementary schools, secondary schools, colleges or universities having a curriculum approved by the Board of Regents of the State of New York.
4. Public libraries and museums.
5. Fire, ambulance and public safety buildings.
6. Hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults, homes for the aged or residences for adults as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
7. Membership corporations established for cultural, social or recreational purposes.
8. Municipal buildings.

**PUBLIC MARKET** — A site that provides space, on a rental or fee basis, for growers to sell agricultural products to the general public.

**PUBLIC SERVICES** — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; telephone booths, firehouses, pump stations, water and sewage treatment plants and similar facilities reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except those which shall also be considered as “public service facilities” hereunder.
PUBLIC UTILITIES — A building or lot used in connection with the transmission or distribution of water, sewage, gas, electricity, telephone or other public services.

PUBLIC UTILITY BUILDING AND FACILITY — A building or lot used for or in connection with the transmission, distribution or regulation of water, sewage, gas, electricity, telephone, cable television, telecommunications or other public utility service by a municipal corporation or by a corporation subject to regulation by a state and/or federal regulatory agency. It does not include the administrative offices of the utility.

R:

RECREATION AREA — See “Open Space.”

RECREATIONAL FACILITY — A designated place, area, structure, or other facility used by persons in the community to carry out recreational activities.

RECREATIONAL FACILITY, COMMERCIAL — Recreation facilities that are privately operated for gain and which are available to the general public on an individual admission or membership basis. Such uses shall include, but not be limited to, golf courses and country clubs, miniature golf courses, indoor racquetball or tennis courts, theaters, bowling alleys, skating rinks and amusement parks.

RECREATIONAL FACILITY, INDOOR — Includes a bowling alley, theater, pool hall, skating rink, gymnasium, health spa, video machine arcade, swimming pool and similar places of indoor commercial recreation, both public and private, as well as accessory uses, including user supplies, food service and sales, service and storage of recreation equipment and accessories.

RECREATIONAL FACILITY, OUTDOOR — Includes a golf course and clubhouse, trap, skeet and archery ranges, swimming pool, skating rink, beach, tennis court, racquetball court, camping area, picnic area and similar places of outdoor recreation, as well as accessory uses, including user supplies, food service and sales, service and storage of recreation equipment and accessories.

RECREATIONAL VEHICLE — A trailer or self-propelled motor vehicle structure without permanent foundation, which can be towed, hauled or driven, and is primarily designed as temporary living accommodation for recreation and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

RELIGIOUS INSTITUTION — Includes church, temple, synagogue, mosque, parish house, convent, seminary and retreat house. Also referred to as “place of worship.”

RESEARCH, DEVELOPMENT, EXPERIMENTAL OR TESTING LABORATORY — A building or groups of buildings in which are located facilities for scientific research, investigation, materials testing, or experimentation, but not facilities for the manufacture or sale of products.

RESIDENTIAL USE — Includes one-family dwellings, two-family dwellings, and multiple-family dwellings.

RESTAURANT — Any establishment, however designated, at which food is sold for consumption on the premises to patrons and equipped with seating facilities and where the taking of food and drink from said building is incidental. The term "restaurant" shall include bars and taverns licensed to sell alcoholic
beverages for on-premises consumption. However, a snack bar refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park operated by the agency or groups or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a "restaurant."

RESTAURANT, DRIVE-IN — An establishment where food, soft drinks, ice cream and similar confections are sold for principal consumption outside the confines of the principal building or in automobiles, regardless of whether or not seats are provided for patrons.

RETAIL STORES AND SHOPS — An establishment for the sale of goods, articles or consumer services individually or in small quantities directly to the consumer. Retail store or service shall not be interpreted to include the following: drive-up service, gasoline station, motor vehicle repair service, new or used car sales and service, and trailer or mobile home sales and service.

REZONING PETITION — A formal request to the Town Board to have the Zoning Map amended.

RIGHT-OF-WAY — A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer or other similar use.

ROADSIDE STAND — Retail outlets, with all related structures, for the sale of farm products.

ROOFLINE — In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet, provided that the facade or parapet extends around the entire perimeter of the building at the same elevation.

S:

SCREENING — A method of reducing the impact of noise, glare and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

SELF-SERVICE STORAGE FACILITY — A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self-service storage facility.

SEQRA — New York State Environmental Quality Review Act.

SERVICE AREA — Includes those parts of any lot, which are used primarily to provide access for servicing the use on the lot, including land used for delivery of goods, storage, and collection of wastes and provisions for maintenance.

SERVICE ROAD — A local street which generally runs parallel to and adjacent to an arterial or collector street and which provides access to abutting properties and protection from the arterial or collector street.
SETBACK — The least required horizontal distance between property line, and any structure on the lot measured at the shortest point, including terraces, porches, or any covered projection thereof, but excluding steps.

SETBACK, FRONT — The setback to the front lot line.

SETBACK, REAR — The setback to the rear lot line.

SETBACK, SIDE — The setback to any property line other than a front or rear lot line.

SETBACK, STREET — The setback to the street or front lot line. On corner lots, both yards bordering the street shall be considered as street setbacks. Such street setback shall be measured from the public right-of-way.

SHOPPING CENTER — A group of three (3) or more stores, shops or similar businesses offering a variety of goods and services, occupying adjoining structures, whether attached or detached, having a common interrelated parking, loading and site circulation system with consolidated access to public roads. Also known as “malls,” “retail centers,” and “plazas.”

SIGN — A name, identification, description, including commercial and noncommercial content, display, illustration, usually including alphabetic or numeric characters, which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land or affixed to the inside or outside of a door or window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization or business.

1. **Awning or Canopy Sign.** A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building. A marquee or a canopy is not an awning.
2. **Banner Sign.** A sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.
3. **Building Sign.** A sign that is attached to, mounted on, or painted on a building. This includes awning signs, canopy signs, marquee signs, projecting signs, roof sign, and wall signs.
4. **Changeable Copy Sign (manual).** A sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a readerboard with changeable letters.
5. **Changeable Copy Sign (mechanical or electronic).** A sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.
6. **Commercial Message.** A sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
7. **Construction Sign.** A sign indicating the title and basic information regarding a project and indicating the names of architects, engineers, contractors and similar persons or firms involved in the design, construction and/or financing of the structure or project.
8. **Directional Sign.** A sign directing vehicular and/or pedestrian movement into, within, and/or out of a premise.
9. **Drive-Through Sign.** A sign designed to instruct customers or users in automobiles regarding specific products or services offered on the site or in the building, or regarding methods of payment accepted, or for receiving orders for products or services.
10. **Flashing Sign.** An illuminated sign on which the lights either blink on and off randomly or in sequence or have intermittent variation in intensity or color.
(11) **Freestanding Sign.** A sign independently suspended or supported by the ground or mounted on one or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.

(12) **Fuel Pump Sign.** A sign affixed to or mounted on a fuel pump.

(13) **Incidental Sign.** A sign containing no commercial message and typically erected to identify address, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency address and telephone number, etc. and one sign to indicate that the business is “open.” These examples are not given by way of limitation; and incidental sign can contain any noncommercial message in accordance with Article 40 of this Chapter.

(14) **Illegal Sign.** A sign that is without a valid zoning permit, is not a nonconforming sign, and is not expressly permitted and/or exempt from the provisions of this Sign Code.

(15) **Illuminated Sign.** A sign that is lighted by one or more of the following artificial light sources:

   a. **External.** A separate light source from the sign face or cabinet directed so as to shine on the sign face or exposed lights or neon tubes on the sign face.
   b. **Internal.** A light source concealed within the sign structure.

(16) **Internal Sign.** A sign that is not intended to be viewed from outside the property, and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature. Also included in such definition is a sign inside a building more than three (3) feet inside any window or door and any sign not attached to a window or door that is not legible from a distance of more than five (5) feet beyond the lot line of the zoning lot or parcel on which such sign is located.

(17) **Moving Sign.** Any sign which in part or in total rotates, revolves, or otherwise is in motion.

(18) **Neon Sign.** A sign formed from neon lamps containing neon gas.

(19) **Nonconforming Sign.** A sign lawfully existing prior to the enactment of the sign provisions of this Sign Code or any appropriate amendment thereto, but which could not be erected in accordance with such provisions or amendment.

(20) **Obsolete Sign.** A sign that is no longer relevant to its original intended purpose. E.g. such sign no longer advertises or identifies a business or product sold or direction to event.

(21) **Off-Premise Sign.** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located.

(22) **Pennant.** A string of shaped, brightly colored pieces of fabric, vinyl, plastic or other material, with or without a message or logo, intended to attract attention.

(23) **Permanent Sign.** A sign made of materials that are intended to last for more than a short period of time and intended for more than short term use, and such sign is attached to a building, attached to a structure, or is attached to the ground in some manner.

(24) **Portable Sign.** A sign that is movable, is not permanently attached to either the ground, a building, or a permanent structure, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. A portable sign includes any sign supported by a chassis that is designed to be easily moveable; any sign designed to be transported by means of wheels or skids. This definition excludes any lightweight "A-frame" base or any sign made out of other moveable items including, but not limited to, balloons, banners, flags, and umbrellas.

(25) **Projecting Sign.** A sign attached to or supported by a building or structure in such a manner that it extends more than twelve (12) inches.

(26) **Real Estate Sign.** A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one (1) or more structures or portion thereof located on such lot or tract of land.
(27) **Roof Sign.** Any sign erected upon the roof of a building, any portion of which is above the roofline of the building.

(28) **Sandwich Board Sign.** A portable sign with two or more steeply angled sides. Also known as an “A-frame Sign.”

(29) **Temporary Sign.** A sign which is not intended to be used for a period of time to exceed thirty (30) days, nor is attached to a building, to a structure, or into the ground in a permanent manner. Such signs usually being constructed of poster board, cardboard, masonite, plywood or plastic material and mounted to wood, metal, wire or rope frames or supports.

(30) **Wall Sign.** A sign that is affixed to, painted on, or attached to the wall of the building or other structure and which extends not more than twelve (12) inches from the face of such wall.

(31) **Window Sign.** A non-electric sign applied or attached to the interior or exterior of a window or door or within three feet of the interior which can be seen from the exterior.

**SIGN AREA —** The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. The area of a sign having more than one (1) display surface shall be computed as the total area of the exposed exterior display surface area.

**SIGN FACE —** The surface of the sign upon, against or through which the message of the sign is exhibited.

**SIGN HEIGHT —** The vertical distance from the uppermost point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb or a street or alley (other than a structurally elevated roadway) whichever measurement permits the greatest elevation of the sign.

**SIGN STRUCTURE —** The supports, uprights, bracing and framework for the sign.

**SITE —** A lot or group of contiguous lots not divided by any alley, street, other right-of-way or the Town limit that is proposed for development in accord with the provisions of this Zoning Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

**SITE PLAN —** A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Code Enforcement Officer or the Planning Board.

**SITE PLAN REVIEW —** Authority delegated to the Planning Board by the Town Board, which enables the Planning Board to approve, approve with conditions or disapprove the site development plans for all buildings or uses where site plan review is required.

**SOLAR ACCESS —** The orientation of streets and lots to the sun so as to permit individual properties to use passive and/or active solar energy resources.

**SOLAR ENERGY EQUIPMENT —** Includes flat plate, concentrating and tracking collectors, dissipaters, roof ponds and updated appurtenances.
SOLAR SKY SPACE — The space between a solar collector and the sun, which must be free of obstructions for a solar energy system's effective operation.

SPECIAL USE — A use which, because of its unique characteristics, requires special consideration in each case by the Planning Board before a zoning permit can be issued.

SPECIFIED USE — A specifically designed use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

STABLE — A building in which horses or other animals are boarded and/or in which they are maintained.

STACKING SPACE — A temporary space, eight (8) feet by eighteen (18) feet, to be used by motorists while waiting to use drive-through units, car washes, gas pumps or other similar uses.

START OF CONSTRUCTION — The initiation, excluding planning and design, of any phase of a project which creates a physical alteration of the property and shall include site preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings, storage trailers and building materials.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it, and not including a cellar or basement except as provided in the definition of "basement."

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, road and any other thoroughfare except an alley.

STREET, ARTERIAL — Those streets serving large volumes of comparatively high-speed and long-distance traffic and includes facilities classified as main and secondary highways by the New York State Department of Transportation.

STREET, COLLECTOR — Collector streets link neighborhoods or areas of homogeneous land use with arterial streets. They serve the dual function of land access and traffic circulation.

STREET FRONTAGE — The lot lines that abut a public street or right-of-way of a planned street.

STREET GRADE — The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the "street grade."

STREET LINE — The dividing line between the street and the lot as dedicated by a deed or record. For the purpose of this Chapter, where the "street line" is not readily determinable, the centerline of the improvement or of the street shall be used to compute the location of the "street line." Also referred to as "right-of-way line."

STRUCTURE — A combination of materials to form a construction for use, occupancy or ornamentation, including but not limited to buildings, mobile homes, towers, flagpoles, swing sets, antennas, satellite
dishes, or gas or liquid storage tanks, that require permanent location on the ground or attachment to something having a permanent location on the ground.

**SUBDIVISION** — An area of land divided by owners or agents, either by lots or by metes and bounds, into lots or parcels two or more in number for the purpose of conveyance, transfer, improvement or sale of one (1) or more.

**SWIMMING POOL** — Any body of water or receptacle for water having a depth at any point greater than two feet, used exclusively for swimming or bathing and constructed, installed or maintained in or above the ground outside any building.

**T**:  

**TAVERN OR BAR** — A business establishment with a New York State liquor license authorizing sale of liquor for on-premises consumption in which liquor sales represent 25% or more of sales receipts.

**TELECOMMUNICATIONS FACILITIES** — Towers and/or antennas and uninhabitable accessory structures used in connection with the provision of cellular telephone service, personal communication services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services (also referred to as "facilities" or "equipment"). Examples of such structures include utility or transmission equipment storage sheds or cabinets.

**TEMPORARY OR SEASONAL OCCUPANCY** — The use of any premises, structure or use for living and/or sleeping purposes in 180 days or less in any calendar year.

**TEMPORARY USE** — An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this Chapter. Examples of such uses are structures incidental to new construction which shall be removed after the completion of the construction work.

**TERMINAL FACILITIES** — Any indoor or outdoor place or premises where trucks, tractors and/or trailers park or are assigned, stationed, fueled, stored, loaded or unloaded, except when accessory to a manufacturing or commercial use where said vehicles are used solely for the delivery of supplies to and/or the transport of manufactured items or commercial goods or services originating away from said use. Also referred to as a “truck terminal.”

**THEATER** — A building or part of a building devoted to the performing arts or the viewing of motion pictures.

**THEATER, DRIVE-IN** — Open land with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions to patrons seated in automobiles or on outdoor seats.

**TOWER** — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**TOWER HEIGHT** — The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
**TOWN BOARD** — The elected legislative body of the Town of Geneseo.

**TOWN CODE** — The local laws, ordinances, rules, certain resolutions, and regulations of the Town that are collectively known as the “Code of the Town of Geneseo,” and hereafter referred to as the “Town Code.”

**TOWN OFFICE** — The Town Office and its designated employees of the Town of Geneseo.

**TOWNHOUSE** — An independent single-family dwelling unit that is one of a series of dwelling units having a common party wall between each adjacent unit, each with a private outside entrance.

**TOWNHOUSE CLUSTERS** — A building or group of buildings, with each building containing not more than eight (8) townhouse dwelling units connected by common party walls.

**TRAILER, AUTO OR BOAT SALES AREA** — An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, trailers or boats in operable condition and where no repair work is done.

**TRAILER** — Any vehicle not propelled by its own power drawn on the public highways by a motor vehicle as defined in this section, except motor vehicle side cars, vehicles being towed by a non-rigid support and vehicles designed and primarily used for other purposes and only occasionally drawn by such a motor vehicle.

**TRAVEL TRAILER** — A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses and not for year-round living.

**TREELINE** — The edge of a habitat or wooded area at which trees are capable of growing.

**U:**

**USE** — The specific purpose for which land, building, or structure is designed, intended, arranged, used or maintained.

**USE, CHANGE OF** — Any change in the type or nature of occupancy of a building or land, except the following:

1. A change in the volume of use without any physical extension of sales and/or service area.
2. An expansion or substitution of accessory or incidental uses in connection with the established principal use, except that in no case shall such an accessory or incidental use dominant in area or purpose the principal lawful use.
3. A change in ownership.
4. A change to a generically similar use.

**UTILITIES** — All water, sanitary sewer, gas, electric, telephone, cable television facilities and any easements through or over which said facilities may be constructed or installed in or in connection with a development.

**V:**
**VARIANCE** — The Board of Appeals' authorized departure to a minor degree from the text of this Chapter in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this Chapter and by the State of New York.

**VARIANCE, AREA** — An authorized departure from the size or shape of lot, yard, building height, building coverage, parking or other regulations governing area requirements.

**VARIANCE, USE** — An authorized departure from the requirements for the use of land for a purpose that is otherwise not allowed or prohibited by this Chapter.

**VETERINARY CLINIC** — A facility that provides medical care to animals, which is run by a Doctor of Veterinary Medicine (DVM). Animals may be kept in the facility during the recovery period or while under medical treatment. Also referred to as an “animal hospital.”

**W:**

**WALKWAY** — A passage or path designated for pedestrian activity or walking.

**WAREHOUSE** — A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WATERCRAFT** — Vehicles both motorized and person-powered which are used for mobility on the water, including but not limited to motorboats, canoes, and kayaks.

**WEDDING FACILITY** — A privately-owned structure, facility, or site where weddings and associated events are conducted in exchange for compensation. This shall include any previously existing structures so altered, updated, or renovated for the purposes of providing event space in exchange for compensation. Any such structure shall obtain a Certificate of Occupancy from the Town Office prior to its intended date of occupancy.

**WETLANDS** — Areas designated as freshwater wetlands by the New York State Department of Environmental Conservation or the Army Corps of Engineers, as prescribed by law.

**WHEEL STOP** — An object, often made of concrete, which is placed at the front of a parking space to prevent vehicles from pulling too far into the space and striking the wall, landscape, or other objects that may be on the other side of the space.

**WHOLESALE** — The buying or selling or arranging for sale of goods or commodities, usually in bulk, for purchasers other than individual customers, to include offices, freight distribution centers, large storage facilities and the use of delivery trucks in the routine operation of the business.

**WILDLIFE CORRIDOR** — An area of habitat designated for the connection of wildlife populations that are separated by human activities or structures.

**WINDMILL OR WIND ENERGY SYSTEM** — An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a "windmill."
Y:

YARD — An open space, as may be required by this Chapter on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

(1) **YARD, FRONT** — A yard between the front lot line and the front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

(2) **YARD, REAR** — A yard between the rear lot line and rear line of a building extended to the side lot lines of the lot. The depth of the rear yard shall be measured between the rear lot line and the rear line of the building.

(3) **YARD, SIDE** — The area between the side building line and the related side lot line and between the front yard and the rear yard.

Z:

**ZONING BOARD OF APPEALS (ZBA)** — The officially established Zoning Board of Appeals of the Town of Geneseo with the duties and responsibilities identified in Part 5 of this Chapter. Also referred to as “Zoning Board” or “Board of Appeals.”