Pursuant to Chapter 211 of the Town of Greece Code
(The Zoning Ordinance of the Town of Greece),
Adopted by the Town Board on March 19, 2020

GREECE TOWN BOARD

William D. Reilich, Supervisor
Michael Barry, (1st Ward)
William Murphy, (2nd Ward)
Joshua Jensen, (3rd Ward)
Diana Christodaro, (4th Ward)
ARTICLE I
General Provisions

§ 211-1. Authorization; title.
§ 211-2. When effective; repeal of prior ordinance.
§ 211-3. Applicability.
§ 211-4. Exemption for public land.
§ 211-5. Word usage and definitions.

ARTICLE II
Zoning Districts

§ 211-6. Districts established.
§ 211-7. Official Zoning Map.
§ 211-8. Interpretation of zoning boundaries.
§ 211-9. Lots with use variances or multiple zoning districts.
§ 211-10. (Reserved).

ARTICLE III
District Regulations

§ 211-12. RP Planned Residential.
§ 211-13. RM Multiple-Family Residential.
§ 211-14. RS Senior Citizen Residential District.
§ 211-15. CHC Central Health Care District.
§ 211-16. (Reserved).
§ 211-17. BP, BR and BG Business Districts.
§ 211-18. FOI Flexible Office Industrial, Light Industrial, and IG General Industrial Districts.
§ 211-18.1 EDIO Economic Development and Innovation Overlay District.
§ 211-19. BN, DMU and PMU Mixed Use Districts.
§ 211-19.1 Mixed Use District Design Requirements.
§ 211-20. WD Waterfront Development District.
§ 211-20.1 CCO Canal Corridor Overlay District.
§ 211-21. (Reserved).

ARTICLE IV
Supplementary Regulations

§ 211-22. Preexisting lots, structures and uses.
§ 211-23. Home occupations.
§ 211-25. Outdoor storage, displays and sales.
§ 211-26. Storage of flammable, combustible or hazardous materials in tanks.
§ 211-27. Storage of junk.
§ 211-29. Filling and dumping.
§ 211-30. Animals and animal training facilities.
§ 211-31. Commercial boarding and/or breeding kennels.
§ 211-32. Outdoor lighting.
§ 211-33. Visibility at intersections.
§ 211-34. Fuel dispensing stations.
§ 211-34.1 Electric vehicle charging points.
§ 211-35. Motor vehicle service stations.
§ 211-36. Public utility substations and powerlines.
§ 211-37. Boat-launching and storage structures.
§ 211-38. Adult bookstores, adult cabarets and adult entertainment establishments.
§ 211-39. (Reserved).

ARTICLE V
Off-Street Parking

§ 211-40. Preexisting parking.
§ 211-41. General regulations applicable for all districts.
§ 211-42. Parking space location.
§ 211-43. Parking space size.
§ 211-44. Reduction in parking.
§ 211-45. Minimum parking requirements.

ARTICLE VI
Fences

§ 211-46. General regulations applicable for all districts.
§ 211-47. Fence regulations for all residential districts.
§ 211-48. Fence regulations for all nonresidential districts.
§ 211-49. Barbed wire and other similar sharpened enclosure material.
§ 211-50. Exceptions.

ARTICLE VII
Signs

§ 211-51. General regulations applicable for all districts.
§ 211-52. Number, location, height and size of signs.

ARTICLE VIII
Antennas and Telecommunications Facilities

§ 211-53. Legislative intent and purpose.
§ 211-54. Antennas for amateur stations.
§ 211-55. Satellite dish antennas.
§ 211-56. Telecommunications facilities.

ARTICLE XI
Solar Energy

ARTICLE X
Subdivision and Development Review

§ 211-58. Board composition and responsibility.
§ 211-59. Subdivision review.
§ 211-59.1 Cluster development.
§ 211-60. Development review.
§ 211-61. Application fees and notices of public hearings.
§ 211-62. Successive applications.

ARTICLE XI
Administration and Enforcement

§ 211-63. Building Inspector.
§ 211-64. Building permits.
§ 211-65. Certificates of Occupancy.
§ 211-66. Appearance tickets.
§ 211-67. Penalties for offenses.
§ 211-68. Amendments.

Figures 1-8

Tables I through VIII
ARTICLE I
General Provisions

§ 211-1. Authorization; title.

The Town Board of the Town of Greece, acting under the Town Law of the State of New York, hereby adopts and enacts this chapter, which shall be known as the "Zoning Ordinance of the Town of Greece, New York."

§ 211-2. When effective; repeal of prior ordinance.

This chapter shall take effect and be in force immediately. Except as hereinafter provided, the Town of Greece, New York, Zoning Ordinance, adopted July 15, 2003, together with all amendments thereto, is repealed and supplanted by this chapter as of its effective date.

§ 211-3. Applicability.

Except as hereinafter provided, each lot which is created or modified, each building or part thereof which is placed, erected, constructed, altered or moved, and each building or lot which is occupied or used after the effective date of this chapter shall comply with the regulations of the district within which said lot, building or use is located. The regulations established for each district shall be consistently applied and, unless otherwise specified, shall be minimum requirements. When the restrictions imposed by this chapter conflict with the restrictions imposed by other laws, ordinances, rules or regulations, the greater restriction shall prevail.

§ 211-4. Exemptions for public land.

Land which is owned by fire districts, public school districts, the Town of Greece, the County of Monroe, the State of New York or the United States of America may be included in the PL District. Land which is located in a PL District may be used for the governmental purposes which are permitted under the laws which govern said entities and shall be exempt from further regulation under this chapter. In addition, land and buildings or portions thereof which are owned or leased by fire districts, public school districts, the Town of Greece, the County of Monroe, the State of New York or the United States of America but which are not located in a PL District may be used for the governmental purposes which are permitted under the laws which govern said entities. Said land and buildings or portions thereof shall be exempt from further regulation under this chapter. Land which is in a PL District shall not be permitted to be used for any purpose which is not a customary governmental use unless and until the district classification of said land is changed by action of the Town Board.

§ 211-5. Word usage and definitions.

A. Word usage. For purposes of this chapter, the following provisions and rules shall apply to the use of words:

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Unless specifically indicated otherwise, words used in the singular sense shall include the plural sense, and words used in the plural sense shall include the singular sense.

(3) The masculine gender shall include the feminine gender.

(4) The word "person" shall include individuals, associations, firms, partnerships, corporations and any other similar entities.

(5) The word "shall" is mandatory and means that compliance is required.

(6) The word "may" is permissive and means that compliance is not required.
(7) Unless otherwise specified, all distances and directions shall be measured horizontally.

(8) The word "used," as applied to any lot, structure or portion thereof, shall be construed to mean "used or intended, designated, arranged or designed to be used."

(9) References to local or state laws, ordinances, codes, rules or regulations or sections thereof shall be construed to include the addendum "as from time to time amended."

(10) References to a specific public official or agency shall be construed to include successors and assignees.

B. All words in this chapter which are not hereinafter defined shall carry the meanings which are derived from customary use of the English language. If a dispute should arise, the Director of Development Services, or Building Inspector where so specified in this chapter, shall be responsible for determining which specific meaning is appropriate for a word which has more than one meaning and which is not defined in this chapter. Any appeal of said determination by the Director of Development Services or Building Inspector may be considered by the Board of Zoning Appeals.

C. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY ANTENNA STRUCTURE - An accessory structure which is used in conjunction with an antenna or antenna tower at a telecommunications facility and which is located on the same lot as said telecommunications facility. Examples of such structures shall include but shall not be limited to utility or transmission equipment, storage sheds or cabinets.

ADULT BOOKSTORE - A business enterprise which has as a substantial portion of its goods, merchandise or wares printed, visual or audio material of any kind or other novelties which are characterized by their emphasis on specified anatomical areas or specified sexual activities, including any such establishment having a substantial area devoted to the sale and display of such material. For purposes of this definition, "substantial portion" or "substantial area" shall mean 30% or more of any of the following:

(1) The number of different titles or kinds of such goods, merchandise or wares.

(2) The number of copies or pieces of such goods, merchandise or wares.

(3) The amount of floor space devoted to the sale and display of such goods, merchandise or wares.

(4) The amount of advertising which is devoted to such goods, merchandise or wares, either in print or otherwise promoted via the broadcast media.

ADULT CABARET - A business enterprise which serves food or beverages for consumption on the premises, with or without carry-out service, which features entertainers or waiters and/or waitresses who display any specified anatomical area or who depict, describe or simulate specified sexual activities.

ADULT ENTERTAINMENT ESTABLISHMENT - Any business enterprise which is other than an adult bookstore or adult cabaret and which has presentations characterized by an emphasis on the description or depiction of specified anatomical areas or specified sexual activities during live shows, motion-picture films or sound recordings presented to an audience of one or more individuals. Also included in this definition is any business enterprise, other than a bona fide medical or health service establishment, requiring a client or customer to display any specified anatomical area.

AMATEUR OPERATOR - A person who is interested in radio technique solely with a personal aim, without pecuniary interest, and who holds a written authorization from the Federal Communications Commission to be the control operator of an amateur station.

AMATEUR RADIO SERVICES - The amateur service, the amateur satellite service and the radio amateur civil emergency service.
AMATEUR SATELLITE SERVICE - Radio telecommunications which use stations on earth-orbiting satellites for the same purposes as those of the amateur service.

AMATEUR SERVICE - Radio telecommunications which are carried out by amateur operators for the purposes of self-training, intercommunications and technical investigations.

ANTENNA - A system of electrical conductors which is used to transmit, receive, or transmit and receive radio wave services or microwave signals. Such signals include but shall not be limited to amateur radio services, direct-to-premises satellite service, cellular service, mobile service, personal communications services, unlicensed wireless service, paging services, radio and television broadcast services and other similar telecommunications services.

ANTENNA, COLLOCATED - A telecommunications facility which uses an existing building, antenna tower or other structure for the placement of antennas, without need for the placement, erection or construction of a separate antenna tower for said placement of antennas.

ANTENNA OR ANTENNA SUPPORT, ROOF-MOUNTED - An antenna which is mounted on the roof of a building, or a structure which is mounted on the roof of a building and which is used to mount or support antennas.

ANTENNA OR ANTENNA TOWER, BUILDING-SUPPORTED - An antenna or an antenna tower which is attached to or supported by an adjoining building by means of a rigid structural support.

ANTENNA OR ANTENNA TOWER, FREESTANDING - An antenna or an antenna tower which is neither mounted on a building nor attached to or supported by an adjoining building by means of a rigid structural support.

ANTENNA, SATELLITE DISH - An antenna which is in a shallow, concave (usually parabolic) shape with a reflective surface and which is used to transmit, receive, or transmit and receive radio wave or microwave signals from earth-orbiting satellites.

ANTENNA TOWER - A structure which is used to support an antenna. This definition shall include, but shall not be limited to, lattice-type antenna support structures which are freestanding, guyed, or wholly or partly supported by another structure (such as a building); monopoles; antenna support structures which employ camouflage technology; and other similar structures.

APARTMENT - A series of dwelling units located in a building and generally having common access to the outside.

ASSISTED-LIVING FACILITY - A facility which provides residential units and extensive support services for senior citizens who, by reason of physical or mental limitations associated with age, may not be able to live independently. Support services in an assisted-living facility may include, but shall not be limited to, provision of at least one meal per day in a common dining area; indoor or outdoor facilities or activities for education, recreation or socialization; transportation; laundry and housekeeping services; and personal care services such as medication, supervision and assistance with the routine activities of daily life, such as bathing, dressing, grooming, eating, and ambulation.

BAR, TAVERN or NIGHTCLUB - A business enterprise which is conducted wholly or partly in a building and which primarily sells or serves alcoholic beverages to the public, and which provides for the consumption of such beverages on the premises, subject to the regulatory authority of the New York State Liquor Authority. “Bar, tavern or nightclub” shall not include restaurants, adult cabarets or adult entertainment establishments. This definition shall include the sale and on-site consumption of alcoholic beverages when established as an accessory use to any other principal use than a restaurant.

BOAT-LAUNCHING STRUCTURE - A structure which is used for transporting a boat between the water and the land. This definition shall not include governmentally licensed trailers which are used for transporting boats or personal watercraft on the land or for incidentally transporting boats or personal watercraft between the water and the land.
BOAT-LAUNCHING STRUCTURE, PERMANENT - A fixed, steadfast, boat-launching structure which is placed, erected or constructed so that all of or any part of said structure is designed or planned to exist, function, stand or continue indefinitely in the same location, by weight or by method of attachment.

BOAT MOORING SLIP - Any mooring accommodation for a boat or other watercraft while afloat.

BOAT-STORAGE STRUCTURE - A structure which is used for containing, storing or sheltering a boat. This definition shall not include governmentally licensed trailers which are used for transporting boats or personal watercraft on the land or for incidentally transporting boats or personal watercraft between the water and the land.

BUILDING - A structure which is wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof and which affords shelter to persons, animals or chattels.

BUILDING HEIGHT - The vertical distance from the highest adjacent grade to the highest roof peak.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM – A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

BUILDING PERMIT - A document issued by the Building Inspector which authorizes the placement, erection or construction of a building or addition thereto in compliance with all applicable regulations of the Town of Greece Chapter 114 and Title 19 NYCRR (Building Codes of New York State).

BUILDING, PRINCIPAL - A building in which one or more of the principal uses permitted by this chapter are conducted.

BUSINESS CENTER –

(1) Two or more principal, non-residential uses which:

   (a) Occupy one or more buildings or lots.

   (b) Share vehicular access to one or more public streets.

   (c) Share parking.

   (d) Function as a single, integrated site, regardless of the ownership of the lots which comprise said site.

(2) For purposes of this chapter, "business center" shall include shopping centers, plazas and malls; office parks; and other similar nonresidential sites.

CELLULAR SERVICE - Radio telecommunications which are provided by the use of a cellular system.

CELLULAR SERVICE, COMMERCIAL - Cellular service which is offered and provided by a common carrier.

CELLULAR SYSTEM - An automated high-capacity radio telecommunication system which provides radio telecommunication services to mobile stations over a wide area through the use of one or more multichannel fixed stations in a manner which efficiently uses the available radio frequency spectrum. In order to enable channels to be reused at relatively short distances, cellular systems employ techniques such as low transmitting power and automatic handoff between fixed stations of communications in progress. In order to increase system capacity, cellular systems also may employ digital technologies, including but not limited to voice encoding and decoding, data compression, error correction and time- or code-division multiple access.
CERTIFICATE OF OCCUPANCY - A document issued by the Building Inspector which signifies that a building or addition thereto and site comply with all applicable regulations of the Town of Greece and Title 19 NYCRR (Building Codes of New York State) and all plans and specifications for said building or addition and site.

CHURCH/PLACE OF WORSHIP – A permitted place of assembly, which may include but is not limited to temples, mosques, synagogues, churches or other places primarily intended for worship, together with its accessory buildings and uses.

COLLOCATION - The mounting of telecommunications facilities which are used by two or more telecommunications service providers on the same existing building, antenna tower or other structure.

COMFORT CARE HOME - A one-family dwelling which is used by a person, as defined by this chapter, for the purpose of providing palliative and supportive care to, at any given time, not more than two individuals in the stages of terminal illness. Said care typically is provided on a twenty-four-hour basis by volunteers under the supervision of the ill persons' family members and physicians and home care agencies and typically includes, but is not limited to, companionship and assistance with routine activities of daily life.

COMMERCIAL RECREATION USE - Indoor or outdoor establishments which principally accommodate activities including but not limited to sports and leisure, exercise facilities, bowling centers, arcades, miniature golf, skating rinks, theaters, auditoriums, and other customary recreational or entertainment activities. Commercial recreation uses may include accessory uses and facilities, including juice or snack bar, equipment sales and similar uses.

COMMERCIAL VEHICLE - Any vehicle (as defined by the New York State Vehicle and Traffic Law) that has the following characteristics:

(1) Has taxi or livery license plates; or

(2) Has a gross vehicle weight rating of more than 6,000 pounds and:

   (a) Has its ownership title in the name of a company or corporation; or

   (b) Is used for business or commercial purposes but has its ownership title in an individual’s name, such as the proprietor of such business; or

   (c) Is used for business or commercial purposes, such as the transportation of goods, wares, merchandise, materials or equipment; or

   (d) Carries tools, supplies, materials, merchandise or equipment that is visible from the outside of the vehicle when any of its access doors are open.

COMMON CARRIER - An individual, partnership, association, joint-stock company, trust or corporation, duly licensed by the Federal Communications Commission, which offers and provides telecommunications services to the general public or to such classes of users as to be in effect available to the general public at established and stated prices.

CORRAL - A space or area enclosed by a fence within which horses, ponies or similar types of animals are allowed to move freely.

DAY-CARE CENTER - A facility which is authorized in accordance with the rules and regulations of the New York State Department of Social Services to provide instruction, supervision or care for children who do not customarily reside in said facility.

DAY CARE, IN-HOME - A dwelling unit which is authorized in accordance with the rules and regulations of the New York State Department of Social Services to provide instruction, supervision or care for children who do not customarily reside in said dwelling unit.
DECK - A structure, as determined by the Building Inspector, which forms a level, roofless walking surface above ground level and which is greater than 50 square feet in area.

DENSITY - The number of dwelling units or residential units per gross acre of land.

DIRECT-TO-PREMISES SATELLITE SERVICE - Radio telecommunications which transmit, broadcast or distribute programming or services by satellite directly to ground receiving equipment on the premises of a subscriber to said service, without the use of other ground receiving or distribution equipment.

DIRECT-TO-PREMISES SATELLITE SERVICE PROVIDER - A common carrier which transmits, broadcasts, distributes or sells direct-to-premises satellite service.

DISTRICT, MIXED USE - All of the following zoning classifications of land as defined in this chapter and as delineated on the Official Zoning Map: Neighborhood Business (BN) District; Dewey Avenue Mixed Use (DMU) District; Planned Mixed Use (PMU) District; and the Waterfront Development (WD) District.

DISTRICT, NON-RESIDENTIAL – All of the following zoning classifications of land as defined in this chapter and as delineated on the Official Zoning Map: Central Health Care (CHC) District; Professional Business (BP) District; Restricted Business (BR) District; General Business (BG) District; Flexible Office/Industrial (FOI) District; Light Industrial (IL) District; General Industrial (IG) District; Public Land (PL) District.

DISTRICT, OVERLAY – All of the following zoning classifications of land as defined in this chapter and as delineated on the Official Zoning Map: Canal Corridor Overlay (CCO) District; and Economic Development and Innovation Overlay (EDIO) District.

DISTRICT, RESIDENTIAL – All of the following zoning classifications of land as defined in this chapter and as delineated on the Official Zoning Map: Single-Family Residential (R1-44, R1-18, R1-10 and R1-E) District; Planned Residential (RP) District; Multiple-Family Residential (RM) District; and Senior Citizen (RS) District.

DOCK - A wharf, pier or other similar structure with a platform and approved by the United States Army Corps of Engineers, which extends along the shoreline of navigable waters, or from such shoreline at an angle into such water, and which may be used for the purpose of mooring, loading or unloading boats or other watercraft.

DRIVE-UP FACILITY - A principal or accessory use that, by design, physical facilities, service procedures or packaging procedures, permits customers to drop off or receive information or instructions, or to receive services or obtain goods, merchandise or wares, while remaining in a motor vehicles on the premises. This definition shall not include fuel dispensing stations and motor vehicle service stations, as defined by this chapter, or designated areas that are accessory to retail uses and are provided as a customer convenience for the purpose of loading typically large, heavy or unwieldy goods, merchandise or wares into a vehicle.

DRIVEWAY, RESIDENTIAL - A private road or drive, including an apron, which provides a means of vehicular access between a street and a dwelling unit.

DWELLING UNIT – A single unit providing complete independent living facilities for one or more persons, including permanent provision for living, sleeping, eating, cooking and sanitation.

ELECTRIC VEHICLE CHARGING POINT – The equipment, pavement area, striping, and safety features used for recharging a single electric vehicle.

ENERGY-GENERATION FACILITIES - An industrial facility for the generation of electric power, generally connected to an electrical grid and includes generated electrical energy from renewable energy sources including but not limited to hydroelectric power station(s); solar; wind; marine; osmosis and biomass.
FAMILY –

(1) One or more persons, whether or not related to each other by blood, marriage or adoption, all living together as a single, stable, permanent and bona fide housekeeping unit, so long as such persons together occupy and own, lease or rent the whole of a dwelling in a family-like living arrangement as the functional equivalent of a natural family and use all rooms and housekeeping facilities in common.

(2) Any such number of persons shall not be deemed to constitute a family if:

(a) Any one of such persons may not have lawful access to all parts of the dwelling;

(b) Any one or more of such persons lease or rent any separate portion of such dwelling from any other person; or

(c) Residency is temporary or transitional, either as part of an educational, medical, rehabilitation or treatment process or otherwise.

(3) The presumption provided for in Subsection shall be rebuttable. Such presumption shall not preclude the Director of Development Services from making a determination that the dwelling is not occupied by one family based on other facts whether or not listed in Subsection (2). Upon any appeal to the Board of Zoning Appeals, the burden of proof shall be on the owner and/or resident to rebut such presumption.

FARM - A lot or any combination of contiguous lots either owned or leased which, for the purposes of this chapter, comprises not less than 10 acres in area, unless otherwise determined to be a “farm operation” consistent with Article 25-AA of New York State Agriculture and Markets Law, and which principally consists of the use of land, buildings, equipment and practices, to carry-out an agricultural enterprise including but not limited to cultivating, processing, storing or selling of agricultural products produced on site. This definition shall not include stables, as defined by this chapter, or stockyards or commercial feedlots or as defined by the New York State Department of Agriculture and Markets.

FUEL DISPENSING STATION - A lot or structure, available to the public and operated for commercial gain, which is used principally for the sale and dispensing of motor vehicle fuels, with or without retail sales of other goods or merchandise. This definition shall include electric vehicle charging points where they are not classified as an accessory use pursuant to § 211-34.1.

GARAGE, PRIVATE – A building, accessory to dwelling units and located in a residential district, used exclusively for the parking of temporary storage of motor vehicles.

GROSS FLOOR AREA (GFA) - The sum of the area of all floors in a building measured from exterior walls, including basements and cellars as defined in and regulated by Title 19 NYCRR (Building Codes of New York State).

GROUP-INSTRUCTION FACILITY - A facility which offers to the general public, or to such classes of users as to be in effect available to the general public, special or limited instruction to two or more persons at one time in music, art, drama, dance, sewing, cooking, swimming, gymnastics, martial arts, use of computers, driving an automobile or other similar areas of interest but which does not grant degrees. This definition shall not include schools or technical/vocational schools, as defined by this chapter.

HOME OCCUPATION - A nonresidential accessory use which:

(1) Is conducted in a dwelling unit.

(2) Is clearly incidental, secondary or subordinate to the use of said dwelling unit for customary residential purposes.

(3) Is conducted by a resident member of the family which resides in said dwelling unit.
(4) Complies with the applicable regulations which govern development review and operation for said use, as established in § 211-23.

(5) Complies with Title 19 NYCRR (Building Codes of New York State).

HOSPICE - A facility certified or licensed by the New York State Department of Health for a coordinated program of home and inpatient care which treats the terminally ill patient and family as a unit, employing an interdisciplinary team acting under the direction of an autonomous hospice administrator.

HOSPITAL - A facility which is authorized in accordance with the rules and regulations of the New York State Department of Health to provide diagnostic and therapeutic services for the medical diagnosis, treatment and care of sick or injured persons. Said services shall include, but shall not be limited to:

(1) Beds for inpatients.

(2) Twenty-four-hour patient services by or under the supervision of physicians.

(3) Medical, surgical, laboratory and radiology services.

HOTEL - A business enterprise which offers to the general public temporary lodging accommodations that are used, rented or hired out to be occupied by transient guests who have their residences elsewhere, and which may contain other facilities accessory thereto which primarily are intended for use by such guests, including but not limited to snack bars, recreational facilities or activities, and retail shops for the sale of souvenirs and sundries, or which are intended for use by such guests as well as the general public, including but not limited to meeting rooms and restaurants or other dining facilities. This definition shall not include tourist homes, as defined by this chapter.

IN-LAW - A relative by marriage.

IN-LAW APARTMENT - A residential accessory use that

(1) Is located in a one-family dwelling;

(2) Is clearly incidental, secondary or subordinate to the primary one-family residential use; and

(3) Is occupied by a resident member of the family that resides in such dwelling, or by an in-law of such family.

JUNK - Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, trailer or similar object which is abandoned, demolished, discarded, dismantled or so worn, deteriorated or in such a condition as to be generally unusable in its existing state. This definition shall include but shall not be limited to scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts and used tires.

KENNEL - Any building or lot on which four or more domesticated animals, more than four months of age, are housed, groomed, bred, or boarded, including animal shelters, where animals are housed and offered for adoption. This definition shall not include as the housing, grooming or boarding of animals as an accessory use to retail sales of pets and pet supplies and/or as a part of a veterinarians office.

LAND DISTURBANCE - Any man-made change to improved or unimproved real estate, including but not limited to: any activity which removed the vegetative surface cover; filling; grading; clear-cutting; and/or removal of trees, hedgerows, or other woody materials. Exempt from this requirement is maintenance and mowing as required by Section 157-5A(6) of the Code of the Town of Greece (Property Maintenance) and New York State Department of Agriculture and Markets activities.
**LANDSCAPED AREA** - In nonresidential districts, the area of a lot between the parking area and a public right of way utilized for the planting of landscape and/or utilized for greenspace. The storage of merchandise and/or parking of motor vehicles shall be prohibited in this area.

**LANDSCAPE GUIDELINES** - Guidelines available for reference to the general public from the Department of Development Services which should be used as an aid in the preparation of commercial, industrial and multiple-family residential site plans.

**LEGAL PREEXISTING LOT, STRUCTURE OR USE** - A lot, structure or use which existed before the effective date of this chapter or any amendment thereto affecting such lot, structure or use and which complied with all applicable zoning regulations in force and effect at the time that said lot, structure or use was established. Refer to § 211-22.

**LOT** - A tract of land which is identified as a separate parcel on an approved subdivision map or plat or in a deed which is filed or recorded in the office of the Monroe County Clerk.

**LOT AREA** - The entire area within the lot lines, excluding any portion thereof which is within the right-of-way of a public highway.

**LOT, CORNER** - A lot abutting two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. Each yard abutting a street shall be deemed a front yard in residential districts only. See Figure 3.

**LOT COVERAGE** - The percentage of the area of a lot or business center which is covered by buildings, based on the first-floor area of each building and measured at the foundation line. In all residential districts the following accessory uses shall be included in the determination of lot coverage: swimming pools, paved (with impervious materials) tennis or basketball courts where said courts are not part of a functioning driveway and decks which are 1.5 feet or greater in height. Said deck height shall be measured from the walking surface of said deck to the ground directly beneath said deck.

**LOT DEPTH** - The distance between the front and the rear lot lines, measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**LOT, INTERIOR** - A lot which has frontage on one public or private street and which has side and rear lot lines common with adjoining lots. See Figure 1.

**LOT LINE** - A line which forms the boundary of a lot.

**LOT LINE, CORNER** – On a non-residential lot, the lot line which adjoins a street and which intersects the front lot line of the same lot.

**LOT LINE, FRONT** - A lot line which adjoins a street and which is on the same side of a lot as the front of a building on said lot, as determined by the Director of Development Services, or, in the case of a residential corner, irregular or curvilinear lot, all lot lines which adjoin any street. On waterfront lots, the front lot line shall be defined as a lot line which adjoins a body of water.

**LOT LINE, REAR** - A lot line which is generally parallel to and the most distant from the front lot line of the same lot. On irregular, curvilinear, triangular or wedge-shaped lots for which there is no clearly identifiable rear lot line, the rear lot line shall be defined as an assumed line which is 10 feet in length, entirely within said lot and which is generally parallel to and the maximum distance from the front lot line. On waterfront lots the rear lot line shall be defined as a lot line which adjoins a street and which is generally parallel to and the maximum possible distance from the front lot line.

**LOT LINE, SIDE** - A lot line which is not a front, corner or rear lot line as defined by this chapter.

**LOT, THROUGH** - A lot which has frontage on two parallel or generally parallel streets.
LOT, WATERFRONT - A lot which adjoins Lake Ontario, Braddock Bay, Cranberry Pond, Long Pond, Round Pond and Salmon Creek. See Figure 5.

LOT WIDTH - The least distance across a lot between two side lot lines or between a corner lot line and a side lot line, measured at the front of the structure or setback line if no structure exists. In the case of a residential corner lot, the lot width is the least distance across the lot between a side lot line and the opposite front lot line.

MARINA - A service operation where the principal use is the docking, harboring, mooring, and launching of watercraft, and including such accessory uses and structures as docks and slips for rent, transient slips, repair facilities, boat storage, marine fueling operations and equipment, clubhouses, ship stores, parks, picnic areas and playgrounds, and other water-dependent and water-oriented uses.

MINOR HOME HEALTH CARE FACILITY - A facility owned or operated by an individual or organization where nursing care, instruction or other health, health-related and social services are provided on a twenty-four-hour basis by or under the supervision of family members, volunteers or physicians and where said facility is not regulated by the New York State Department of Health and where said facility, by all outward appearances, looks and acts like a single-family residence.

MOBILE SERVICE - Radio telecommunications between mobile and fixed stations or between mobile stations.

MOBILE SERVICE, COMMERCIAL - Mobile service which is offered and provided by a common carrier.

MONOPOLE - Any freestanding pole which is used to support an antenna.

MOTOR VEHICLE DEALERSHIP - A business enterprise for commercial gain where the principal use is for the sale, lease or rental of new or used cars, trucks, motorcycles, recreational vehicles or trailers, per the licensing requirements of New York State Department of Motor Vehicles. Accessory use(s) shall include, but not be limited to related repairs or service facilities.

MOTOR VEHICLE SERVICE STATION - A lot or structure, available to the public and operated for commercial gain, which is used for the storage, lubricating, washing, equipping, servicing, repair or modification of motor vehicles, including but not limited to engine or transmission rebuilding or repair; body or frame straightening or repair; painting, refinishing or undercoating; or installation or repair of tires, glass, upholstery or radio or audio equipment.

NEIGHBORHOOD AVERAGE - For any applicable characteristic of a lot, the arithmetic mean of said characteristic on the abutting lots which front the same side of the street as the subject lot. Applicable characteristics of a lot shall include but shall not be limited to setback and lot size.

NURSING HOME - A facility which is authorized in accordance with the rules and regulations of the New York State Department of Health to provide nursing care and other health, health-related and social services on a twenty-four-hour basis by or under the supervision of physicians.

OFFICE – The use of a building or portion of a building for the provision of executive, consulting, professional, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including advertising, accounting, architecture, archival services, design, engineering, financing, government, insurance, investment, law, medical, laboratory testing service, data processing, personnel, property management, real estate, sectorial services, telephone answering, travel, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with office services.

OFFICE MEDICAL - Offices of health-care professions licensed by the State of New York, including but not limited to those of veterinarians, physicians, dentists or other health-care professionals.

OPEN SPACE - An area unobstructed by buildings from the ground upward, except for walks, paths, landscaping or other site features in public, common or other private ownership. Yards of individual lots occupied by dwellings shall not constitute open space.
OUTDOOR STORAGE - The keeping, locating, storing, stockpiling, maintaining, housing or placing of any goods, material or equipment of whatever kind or nature or any vehicles, vessels, trucks, trailers, buses or any parts thereof or any trailer or storage container, including roll-offs, between the hours of 5:00 p.m. and 9:00 a.m. in any location other than within an enclosed building or structure enclosed with walls and a roof.

PARKING AREA – In non-residential or multiple-family residential districts, the area of a lot used for the parking of motor vehicles by customers, employees, or inhabitants of said lot. For purposes of this chapter, parking area shall also include parking lots.

PARKING SPACE - The space within which a vehicle is stored when not in use, exclusive of any driveway which provides access thereto.

PATIO - A structure, as determined by the Building Inspector, which forms a level, roofless walking surface at ground level.

PERSONAL COMMUNICATIONS SERVICES - Radio telecommunications which are offered and provided by a common carrier; which encompass a variety of mobile, portable and ancillary fixed communications services for individuals and businesses; and which can be integrated with a variety of telecommunications technologies.

PORCH - A covered entrance to a building.

PREEXISTING LOT, STRUCTURE OR USE - A lot, structure or use which existed before the effective date of this chapter. Refer to § 211-22.

PUBLIC UTILITY - Any person, firm, corporation or governmental agency who or which is duly authorized to furnish to the public, under governmental regulation, electricity, gas, water, sewage treatment or steam.

RADIO TELECOMMUNICATIONS - Any telecommunications in which the transmission originates or the reception terminates by means of Hertzian waves.

RADIO TELECOMMUNICATIONS SERVICE - The offering and provision of radio telecommunications.

RECREATIONAL VEHICLE - A device which is used as, mounted on or pulled by a motor vehicle and which is used for recreational purposes. For purposes of this chapter, the definition of "recreational vehicle" shall include but shall not be limited to travel trailers, tent trailers, pickup campers, coach motorized dwellings (commonly known as "motor homes"), boats, boat trailers, snow vehicles, racing vehicles, cycle trailers, utility trailers or similar vehicles or equipment.

RESIDENTIAL UNIT - One or more rooms in a senior citizen residential facility which provides sleeping facilities for the occupants thereof and which also may include provisions for living, cooking and/or sanitation facilities. This definition shall not include dwelling units, as defined by this chapter, nor shall it be applicable to multiple-family dwellings, one-family dwellings and two-family dwellings, as defined by this chapter.

RESTAURANT - A business enterprise for commercial gain where the principal use is the preparation, sale or serving of food for or to the public, and which provides for the consumption of such food on the premises, and which may include related accessory uses such as takeout or delivery service, drive-up facility, outdoor seating, and the sale or service of alcoholic and non-alcoholic beverages. This definition shall not include bars, taverns or nightclubs, or adult cabaret or adult entertainment establishments as defined in this Chapter.

SCHOOL - A facility which provides education or instruction at regular sessions with regularly employed instructors and which is authorized by and operates under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body or private corporation which meets the requirements of the state. This definition shall include private, technical, vocational, charter and institutes of higher education.
SELF-SERVICE STORAGE FACILITY - A use that contains compartmentalized space for lease, rental or sale to businesses or individuals for storage of materials or personal property, and allows such businesses or individuals to have access to such space.

SENIOR CITIZEN - A person who is 55 years of age or older.

SENIOR CITIZEN RESIDENTIAL FACILITY

(1) A facility which provides residential units and which also may offer or provide services, supervision and care to:

(a) Senior citizens who may not be able to live independently; or

(b) In the case of a nursing home or skilled nursing facility, persons who, by reason of chronic or long-term illness, regardless of age, may not be able to live independently.

(2) This definition shall include assisted-living facilities, congregate living facilities, hospices, nursing homes and skilled nursing facilities, as defined by this chapter, but shall not include comfort care homes, minor home health care facilities, multiple-family dwellings, one-family dwellings and two-family dwellings, as defined by this chapter, nor shall it be applicable to dwelling units, as defined by this chapter.

SETBACK - The shortest distance between a lot line, or the street center line on certain streets as defined in Tables I, II, III and IV, and a structure, including porches and covered entryways. See Figures 1, 2 and 5.

SIGN - An object, device or structure which is used to direct or attract attention to, advertise, display or identify an institution, organization, business, person, place, object, product, service, use or event.

SIGN, ADVERTISING - A sign which is not located on the same premises as the institution, organization, business, person, place, object, product, service, use or event to which said sign refers.

SIGN AREA - The area within the perimeter of all sides of a sign which contains a message. The area of a freestanding sign or building-mounted sign shall include the area enclosed by one continuous line using the fewest number of right angles to encompass the framework of said sign and all of the numbers, letters or symbols which form a message and shall include any decorative supports, e.g. brick, wood, etc. If two sides of a sign are parallel to each other and have the same length, width, height and area, then only one of said sides shall be used in the determination of sign area.

SIGN, BUILDING-MOUNTED - A sign which is affixed to, painted on or built into any portion of a building other than a window which faces out from said building.

SIGN, BUSINESS - A sign which is located on the same premises as the institution, organization, business, person, place, object, product, service, use or event to which said sign refers.

SIGN, CONTRACTOR - A temporary sign with and limited to contractor information, located on the same premises as work being performed by said contractor on a residential lot. Seasonal contractor’s signs shall not be permitted.

SIGN, DIRECTIONAL - A sign associated with, and limited to, information and directions marking entrances and exits, parking spaces, one-way drives, rest rooms, pickup and delivery areas and the like.

SIGN, ELECTRONIC READER BOARD – An illuminated sign with a changeable message area or changeable copy area.

SIGN, FREESTANDING - A sign which is placed on a lot apart from any building and whose support is independent of any building.

SIGN, MOBILE OR TRANSPORTABLE – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs designed to be transported by means
of wheels, signs covered to A-or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.

SIGN, PERMANENT - A sign which is permitted to remain on a lot or building for an indefinite period of time.

SIGN, TEMPORARY - A sign which is permitted to remain on a lot or building for a limited period of time.

SIGN, WINDOW - A sign which is placed on or is viewed through a window which faces out from a building.

SINGLE FAMILY HOME – A singular, free standing dwelling unit.

SKILLED NURSING FACILITY - A facility which provides continual medical or nursing care and other health, health-related and social services to senior citizens or chronically ill persons, regardless of age, on a twenty-four-hour basis by or under the supervision of physicians.

SPECIFIED ANATOMICAL AREAS - Included in this term are the following:

   (1) Unless completely and opaquely covered, human genitals, pubic region, buttocks or female breasts below point immediately above the top of the areola.

   (2) Even if completely and opaquely covered, male genitals in a discernibly turgid state.

SPECIFIED SEXUAL ACTIVITIES - Any touching of the genitals, pubic area or buttocks of the human male or female or the breasts of the female, whether clothed or unclothed, alone or between members of the same or opposite sex or between humans and animals, in an act of apparent sexual stimulation or gratification.

STABLE - The premises on which horses, ponies or similar types of animals, regardless of size, breed or species, are kept or fed, including barns and corrals.

STABLE, PRIVATE - A stable which is an accessory use for the family which resides on the premises and on or at which horses, ponies or similar types of animals, regardless of size, breed or species, are kept or fed, but not for remuneration, sale or hire.

STABLE, PUBLIC - A stable on or at which horses, ponies or similar types of animals, regardless of size, breed or species, are kept or fed for remuneration, hire or sale.

STATION, AMATEUR - A station in an amateur radio service which consists of the apparatus necessary for carrying on radio telecommunications, including but not limited to antennas and antenna towers.

STATION, FIXED - A stationary radio transmitter, receiver or transmitter/receiver which provides radio telecommunications service to mobile or fixed stations.

STATION, MOBILE - A radio transmitter, receiver or transmitter/receiver in the mobile service which is used while in motion or during halts at unspecified points.

STOOP - A structure which forms a level, roofless walking surface above ground level, is used to provide primary or secondary access to a front, side or rear entrance or exit of a building and which is not greater than 50 square feet in area.

STORAGE CONTAINER – A container which is used for storage purposes.

STREET - A public highway, or a private route or means of vehicular access for three or more lots.

STRUCTURE - An assembly of materials which forms a construction framed of component structural parts for occupancy or use, including buildings.
STRUCTURE, ACCESSORY - A separate structure which is customarily incidental, secondary or subordinate to that of the principal building and which is located on the same lot as the principal building.

TELECOMMUNICATIONS - The transmission and reception, between or among points specified by a user, of information of said user's choosing, without change in the form or content of the information which is transmitted and received.

TELECOMMUNICATIONS FACILITIES - Equipment which is used to provide telecommunications services. This definition shall include but shall not be limited to buildings and equipment which are used to provide telecommunications services via wires or cables; antennas, antenna towers and accessory antenna structures which are used to provide radio telecommunications services, pager services or radio and television broadcast services; and other similar telecommunications services. This definition shall not include amateur stations or satellite dish antennas.

TELECOMMUNICATIONS SERVICE - The offering and provision of telecommunications, regardless of the telecommunications facilities which are used.

TOURIST HOME - A dwelling within which travelers who are not related to the occupants by blood, marriage or adoption obtain overnight accommodations, with or without meals, in exchange for monetary compensation. This definition shall include but shall not be limited to establishments commonly known as "bed-and-breakfasts."

TOWNHOME - A series of attached dwelling units, in which each unit extends from foundation to roof, has individual private outside entrances, and with an exterior wall on not less than two sides. Definition to include duplexes.

TRAINING CENTER - A facility which is operated by or for a business to provide education or instruction in job skills for the employees of said business and which is not available to the general public, or to such classes of users as to be in effect available to the general public. This definition shall not include group-instruction facilities, as defined by this chapter.

UNLICENSED WIRELESS SERVICE - The offering and provision of radio telecommunications service through the use of duly authorized devices which do not require individual licenses. This definition shall not include the offering and provision of direct-to-premises satellite service, as defined by this chapter.

USE - The application, employment, exercise or occupation of a lot or structure for a purpose.

USE, ACCESSORY - A use, occupancy or tenancy which is customarily incidental, secondary or subordinate to the principal use, occupancy or tenancy of a lot or a structure.

USE, PRINCIPAL - The primary use, occupancy or tenancy of a lot or a structure.

VARIANCE, AREA - The authorization by the Board of Zoning Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE - The authorization by the Board of Zoning Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway and propelled by any means other than muscular power.

WAREHOUSE – A building where raw materials or manufactured goods are temporarily or permanently stored, including distribution centers.

WATERFRONT BUFFER - On waterfront lots, the space between the shoreline (as determined by the mean average high water level) and 25 feet inland from the shoreline, or such similar area as determined by the Director of Development Services. See Figure 5.
**YARD, CORNER** - On a nonresidential lot, the space between the side of a building and the corner lot line, extending from the front yard to the rear lot line. Corner yards are applicable to non-residential parcels only. See “yard, front” for residential lots.

**YARD, FRONT** – For all residential lots, the space between the front of a building, as determined by the Director of Development Services, and the front lot line, extending the entire width of the lot on which said building is located. See Figures 1 through 5.

**YARD, REAR** - The space between the rear of a building and the rear lot line. In the case of an interior lot, the rear yard shall extend the entire width of said lot. In the case of a nonresidential corner lot, the rear yard shall extend from the corner yard to the side lot line. The rear yard on a residential corner lot shall extend from the side lot line to the opposite front yard or side yard. See Figures 1 through 5.

**YARD, SIDE** - The space between the side of a building and a side lot line, extending from the front yard to the rear yard. See Figures 1 through 5.

**YARD, WATERFRONT** - On waterfront lots, the space between a dwelling unit and the shoreline. See Figure 5.
ARTICLE II
Zoning Districts

§ 211-6. Districts established.

The names and the designated symbols of the districts established by this chapter shall include:

<table>
<thead>
<tr>
<th>Name of District</th>
<th>Designated Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Land</td>
<td>PL</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>R1-10</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>R1-18</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>R1-44</td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td>R1-E</td>
</tr>
<tr>
<td>Planned Residential</td>
<td>RP</td>
</tr>
<tr>
<td>Multiple-Family Residential</td>
<td>RM</td>
</tr>
<tr>
<td>Senior Citizen Residential</td>
<td>RS</td>
</tr>
<tr>
<td>Central Health Care</td>
<td>CHC</td>
</tr>
<tr>
<td>Professional Business</td>
<td>BP</td>
</tr>
<tr>
<td>Restricted Business</td>
<td>BR</td>
</tr>
<tr>
<td>General Business</td>
<td>BG</td>
</tr>
<tr>
<td>Flexible Office-Industrial</td>
<td>FOI</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>IL</td>
</tr>
<tr>
<td>General Industrial</td>
<td>IG</td>
</tr>
<tr>
<td>Economic Development &amp; Innovation Overlay</td>
<td>EDIO</td>
</tr>
<tr>
<td>Neighborhood Business</td>
<td>BN</td>
</tr>
<tr>
<td>Dewey Avenue Mixed Use</td>
<td>DMU</td>
</tr>
<tr>
<td>Planned Mixed Use</td>
<td>PMU</td>
</tr>
<tr>
<td>Waterfront Development</td>
<td>WD</td>
</tr>
<tr>
<td>Canal Corridor Overlay</td>
<td>CCO</td>
</tr>
</tbody>
</table>

§ 211-7. Official Zoning Map.

The location and boundaries of the districts established in this chapter shall be shown on a map titled the "Official Zoning Map of the Town of Greece, New York" (hereinafter referred to as the "Official Zoning Map"), which is hereby adopted and declared to be a part of this chapter.

§ 211-8. Interpretation of district boundaries.

District boundaries which appear to follow lot lines, the center lines of streets, streams, rights-of-way for railroads or public utilities, the edges of lakes or other bodies of water or the municipal boundaries of the Town of Greece shall be construed to follow said lines, edges or municipal boundaries. The location of district boundaries which do not appear to follow said lines, edges or municipal boundaries shall be determined by use of the scale designated on the Official Zoning Map. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Director of Development Services, shall determine the location of said line.
§ 211-9. Lots with use variances or multiple zoning districts.

A. Use variances. In any district, any premises for which a use variance has been granted shall comply with all applicable development regulations established for the use in the district in which said use is customarily permitted by this chapter.

B. Multiple zoning districts. If a lot contains more than one zoning district, the development regulations of any one of the zoning districts which are present on said lot may be applied to the entire premises, provided that application for a special permit is submitted to and approved by the Board of Zoning Appeals pursuant to § 211-60A.
ARTICLE III
District Regulations

§ 211-10. (Reserved)

A. Permitted principal uses.

(1) One single-family home per lot.

B. Permitted accessory uses and structures.

(1) Garages for the private, noncommercial use of the residents of the premises. Accessory structures and detached garages shall not exceed 13.5 feet in height, measured to the peak from the highest adjacent grade, and shall not exceed one-story.

(2) Garden or tool sheds.

(3) Swimming pools for the private, noncommercial use of the residents of the premises, in accordance with all applicable swimming pool regulations.

(4) Decks.

(5) Stands for sales of produce, flowers or other plants grown on the premises.

(6) Greenhouses and gardens, subject to the following limitations for gardens which are used or intended to be used principally for the growing of fruits, vegetables, herbs, or grains and other staple crops:

   (a) In front yards, no part of such gardens shall be located farther than 20 feet from the principal structure, nor shall any part of such gardens be located closer than 10 feet to a lot line.

   (b) In side yards, no part of such gardens shall be located farther than 10 feet from the principal structure, nor shall any part of such gardens be located closer than five feet to a lot line.

   (c) In rear yards, no part of such gardens shall be located closer than five feet to a lot line.

   (d) The limitations contained hereinabove shall not be construed to prohibit fruits, vegetables, herbs, and grains or other staple crops from being located closer than five feet to a side or rear lot line, provided that such plants are physically supported by a fence, trellis or other similar structure.

(7) Minor home occupations in accordance with the regulations established in § 211-23.

(8) Parking or storage for one commercial vehicle, provided that such vehicle has a gross vehicle weight rating of not more than 13,500 pounds. Under no circumstances shall dump trucks, semitrailers, truck cabs, trailers used for hauling machines and/or equipment, or other similar vehicles be permitted.

(9) Storage of recreational vehicles which are owned by the residents of the premises, provided that said vehicles are in a condition which permits the safe and effective performance of the function for which said vehicles are intended.

(10) In-home day-care.

(11) One in-law apartment, provided that:

   (a) The owner of the one-family dwelling in which an in-law apartment is located shall sign a notarized affidavit or affirmation that states that the resident occupant of such apartment is an in-law of the resident family that occupies such dwelling.

211:23
(b) The floor area of an in-law apartment shall not exceed 30% of the gross floor area, exclusive of attached garages, of the one-family dwelling in which such apartment is located or 600 square feet, whichever is less.

(c) No construction or remodeling of a one-family dwelling in order to provide in-law apartment use shall be permitted without the issuance of a building permit. An in-law apartment shall be permitted to have an exterior door that is separate from the one-family dwelling in which such apartment is located, provided that such one-family dwelling and apartment are connected via an internal doorway. An in-law apartment may be permitted to have a separate driveway or garage to accommodate its occupant(s). Additional bays to an existing garage and expansion of an existing driveway shall be permitted to accommodate an in-law apartment use, subject to obtaining all applicable permits.

(d) If an in-law apartment shall become vacant, the family occupying the main part of the one-family dwelling shall have full use and occupancy of such in-law apartment as if it were an integral part of such dwelling, without further permitting by the Town.

(e) Exterior appearance. The design of an in-law apartment and its entry shall be such that, to the degree reasonably feasible, the exterior appearance of the building will remain as a one-family dwelling. In cases where alterations are proposed to be made to accommodate an in-law apartment, the Town may require elevation drawings to be submitted with an application for a building permit.

(f) The occupancy or rental of an in-law apartment by persons other than in-laws, as defined in this chapter, is expressly prohibited.

(g) An in-law apartment shall comply with the standards of Title 19 NYCRR (Building Codes of New York State) for habitable space.

(12) Other similar accessory structures and uses.

C. Special permit uses.

(1) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:

(a) Churches or other places of worship.

(b) Outdoor recreation facilities operated for nonprofit purposes.

(c) Golf courses.

(2) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:

(a) Major home occupations.

(b) Comfort care homes.

D. Development regulations for principal structures.

(1) On any lot which adjoins, and which fronts the same side of the street as, lots which contain buildings, the minimum front setback for principal buildings on said lot shall be the greater of:

(a) The setback established for the district in which said lot is located; or
(b) The neighborhood average.

(2) Setback, height and lot coverage regulations are contained in Table I. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

(3) In any approved subdivision, any section of said subdivision for which a map, plat or deed has not been filed or recorded in the office of the Monroe County Clerk prior to the effective date of this chapter shall conform to the preliminary plat approved for said subdivision by the Planning Board. Said subdivision section shall also comply with all applicable zoning regulations in force and effect at the time that said preliminary plat was approved.

E. Area, setback and height regulations for accessory structures, swimming pools and tennis courts.

(1) All lots. Area, setback and height regulations are contained in Table I.

(2) Waterfront lots.
   (a) Sheds are prohibited in waterfront yards on interior lots smaller than 18,000 square feet and corner lots smaller than 22,500 square feet.
   (b) Detached garages are prohibited within waterfront yards; however, they may be permitted in rear or side yards.
   (c) Accessory structures and fences are not allowed within waterfront buffers, except for erosion-control features, boat launches and boat lifts, grade-level walks and patios, in accordance with all applicable federal and state rules and regulations.

(3) Accessory structures are permitted in rear yards only. However, detached garages may be permitted in side and rear yards only.
§ 211-12. RP – Planned Residential District.

A. Purpose and intent. To preserve the character of existing single-family residential neighborhoods while allowing a transition to higher density to accommodate a demand for alternative housing types, and to encourage efficient use of land and existing infrastructure. This district provides maximum flexibility in design to achieve a transition in density that a single zoning classification might not otherwise permit. The characteristics of each individual site and the nature of surrounding development will be determining factors in the ultimate approved project.

B. General Provisions.

(1) Concept plan review required. No application for Planning Board approval shall be considered in the RP district unless and until a concept plan has been submitted and reviewed pursuant to procedures established by the Department of Development Services. In the course of reviewing the concept plan, the Planning Board may provide direction on such matters as the pattern and character of the proposed development, project density and other design requirements, and dedication of roadways and utilities.

(2) Minimum land area. The minimum land area required for establishment of the RP district shall be three (3) contiguous acres. The Town Board may waive the minimum land area requirement upon a finding that such waiver would satisfy the purpose and intent of the district.

C. Required uses.

(1) Single-family homes. In order to preserve the character of existing single-family residential neighborhoods, all new development in this district shall incorporate single-family homes in a pattern and location to be determined by the Planning Board at the time of Preliminary Plat approval, and in accordance with design criteria established herein.

D. Permitted uses.

(1) Townhomes. In order to provide a greater diversity of housing options and encourage efficient use of land and infrastructure, new development in this district may incorporate townhomes in a pattern and location to be determined by the Planning Board during Concept Plan Review, and in accordance with design criteria established herein. Townhomes shall not exceed 75% of the total number of units in the overall development.

E. Accessory uses and structures.

(1) Accessory uses and structures specified in §211-11(B) shall also apply in this district.

(2) When associated with townhome development, accessory uses may also include laundry facilities, rental offices, maintenance buildings, and recreation facilities for the private, non-commercial use of residents of the premises.

F. Special permit uses.

(1) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to §211-60A:

(a) Outdoor recreation facilities operated for nonprofit purposes.

(b) Golf courses

(2) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to §211-60A:
(a) Churches or other places of worship.

(b) Major home occupations.

(c) Comfort care homes.

G. Design Criteria.

(1) Pattern of development. The pattern of development in the RP district will be determined by the Planning Board at the time of Preliminary Plat approval, and shall be based upon surrounding land use. Where the RP district adjoins or faces existing single-family homes or land which is zoned for future single-family development, single-family homes shall be developed in conformity with design standards set forth herein so as to maintain the character of such areas. Moving away from single-family areas, the density of development may increase up to and including townhomes.

(2) Character of development.

(a) In order to meet the RP district’s intent of maintaining the character of existing neighborhoods, the Planning Board may place such reasonable conditions as it deems necessary to ensure that the size, shape, and siting of proposed townhomes and single-family homes will not adversely affect the character of existing residential areas.

(b) The exterior appearance (that is, materials, colors and architectural style, including details) of townhome buildings shall be subject to review and approval by the Planning Board.

(3) Maximum density.

(a) Density shall be calculated based on the total number of dwelling units, including single-family homes and townhomes, and shall not exceed five (5) dwelling units per acre.

(b) Townhomes shall not exceed 75% of the total number of units in the overall development.

(4) Development regulations for single-family homes.

(a) Each single-family home constructed shall be located on a separate and distinct tax parcel.

(b) Single-family homes and lots shall meet the requirements set forth in §211-11(D) and Table I for the R1-10 zoning district, except that the Planning Board may permit smaller lots upon a finding that such would remain consistent with the adjoining single-family residential neighborhood. In cases where the Planning Board permits smaller lots, it shall establish and document in its Preliminary Plat approval which setbacks and other bulk requirements shall apply.

(5) Development regulations for townhomes.

(a) Townhomes are not permitted to adjoin existing single-family homes, or single-family residential zoning districts.

(b) Minimum setbacks for townhomes shall be as follows:

[1] Where townhomes adjoin a public roadway exterior to the site, the structure shall be a minimum of 50’ from the highway right-of-way line.

[2] Where townhomes adjoin a public roadway interior to the site, the structure shall be a minimum of 25’ from the highway right-of-way line.
[3] Where townhomes adjoin a non-residential district, the structure shall be a minimum of 25' from the district boundary.

(c) Maximum height of townhomes shall be 2 stories.

(d) Minimum square footage of townhomes shall be 600 for one-bedroom, 750 for two bedroom, and 900 for three-bedroom townhomes.

(6) Pedestrian access and circulation. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

(a) The primary entrance to each townhome.

(b) Any existing public walkways along the perimeter of the development, including sidewalks or trails.

(c) Where practicable and appropriate, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

(d) Where practicable and appropriate, any adjacent public park, greenway, or other public or civic use, including but not limited to schools, places of worship, public recreational facilities, or government offices.

(7) Infrastructure.

(a) Infrastructure shall be designed and constructed in accordance with the town’s Design Specifications for Roadways and Utilities.

(b) Extension of utilities in association with development in the RP district shall not place undue burden on existing utility networks and shall not create an unreasonable maintenance burden on the town or any other purveyor of public utilities.

(c) The Planning Board shall determine, upon recommendation from the Commissioner of Public Works, which if any proposed roadways and infrastructure will be considered for dedication to the Town of Greece.
§ 211-13. RM Multiple-Family Residential District.

A. Permitted principal uses.

(1) Single-family homes.

(2) Townhomes.

(3) Apartments.

B. Permitted accessory uses and structures.

(1) Accessory uses and structures specified in §211-11(B) shall also apply in this district.

(2) Laundry facilities, rental offices, maintenance buildings, and recreation facilities for the private, non-commercial use of residents, of the premises and other similar accessory uses.

C. Development regulations. Permitted densities and area, setback, height and lot coverage regulations are contained in Table II. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

D. Increased building height or density in the RM District.

(1) Upon application to and with the approval of the Town Board pursuant to § 211-60A, the following development limitations established for the RM District may be exceeded:

(a) Maximum height of principal buildings.

(b) Maximum density, provided that all principal buildings are not fewer than four stories in height. At the request of an applicant or on its own initiative, the Town Board may modify or waive the minimum height requirement for principal buildings if, in the opinion of the Town Board, it is warranted by the particular circumstances of the request. In no case, however, shall the maximum density exceed 20 dwelling units per gross acre.

(2) The Town Board may approve said increases if two or more development features are provided. Said features may include:

(a) Enclosed parking garages;

(b) Outdoor facilities for active recreation;

(c) Indoor community centers and/or indoor recreation facilities;

(d) Dwelling units which contain three or more bedrooms; or

(e) Other criteria which may be established by the Town Board.
§ 211-14. RS Senior Citizen Residential District.

A. Legislative intent and purpose. In recognition of the need for a variety of housing and levels of care specifically and exclusively for senior citizens, the intent and purpose of this section are to:

   (1) Encourage and, where appropriate, provide for a variety of housing options for senior citizens throughout the Town so that senior citizens have the opportunity and ability to remain residents of the Town of Greece as their housing needs change.

   (2) Allow flexibility in the provision of housing with a continuum of levels of care specifically designed to satisfy senior citizens' economic, physical, psychological and social needs; and

   (3) Protect, to the maximum extent practicable, aesthetic considerations; the suburban character of the Town of Greece; the property values of the community; and the health, safety and general welfare of the public by ensuring that the location, nature, duration and intensity of said housing:

      (a) Will not affect adversely the orderly pattern of development in the area.

      (b) Will be in harmony with nearby uses.

      (c) Will not alter the essential character of the nearby neighborhood nor be detrimental to the residents thereof.

      (d) Will not create a hazard to health, safety or the general welfare.

      (e) Will not be detrimental to the flow of traffic.

      (f) Will not place an excessive burden on public improvements, facilities, services or utilities.

B. Establishment of the district. At the request of an applicant or on its own initiative, the Town Board may establish a Senior Citizen District, following a public hearing.

C. District requirements.

   (1) Age of residents.

      (a) Except as hereinafter provided, each dwelling unit shall be occupied by at least one senior citizen.

         [1] Children or grandchildren may reside with their parents or grandparents, provided that:

            [a] At least one senior citizen resides in the dwelling unit; and

            [b] Said children or grandchildren are over the age of 19 years.

   (2) Minimum land area. The minimum area required for a Senior Citizen Residential District shall be five contiguous acres. The Town Board may waive the requirement that the district contain at least five acres if, in the Town Board's judgment, the establishment of said district would benefit the Town.

      (a) Assurances. Each proposal for the placement, erection or construction of housing for senior citizens in the RMS District shall be accompanied by appropriate undertakings, restrictive
covenants, easements and the like, in form and content satisfactory to the Town Board, in order to ensure that the legislative intent and purpose of this section are achieved. The Town Board in its absolute discretion reserves the right to require any additional covenants and restrictions on the lots in the RS District, including but not limited to, sale and resale restrictions and advertising content, in order to ensure that the legislative intent and purpose of the section is achieved.

(3) Permitted principal uses.

(a) Single-family homes, provided that such single-family home:

[1] is a one-story or Cape Code style house; and

[2] contains not more than two bedrooms.

(b) Townhomes, provided that such townhomes:

[1] contain no more than two bedrooms each.

[2] does not exceed two stories in height.

(c) Apartments.

(d) Senior citizen residential facilities as defined in §211-5.

(4) Permitted accessory uses and structures.

(a) Accessory uses and structures specified in §211-11(B) shall also apply in this district.

(b) Laundry facilities, rental offices, maintenance buildings, and recreation facilities for the private, non-commercial use of residents of the premises.

(c) Retail or service uses which are used as part of and in conjunction with senior citizen residential facilities and which are provided as a convenience for the persons in the care of said facilities. Said uses shall be located within the other principal structures located on the premises and shall not exceed 1,000 square feet in total gross floor area. No off-street parking shall be required for the space occupied by said uses. Business or advertising signs for said uses shall not be permitted unless said signs can be seen only from the inside of the building in which said signs are located.

D. Development regulations. Permitted densities and area, setback, height and lot coverage regulations are contained in Table II. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.

(1) Increased building height or density in the RS District.

(a) Upon the approval of a special use permit by the Town Board pursuant to § 211-60A, the following development limitations established for the RS District may be exceeded:

[2] Maximum density, provided that all principal buildings are not fewer than four stories in height. At the request of an applicant or on its own initiative, the Town Board may modify or waive the minimum height requirement for principal buildings if, in the opinion of the Town Board, it is warranted by the particular circumstances of the request. In no case, however, shall the maximum density for multiple-family dwellings exceed 20 dwelling units per gross acre, and in no case shall the maximum density for senior citizen residential facilities exceed 20 residential units per gross acre.

[3] The Town Board may approve said increases if two or more development features are provided. Said features may include:

   [a] Enclosed parking garages.

   [b] Outdoor facilities for active recreation.

   [c] Indoor community centers and/or indoor recreation facilities.

   [d] Other criteria which may be established by the Town Board.
§ 211-15. CHC Central Health Care District.

A. Permitted principal uses.

   (1) Hospitals.

   (2) Other uses which are an integral part of a health care complex, including but not limited to:

      (a) Day-care centers.

      (b) Senior citizen residential facilities.

      (c) Hospices or comfort care homes.

      (d) Dormitories.

      (e) Laboratories.

      (f) Research facilities.

      (g) Rehabilitation or therapy centers.

      (h) Administrative staff offices.

      (i) Medical or dental offices.

      (j) Pharmacies which are located within hospitals or medical or dental office buildings.

      (k) Schools.

      (l) Churches/places of worship.

B. Permitted accessory uses and structures.

   (1) Multilevel parking garages.

   (2) Maintenance or storage buildings.

   (3) Retail or service uses which are used as part of and in conjunction with hospitals and senior citizen residential facilities and which are provided as a convenience for the persons in the care of said facilities. Said uses shall be located within the other principal structures located on the premises and shall not exceed 1,000 square feet in total gross floor area. No off-street parking shall be required for the space occupied by said uses. Business or advertising signs for said uses shall not be permitted unless said signs can be seen only from the inside of the building in which said signs are located.

   (4) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

C. Development regulations.

   (1) Area, setback and height regulations.
(a) The minimum area required for a Central Health Care District shall be 100 contiguous acres. The Town Board may waive the requirement that the district contain at least 100 acres if, in the Town Board's judgment, the establishment of said district would benefit the Town. The Town Board may waive the requirement that all land in a CHC District be contiguous if provisions are made, to the satisfaction of the Town Board, for the safe passage of pedestrians and vehicles between noncontiguous segments of the district.

(b) No structure or other improvement shall be located closer than 100 feet to the boundary line of the Central Health Care District. Exempt from this requirement are utilities, landscaping, earthen berms and pavement which provides direct access to public streets. For any building, the one-hundred-foot minimum setback from the district boundary line shall be increased by one foot for each foot of building height in excess of 30 feet.

(2) Parking, fence and sign regulations. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.
§ 211-16. (Reserved)
§ 211-17. BP, BR and BG Business Districts.

A. Professional Office District (BP).

(1) Permitted principal uses.

(a) Offices of health-care professions licensed by the State of New York, including but not limited to those of veterinarians, physicians, dentists or other health-care professionals.

(b) Offices, including but not limited to those of lawyers, architects, engineers, accountants, real estate brokers, insurance agents, travel agents or sales or manufacturer’s representatives.

(c) Data processing or computer service centers which do not include retail sales.

(d) Research or testing laboratories.

(e) Group-instruction facilities, provided that not more than 10 clients are present at said facilities at any one time.

(2) Permitted accessory uses.

(a) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(3) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:

   [1] Group instruction facilities for more than 10 clients at any one time.

(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:

   [1] Churches or other places of worship.


   [3] Funeral homes, including floor space for residential occupancy by a custodian or mortician.

(4) Development regulations. Area, setback, lot coverage and landscaping regulations are contained in Table III. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.
B. Restricted Business District (BR).

(1) Permitted principal uses.

(a) All permitted principal uses specified for the BP District

(b) Service uses, including, but not limited to, barbershops or beauty shops, laundromats or dry-cleaning pickup stations, banks, tailors, and other similar uses.

(c) Retail uses, including but not limited to, grocery stores, pharmacies, hardware stores, delicatessens or bakeries, liquor stores, clothing stores, and other similar uses.

(d) Group instruction facilities.

(e) Daycare centers.

(f) Commercial recreation facilities.

(g) Galleries, museums, and other similar uses.

(2) Permitted accessory uses.

(a) Outdoor storage or display of goods, merchandise or materials in accordance with the regulations established in § 211-25.

(b) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(3) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:


[3] Hotels

(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:


[2] Churches or other places of worship.

[3] Funeral homes, including floor space for residential occupancy by a custodian or mortician.

[4] Fuel dispensing stations as defined in § 211-5, and in accordance with the regulations established in § 211-34.
[5] Motor vehicle service stations in accordance with the regulations established in § 211-35.

(4) Development regulations. Area, setback and lot coverage regulations are contained in Table III. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.
C. General Business District (BG).

(1) Permitted principal uses.

(a) All permitted principal uses specified for the BP and BR Districts.

(b) Hotels.

(c) Funeral homes, including floor space for residential occupancy by a custodian or mortician.

(2) Permitted accessory uses.

(a) Outdoor storage or display of goods, merchandise or materials in accordance with the regulations established in § 211-25.

(b) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(3) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:


(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:

[1] Schools

[2] Churches or other places of worship

[3] Fuel dispensing stations as defined in § 211-5, and in accordance with the regulations established in § 211-34.

[4] Motor vehicle service stations in accordance with the regulations established in § 211-35.


[6] Outdoor storage or display of motor vehicles or trailers.


[8] Self-service storage facilities, provided such facilities are located within existing buildings, do not exceed 25% of the total gross floor area on a lot or business center, and meet the following criteria:

[a] Storage units shall be climate-controlled.
[b] Storage units shall only be accessible to customers from a common point of controlled building access.

c] Hours of operation shall be subject to approval by the Board of Zoning Appeals.

[9] Manufacture, assembly or processing of the following products, provided such use is located within existing buildings and does not exceed 25% of the total gross floor area on a lot or business center:

[a] Scientific, medical, dental, optical, photographic, electronic, electrical, mechanical or tool and die equipment or instruments, or components thereof.

[b] Medical, dental or pharmaceutical supplies.

[c] Plastic products, but not including manufacture of plastics.

[d] Business and office equipment.

[e] Furniture and cabinets.

[f] Food or beverage products, but not including canning or freezing of food products, or slaughtering and packing of meat.

[g] Other similar products

(4) Development regulations. Area, setback and lot coverage regulations are contained in Table III. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.
§ 211-18 FOI, IL, and IG Industrial Districts.

A. Flexible Office Industrial District (FOI).

(1) Intent and Purpose.

(a) The intent of the FOI District is to enhance the long-term fiscal well-being of the Town by providing flexible opportunities for expansion of the employment base and tax base throughout the Town of Greece.

(b) The specific purposes of this district include the following:

[1] To encourage the development of office uses and certain industrial uses by allowing flexibility of design and interchangeability of uses within buildings.


[3] To provide property owners the ability to adapt to changing market trends.

(2) Permitted principal uses.

(a) Manufacture, assembly or processing of the following products:


[2] Scientific, medical, dental, optical, photographic, electronic, electrical, mechanical or tool and die equipment, instruments, supplies, or components thereof.


(b) Offices and medical offices.

(c) Data processing or customer service centers.

(d) Computer service and repair centers, including accessory retail sales of computer-related equipment.

(e) Group-instruction facilities and training centers.

(f) Research or testing laboratories.

(g) Commercial agricultural facilities such as greenhouses.

(h) Any combination of permitted uses.
(3) Permitted accessory uses and structures.

(a) Pharmacies, provided that at least 50% of the building in which such pharmacies are located is occupied by physicians or dentists and provided that the space that is used for such pharmacies does not exceed 10% of the gross floor area of such building.

(b) Processing and shipping facilities, including warehouses, when used as part of and in conjunction with a permitted use.

(c) Retail sales or service of the products that are manufactured, assembled or produced on the premises.

(d) Accessory or incidental industrial equipment or apparatus, provided that such equipment or apparatus is located indoors or otherwise entirely screened from public view.

(e) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(4) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:


[2] Self-service storage facilities subject to the following criteria:

   [a] Storage units shall be climate-controlled.

   [b] Storage units shall only be accessible to customers from a common point of controlled building access.

   [c] Hours of operation shall be subject to approval by the Board of Zoning Appeals.

[3] When not used as part of or in conjunction with the permitted principal use:

   [a] Processing and shipping facilities, including warehouses.

   [b] Wholesale distribution centers.

[4] Enlargement or expansion of legal preexisting structures or uses.


(5) Prohibited uses.

(a) Intake, dismantling, storage, processing, transferring, or sale of salvageable parts from wrecked automobiles or other machinery, or scrap metal.
(b) Uses that may be noxious or injurious due to the production or emission of dust, smoke, odor, gases, fumes, solid or liquid waste, noise, light, vibration, or nuclear or electromagnetic radiation or due to the likelihood of injury to persons or damage to property if an accident occurred.

(c) Freight or truck terminals.

(d) Oil, gas or mineral extraction or surface mining.

(e) Bulk fuel or industrial chemical storage or processing.

(f) Outdoor storage of construction materials and equipment.

(g) Advertising signs.

(6) Development regulations.

(a) Area and setback regulations are contained in Table IV. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.
B. Light Industrial District (IL).

(1) Permitted principal uses.

(a) Manufacture, assembly or processing of the following products, provided that the gross floor area of any such use within a building shall not exceed 50,000 square feet:

[1] Scientific, medical, dental, optical, photographic, electronic, electrical, mechanical or tool and die equipment or instruments, or components thereof.


[6] Food or beverage products, but not including canning or freezing of fruits or vegetables, slaughtering and meat packing or fermentation or distillation of alcoholic beverages.

[7] Other similar products.

(b) Administrative or product development facilities, including but not limited to:


[2] Research or testing laboratories.

(c) Data processing or computer service centers which do not include retail sales.

(d) Office uses.

(2) Permitted accessory uses and structures.

(a) Retail sales or service of the products which are manufactured, assembled or produced on the premises, provided that:

[1] Such sales or service is conducted entirely within a building in which the space which is used for such activities does not exceed 20% of the gross floor area of all buildings on the premises.

[2] Parking spaces are provided in compliance with the requirements established for such use in § 211-40. Such parking spaces shall be provided in addition to the spaces which are required for the industrial uses on the premises.

(b) When used as part of and in conjunction with the permitted principal uses:

[1] Processing and shipping facilities, including warehouses.
(c) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(3) Special permit uses. The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:

(a) When not used as part of and in conjunction with the permitted principal uses:

[1] Processing and shipping facilities, including warehouses.


(b) Tier 2 Solar Energy Systems pursuant to the provisions of § 211-57.

(c) Schools.

(d) Churches or other places of worship.

(4) Development regulations. Area and setback regulations are contained in Table IV.[1] Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.
C. General Industrial District (IG).

(1) Permitted principal uses.

(a) All permitted principal uses specified for the FOI and IL Districts, except office and medical office uses.

(b) Manufacture, assembly or processing of other products not permitted in the FOI and IL Districts.

(c) Processing and shipping facilities, including warehouses.

(d) Wholesale distribution centers.

(e) Freight or truck terminals.

(f) Self-service storage facilities.

(g) Tier 3 Solar Energy Systems pursuant to the provisions of § 211-57.

(h) Storage yards for construction materials and equipment, provided that said storage is entirely screened from public view.

(2) Permitted accessory uses and structures.

(a) Accessory or incidental industrial equipment or apparatus.

(b) Outdoor storage, provided that said storage is entirely screened from public view.

(c) Tier 2 Solar Energy Systems pursuant to the provisions of § 211-57.

(d) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(3) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:

[1] Intake, dismantling, storage, processing, transferring, or sale of salvageable parts from wrecked automobiles or other machinery, or scrap metal.

[2] Uses which may be noxious or injurious due to the production or emission of dust, smoke, odor, gases, fumes, solid or liquid waste, noise, light, vibration or nuclear or electromagnetic radiation or due to the likelihood of injury to persons or damage to property if an accident occurs.

[3] Non-solar energy generation or energy storage facilities.

(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:
[1] Motor vehicle service stations in accordance with the regulations established in § 211-35, and customary related accessory uses, including but not limited to retail sales of automotive parts and supplies.


(4) Development regulations. Area and setback regulations are contained in Table IV. Parking, fence and sign regulations are contained in Articles V, VI and VII, respectively.
§ 211-18.1 EDIO Economic Development and Innovation Overlay District.

A. Intent and purpose. In accordance with the recommendations of the Town of Greece 2020 Comprehensive Plan Update, the Economic Development and Innovation Overlay (EDIO) District is intended to promote the growth of industry and employment opportunities in the Town by prioritizing permitting and approvals in key locations and industry sectors. The EDIO District is overlaid onto specific geographic areas of the town where significant opportunity exists for economic growth. The specific purposes of this district include the following:

1. Expedite approval processes in designated target areas, when possible, and when doing so is not a detriment to the general health, safety and welfare of the community.

2. Promote the growth of industry in the interest of the local and regional economy.

3. Expand employment opportunities for Greece’s skilled workforce.

4. Promote industrial vitality by filling/occupying underused buildings, properties, and spaces.

5. Accommodate growth in key industry sectors.

6. To balance the tax base.

B. Applicability.

1. The EDIO District applies to the following target areas as shown on the Official Zoning Map:
   (a) Eastman Business Park.
   (b) Canal Ponds Business Park.
   (c) Northampton Landing.
   (d) Central Health Care (CHC) Zoning District.

2. All permitted uses and structures and other provisions of the underlying zoning district shall remain in effect, except where provisions of the EDIO District differ; in such cases, the least restrictive provision shall apply.

3. Applications eligible for waiver or referral for administrative review.
   (a) Special use permits. The board having jurisdiction over a special use permit which meets the criteria established in this section may waive the requirement for such approval and any associated notification requirement pursuant to the provisions of §211-60(A)(7) and §211-61.
   (b) Site Plans. Pursuant to §211-60(C)(2)(c), the Planning Board may waive certain elements of a site plan approval, or, pursuant to the provisions of this section, may refer such site plan for administrative review and approval, whereby the board’s authorized representative may approve such site plan on the board’s behalf.
   (c) Minor subdivisions not associated with residential development. The Planning Board may refer minor subdivisions not associated with residential development for administrative review and
approval and waive the notification requirements of §211-61, whereby the board’s authorized representative may approve such minor subdivision on the board’s behalf.

(4) Applications not eligible for waiver or referral for administrative review.

(a) Area variances.

(b) Use variances.

(c) Rezonings.

(5) Criteria. The board having jurisdiction over an application may consider a request for waiver or referral for administrative review when one or more of the following conditions are present:

(a) The proposal is more than 100 feet from the EDIO boundary.

(b) The proposal does not include any structures more than 50’ in height.

(c) The proposal is not visible, in the opinion of the Planning Board, from a residential district and/or property.

(d) The proposal does not require additional access to a public road.

(e) The proposal does not require joint review and approval with a neighboring municipality.

(f) The proposal is a Type II or Unlisted Action pursuant to the SEQRA Regulations.

C. Procedure.

(1) Waivers and referrals for administrative review may only be granted by a resolution of the board having jurisdiction at a regularly scheduled meeting.

(2) Application for a waiver or referral for administrative review shall be made in accordance with procedures established by the Department of Development Services, including payment of any fees established by the Town Board.

(3) A complete request for waiver or referral for administrative review may be placed on the agenda of the next available regularly scheduled meeting of the board having jurisdiction.

(4) If a request for a waiver or referral for administrative review is denied by the board having jurisdiction, a formal application for such approval must be made in accordance with procedures established by the Department of Development Services. In such cases, fees paid in association with the waiver or referral request may be applied toward the full application.

D. Conditions.

(1) The board having jurisdiction over the approval to be waived or referred for administrative review may place such conditions upon the waiver or referral as it deems necessary to guard the community’s interest. Failure to comply with such conditions shall constitute a violation subject to enforcement under §211-63 of this Chapter.
(2) Where a waiver is granted or referral for administrative review is made in accordance with this section, it shall in no way relieve applicants from the rules and regulations of other local, state and federal government agencies.
§ 211-19. BN, DMU and PMU Mixed Use Districts.

A. Neighborhood Business (BN).

(1) Purpose and Intent. To encourage pedestrian-oriented and aesthetically pleasing redevelopment of small neighborhood commercial nodes which will provide nearby residents with convenient access to services, while enhancing neighborhood character.

(2) Applicability.

(a) New construction and substantial redevelopment. All new development and redevelopment shall comply with the site and architectural design standards set forth in this section, subject to approval by the Planning Board.

(b) Exterior renovations of existing buildings. Exterior renovations of existing buildings which do not require site plan or minor improvement plan approval shall comply with the site and architectural design standards set forth in this section, to the extent deemed practicable and appropriate by the Director of Development Services in consultation with the Planning Board Chairperson.

(3) Permitted principal uses.

(a) Service uses, including, but not limited to, barbershops or beauty shops, laundromats or dry-cleaning pickup stations, banks without drive thru service, tailors, and other similar uses.

(b) Retail uses, including but not limited to, grocery stores, pharmacies, hardware stores, delicatessens or bakeries, liquor stores, clothing stores, and other similar uses.

(c) Office uses, but not medical offices.

(4) Permitted accessory uses.

(a) Dwelling units

[1] Dwelling units shall not be permitted below the second floor of a building.

[2] The minimum area of said dwelling units shall comply with the New York State Uniform Fire Prevention and Building Code, as updated from time to time.

(b) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(c) Public spaces including but not limited to parks, gazebos and pavilions, and other similar accessory structures/uses.

(5) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:


(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A.

[1] Enlargement or expansion of legal preexisting structures or uses, provided that such enlargement or expansion complies with the site and architectural design standards set forth in this section to the greatest extent practicable.


(c) Prohibited uses. The following uses are expressly prohibited.

[1] Drive thru service.

[2] Bars, Taverns, and Nightclubs


[6] Outdoor storage or display of motor vehicles or trailers.


(6) Development regulations.

(a) Minimum lot area: None.

(b) Minimum lot dimensions: None.

(c) Maximum lot coverage: None.

(d) Setback requirements

[1] The minimum front setback of any building shall be 10 feet.

[2] The maximum front setback shall be 30 feet.

[3] The minimum side setback shall be 0 feet unless adjoining a residential district, in which case it shall be 15 feet.

[4] The minimum rear setback shall be 0 feet when a solid wall is used for screening and 15 feet without such a wall.

(7) Design requirements. Development in the BN district shall be subject to the mixed use design requirements established in § 211-19.1.
B. Dewey Avenue Mixed Use (DMU).

(1) The purpose of the Dewey Avenue Mixed Use District (DMU) is to foster a combination of appropriately scaled land uses and activities that support the goals and objectives contained in the Dewey Avenue Corridor Study. The DMU District is established to create a blend of retail, office, civic and residential uses within existing commercial areas that contribute to the vitality of the surrounding neighborhoods. Development in this district should promote the health, safety, and general welfare of residents by fostering physical activity, alternative transportation choices, and greater social interaction along Dewey Avenue.

(2) Applicability.

(a) New construction within the DMU shall require an application for site plan review or minor improvement plan in accordance with the regulations/requirements established in § 211-60C or D.

(b) Exterior renovations of existing structures which are not subject to site plan or minor improvement plan approval shall comply with the applicable regulations set forth in this section, to the extent deemed practicable and appropriate by the Director of Development Services in consultation with the Planning Board Chairperson.

(3) Permitted principal uses.

(a) Service uses, including, but not limited to, barbershops or beauty shops, laundromats or dry-cleaning pickup stations, banks, tailors, and other similar uses.

(b) Retail uses, including but not limited to, grocery stores, pharmacies, hardware stores, delicatessens or bakeries, liquor stores, clothing stores, and other similar uses.

(c) Office and medical office uses.

(d) Group instruction facilities.

(e) Commercial recreation facilities.

(f) Galleries, museums, and other similar uses.

(g) Day-care centers.

(h) Dwelling Units.

[1] Single-Family Homes

[2] Townhomes


(4) Permitted accessory uses.
(a) Outdoor storage or display of merchandise in accordance with the regulations established in Section 211-25.

(b) Minor home occupations in accordance with the regulations established in Section 211-23.

(c) Garages for the private, noncommercial use of the residents of the premises.

(d) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(e) Public spaces including but not limited to parks, gazebos and pavilions, and other similar accessory structures/uses.

(5) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board.


[2] Bars, taverns, and night clubs.


(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals.


[4] Fuel dispensing stations as defined in § 211-5, and in accordance with the regulations established in § 211-34.


[6] Drive-thru facilities, whether freestanding or in conjunction with a permitted use.


(6) Prohibited uses. The following uses are expressly prohibited.

(a) Motor Vehicle Dealerships.

(b) Outdoor storage or display of motor vehicles or trailers.

(c) Outdoor storage of disabled, unlicensed or dismantled vehicles

(7) Development regulations.
(a) Minimum lot area: None.

(b) Minimum lot dimensions: None.

(c) Maximum lot coverage: None.

(d) Setback requirements.

[1] Except as provided in § 211-33, the following requirements are applicable to the DMU District that encompasses the intersections of Dewey Avenue/Latta Road and Dewey Avenue/English Road (as shown on the Official Zoning Map):

[a] The minimum front setback of any building shall be 10 feet.

[b] The maximum front setback shall be 30 feet when accommodating outdoor eating/sitting areas and/or site amenities. On corner lots, both yards abutting streets shall be considered front yards.

[c] The minimum side setback shall be 0 feet unless adjoining a residential district, in which case it shall be 15 feet.

[d] The minimum rear setback shall be 0 feet when a solid wall is used for screening and 15 feet without such a wall.

[2] Except as provided in § 211-33, the following requirements are applicable to the DMU District that encompasses the intersection of Dewey Avenue/Stone Road (as shown on the Official Zoning Map):

[a] The maximum front setback shall be 10 feet. There is no minimum front setback. On corner lots, both yards abutting streets shall be considered front yards.

[b] The minimum side setback shall be 0 feet unless adjoining a residential district, in which case it shall be 15 feet.

[c] The minimum rear setback shall be 0 feet when a solid wall is used for screening and 15 feet without such a wall.

(e) Building height and stories.

[1] The following requirements are applicable to the DMU District that encompasses the intersections of Dewey Avenue/Latta Road and Dewey Avenue/English Road (as shown on the Official Zoning Map):

[a] The minimum building height shall be 25 feet. The maximum building height shall be 45 feet or three stories, whichever is less.

[b] The following requirements are applicable to the DMU District that encompasses the intersection of Dewey Avenue/Stone Road (as shown on the Official Zoning Map):
[c] The minimum building height shall be 25 feet. The maximum building height shall be 45 feet or three stories, whichever is less.

[d] All buildings shall be a minimum of two stories in height.

(8) Design requirements. Development in the DMU district shall also be subject to the mixed use design requirements established in § 211-19.1.
C. Planned Mixed Use (PMU).

(1) Purpose and Intent. The Planned Mixed Use (PMU) district is established to provide maximum flexibility in design to accommodate substantial redevelopment in areas where a smooth transition between residential and commercial land use is needed to protect the character and vitality of the residential neighborhoods, while providing opportunities for economic growth within existing commercial areas.

(2) Establishment of the district. At the request of an applicant or on its own initiative, the Town Board may establish a Planned Mixed Use District, following a public hearing.

(3) Planned development requirements.

(a) The pattern of development in the PMU district shall be guided by the intent and purpose of the district as well as the design requirements established in § 211-19.1.

(b) Where the PMU district is established adjacent to existing single-family homes or land which is zoned for future single-family development, single-family homes shall be included as part of the planned development so as to maintain the character of such adjoining areas. Moving away from existing single-family areas, the density of residential development may increase to include townhomes and apartments if permitted by the Town Board.

(c) Concept plan review required. No application for Planning Board approval shall be considered in the PMU district unless and until a concept clan has been submitted and reviewed pursuant to procedures established by the Department of Development Services. In the course of reviewing the concept plan, the Planning Board may provide direction on such matters as the pattern and character of the proposed development, the ratio of commercial to residential uses, project density and other design requirements, and dedication of roadways and utilities.

(4) Permitted principal uses.

(a) Service uses, including, but not limited to, barbershops or beauty shops, laundromats or dry-cleaning pickup stations, banks, tailors, and other similar uses.

(b) Retail uses, including but not limited to, grocery stores, pharmacies, hardware stores, delicatessens or bakeries, liquor stores, clothing stores, and other similar uses.

(c) Office and medical office uses.

(d) Group instruction facilities.

(e) Commercial recreation facilities.

(f) Galleries, museums, and other similar uses.

(g) Day-care centers.

(h) Dwelling Units

[1] Single-Family Homes
(5) Permitted accessory uses.

(a) Outdoor storage or display of merchandise in accordance with the regulations established in Section 211-25.

(b) Minor home occupations in accordance with the regulations established in Section 211-23.

(c) Garages for the private, noncommercial use of the residents of the premises.

(d) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(e) Public spaces including but not limited to parks, gazebos and pavilions, and other similar accessory structures/uses.

(6) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board.


[2] Bars, taverns, and night clubs.


(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals.


[3] Fuel dispensing stations as defined in § 211-5, and in accordance with the regulations established in § 211-34.


[5] Drive-thru facilities, whether freestanding or in conjunction with a permitted use.

(7) Prohibited uses. The following uses are expressly prohibited.

(a) Motor Vehicle Dealerships.

(b) Outdoor storage or display of motor vehicles or trailers.

(c) Outdoor storage of disabled, unlicensed or dismantled vehicles
(8) Development regulations.

(a) Minimum lot area: None.

(b) Minimum lot dimensions: None.

(c) Maximum lot coverage: None.

(d) Setback requirements.

[1] The minimum front setback of any building shall be 0 feet.

[2] The maximum front setback shall be 30 feet when accommodating outdoor eating/sitting areas and/or site amenities. On corner lots, both yards abutting streets shall be considered front yards.

[3] The minimum side setback shall be 0 feet unless adjoining a residential district, in which case it shall be 15 feet.

[4] The minimum rear setback shall be 0 feet when a solid wall is used for screening and 15 feet without such a wall.

(9) Design requirements. Development in the PMU district shall also be subject to the mixed use design requirements established in § 211-19.1.

A. Building design.

(1) Intent: to create lively, pedestrian-friendly and attractive buildings, sites, open spaces and streetscapes where residents and visitors will enjoy walking, biking, driving and shopping. It is the intent of these building design standards that future private development contribute to the public realm. This is accomplished by varying building massing to provide visual interest, promoting compatibility with surrounding developments, emphasizing street corners, and highlighting points of entry and other prominent features of building architecture.

(2) Building placement, orientation, and frontage.

(a) To the maximum extent practicable, buildings shall be arranged to orient to the streets and to frame the corner at the intersection of two streets.

(b) A minimum of 60% of the street frontage for any commercial property or business center shall be occupied by the following design elements:


[2] Decorative architectural walls no more than three feet in height.

[3] Landscaped entryway signage or features; and/or site amenities including, but not limited, to public space, art, clocks, etc.

(c) The following design elements are prohibited between the building and street frontage:


[2] Drive lanes or aisles, except those which provide direct access to a public highway.

(3) Building height and stories. Unless otherwise specified in the applicable zoning district regulations, building height shall be no less than 25 feet and no more than 45 feet or three stories, whichever is less.
(4) Building composition.

(a) Buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials and colors.

(b) Architectural details or features such as dormers, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged. A well-articulated base, mid-section, and crown can be achieved in all building types and sizes, including multi-story buildings, as depicted here.

(4) Access to buildings.

(a) Buildings and tenant spaces shall have a prominent street-level entrance visible and accessible from the public sidewalk.

(b) Where off-street parking is provided in the side or rear yard, buildings and tenant spaces shall also have an entryway accessible to the public and visible from said off-street parking.

(5) Façade relief.

(a) Varied building designs that avoid long, flat facades are required.
(b) The vertical plane of the building facade shall be broken up with a high level of articulation (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces, and awning/entrance canopies), especially at ground level.

(c) No facade shall exceed 60 feet in horizontal length without a change in facade plane. Changes in facade planes shall be no less than 1.5 feet in depth and no less than 8 feet in length.

(d) Any changes in exterior building material shall occur at interior corners.

(e) All facades shall be designed to be consistent in regard to architectural style, materials, and details.

(6) Transparency.

(a) A minimum of 60% of the street-facing, ground-floor facades for nonresidential uses shall be comprised of clear windows that allow views into the interior of the building.

(b) Ground-floor facades for residential uses shall provide a minimum transparency of 20%.

(c) Ground-floor transparency shall be measured between two feet and 10 feet above the adjacent sidewalk.

(d) The building facades facing side or rear yard parking areas shall be 30% transparent for no less than 30% of the horizontal length of the facade.

(e) Renovations of the first floor of existing buildings shall not decrease the area of transparency. Where feasible, renovations shall increase the area of transparency to that required for new construction unless the original historic character of the building requires less transparency area.
(7) Materials.

(a) All primary buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time, including, but not limited to, painted wood; natural or synthetic stone; brick; stucco; integrally colored, textured, or glazed concrete masonry units; high-quality pre-stressed concrete systems; Exterior Insulation Finish Systems (EIFS); or glass.

(b) Prohibited materials include:


(8) Mechanical equipment.

(a) To the extent practicable, air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and other similar mechanical equipment shall be thoroughly screened from view from the public right-of-way and from adjacent properties. Screening shall be architecturally compatible with the style, materials, colors, and details of the building.

B. Pedestrian and bicycle access and circulation.

(1) Intent: to encourage and emphasize pedestrian and bicycle access and activity by prioritizing safe, efficient, and convenient non-motorized access and circulation patterns within and between developments and into nearby residential areas.

(2) Pedestrian walkways shall be provided to and between the following:

(a) The primary entrance or entrances to each commercial building, including pad site buildings.

(b) The public sidewalk system along the perimeter streets adjacent to the commercial development.

(c) Adjacent public parks, or other public or civic uses, including but not limited to schools, places of worship, public recreational facilities, or government offices.

(3) Sidewalks, walkways, and other pedestrian spaces shall be visibly distinguishable from vehicular driveways with the following:

(a) Textured and/or colored concrete or other surface treatment.

(b) Pedestrian-scaled lighting, adequate for security and safety.

(c) Weather protection (e.g., shade trees, awnings/canopies).
(d) Other appropriate pedestrian amenities (e.g., street tree grates, outdoor seating, trash cans, sidewalk displays, public art, etc.).

(4) Bicycle access and parking. Bicycle access and parking shall be encouraged and accommodated as follows:

(a) In a visible, safe, and convenient location that is accessible to building entrances.

(b) With adequate facilities to secure bicycles with a lock.

(c) At a rate of not less than 10% of the motorized vehicle parking requirements for any given use, but not fewer than two bicycle spaces.

(d) Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect cyclists and parked bicycles from injury or damage by motor vehicles.

(e) Bicycle parking signs shall be visible from the main entrance of the structure or facility.

C. Vehicular access and parking.

(1) Intent: to accommodate vehicular access and parking while prioritizing pedestrian movements.

(2) Vehicle access and traffic patterns. To the extent practicable, nonresidential and mixed-use sites shall be designed to achieve the following:

(a) Provide vehicular cross access between adjoining sites.

(b) Consolidate vehicle access points to the public highway.

(c) Consolidate delivery and service access areas for adjoining businesses

(d) Provide for shared parking and cross access easements and agreements among adjoining businesses and property owners. Access easements may be required so that pad sites or adjacent parcels have adequate access if ownership patterns change.

(e) Drive-up facilities, if permitted in the applicable zoning district, shall be located in either the side yard or rear yard.

(3) Vehicle parking.

(a) Location.

[1] No parking shall be permitted in the front yard.

[2] Off-street parking may be located in the rear yard, side yard or underground.

[3] Side yard parking shall be located a minimum of 10 feet behind the front facade.

[4] All parking areas shall be set back from adjoining single-family districts:

[a] A minimum of 15 feet and include a landscape screen; or
[b] A minimum of 0 feet and include a decorative masonry wall.

(b) Number of spaces required.

[1] The minimum off-street parking requirement for non-residential uses shall be three spaces per 1,000 square feet of gross floor area.

[2] The minimum off-street parking requirement for residential uses shall be 1.75 spaces for each dwelling unit.

(c) Parking blocks.

[1] In order to reduce the scale of larger parking areas, the total amount of parking provided shall be broken up into parking blocks containing not more than 40 spaces.

[2] Each parking block shall be separated from other parking blocks by buildings, access drives with adjacent landscaped areas at least 10 feet wide, a landscaped median or berm at least 10 feet wide, or by a pedestrian walkway or sidewalk within a landscaped median at least 10 feet wide.

[3] Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).
[4] All parking blocks which contain more than 25 stalls must include clearly identified pedestrian routes from the parking stalls to the main building entrance, public sidewalk along the street and/or central location.

(d) Shared parking.

[1] Shared parking is encouraged to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses located within close proximity to one another with different peak parking demands or different operating hours.

[2] The Planning Board may approve shared use of parking facilities located on the same property or on separate properties if, in the opinion of the Planning Board:

[a] A convenient pedestrian connection between the properties exists; an

[b] The properties are within a reasonable distance of each other; and

[c] An agreement or easement exists to facilitate such shared parking; and

[d] The availability of parking for all affected properties is indicated by approved directional signs.

[e] A sufficient number of parking spaces are available for all users based on total number of parking spaces required for all users, and overlap of user hours of operation. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements.

D. Landscaping.

(1) Intent. Landscaping shall be designed as an integral part of every development project, and not merely located in leftover portions of the site. Landscaping is intended to visually tie the entire development together, help to define and announce entryways and circulation patterns (both vehicular and pedestrian), and, where appropriate, help buffer less intensive adjacent land uses. It shall help to minimize the expansive appearance of parking lots, provide shaded areas for pedestrians, and soften hard edges of buildings and parking lots. The following requirements are intended to supplement the Town's Landscape Guidelines for Development.

(2) Building setback landscaping.

(a) Building setback areas along streets, access ways, or along private drives shall be landscaped with a minimum of one shade tree per 40 feet of linear frontage.

(b) Building setback areas shall include compact massing of ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers.
(c) Plantings should decrease in size and increase in detail, color, and variety near entryways into developments.

(3) Building foundation landscaping.

(a) Building trees, flowering shrubs, perennials, and ground covers foundations shall be planted with ornamental plant material, such as ornamental.

(b) Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.

(4) Interior parking lot landscaping.

(a) The interior of all uncovered parking blocks containing 10 or more spaces shall be landscaped according to the provisions in this subsection.

(b) The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.

(c) One shade tree shall be planted for every five parking spaces.

E. Fences and walls. When a development includes a fence or wall, the following guidelines and standards shall apply:

(1) The maximum height of a fence or wall shall be eight feet in the rear yard, three feet in the front yard, and six feet in the side yard. A side yard fence or wall may be extended to eight feet with Planning Board approval.

(2) Walls and fences shall be constructed of high-quality materials, such as decorative blocks, brick, stone, high-quality wood or vinyl fencing, and wrought iron. Prohibited materials include:

(a) Smooth-faced gray concrete block, smooth-faced painted or stained concrete block, smooth-faced concrete panels;

(b) Unfinished wood;

(c) Chain link; and

(d) Corrugated metal siding.

(3) Breaks in the length of a fence shall be made to provide pedestrian connections to the perimeter of a site or to adjacent development.

(a) The maximum length of continuous, unbroken, and uninterrupted fence or wall plane shall be 50 feet.
(b) Breaks shall be provided through the use of columns, landscaping pockets, transparent sections, and/or a change to different materials.

(c) Fences and walls shall be set back from the front and side lot line to allow a landscaped setback area. Such setback area shall be landscaped with a turf, shrubs, and/or trees, using a variety of species to provide seasonal color and plant variety.

(d) Use of landscaping beyond the minimum required in these standards is strongly encouraged to soften the visual impact of fences and walls.
§ 211-20. WD Waterfront Development District.

A. Legislative intent and purpose.

(1) The intent and purpose of the Waterfront Development (WD) District is to provide unique opportunities for the development and continued operation and maintenance of water-oriented uses within certain areas adjacent to the Erie Canal and the vicinity of the Lake Ontario Shoreline. The WD District requires and permits a mix of business and residential uses, while incorporating recreation and waterfront access, to enhance the unique aesthetic, recreational, environmental and historical qualities of the waterfront areas.

(2) The specific purposes of this district include the following:

(a) To provide for a desirable mix of business and residential uses along with recreational opportunities that complement each other and are enhanced by the unique locational characteristics of the Erie Canal and Lake Ontario.

(b) To retain and enhance the aesthetic quality of waterfront areas through the appropriate siting of structures.

(c) To promote public access to the Erie Canal and Lake Ontario Shoreline in a manner that is compatible with the primary purpose of the proposed developments or activities.

(d) To encourage appropriate water-oriented recreational uses along the shoreline.

(e) To promote opportunities for increased tourism.

(f) To encourage appropriate and safe water surface use on the Erie Canal and Lake Ontario Shoreline.

(g) To preserve, to the extent practicable, the existing natural shoreline features and to prevent, to the maximum extent practicable, erosion, sedimentation and drainage problems both during and after construction.

(h) To utilize and enhance waterfront areas in a manner that is sustainable, resilient, and in harmony with the waterfront areas.

(3) Required principal uses. In order to promote the intent and purpose of this section, a mixture of uses shall be required in the WD District. Not fewer than one of each of the following principal uses shall be required in this district:

(a) Residential uses. Not fewer than one dwelling unit or residential unit shall be provided for each 5,000 square feet of nonresidential gross floor area. Such units may be:

   [1] Single-family homes; or

   [2] Townhomes; or

   [3] Apartments; or
[4] Any combination of such units.

(b) Business uses. The following uses may be permitted, provided that such uses are not, and do not include, a drive-up facility and provided that no such use exceeds 10,000 square feet in gross floor area:

[1] Service uses, including, but not limited to, barbershops or beauty shops, laundromats or dry-cleaning pickup stations, banks, tailors, and other similar uses.

[2] Retail uses, including but not limited to, grocery stores, pharmacies, hardware stores, delicatessens or bakeries, liquor stores, clothing stores, and other similar uses.

(c) Recreational uses available to the general public:

[1] Marinas, as defined in § 211-5.


[3] Other water-dependent or water-oriented uses.


(4) Permitted accessory uses and structures.

(a) Accessory uses and structures for single-family homes in accordance with § 211-11(B).

(b) Boat mooring slips for the private, noncommercial use of the residents of a dwelling unit or residential unit, provided that not more than one boat mooring slip shall be permitted per dwelling unit or residential unit.

(c) Electric vehicle charging points in accordance with the provisions of § 211-34.1.

(5) Special permit uses.

(a) The following uses may be permitted upon application to and with the approval of the Town Board pursuant to § 211-60A:


(b) The following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:

[1] Churches or other places of worship.


(c) Prohibited uses. The following uses are expressly prohibited.


B. Design criteria.

(1) Buildings and other structures.

(a) Location and orientation of buildings and other structures.

[1] Buildings and structures shall be located and oriented in a way that provides for public access to the water and gathering places that are integral to such buildings and structures.

[2] Buildings that are adjacent to the water shall have at least one means of public ingress/egress on the waterside of such buildings.

[3] Buildings and structures that are adjacent to the water shall be oriented in a way that encourages pedestrian access and recreational use of said waterbody.

[4] Buildings and structures that are adjacent to the water shall provide opportunities for outdoor seating at restaurants, cafes, snack bars, and other similar uses.

[5] Buildings that are adjacent to the Erie Canal, Lake Ontario, or other waterway shall have a clear relationship to the waterway and shall reinforce a pedestrian framework by locating primary facades parallel to the waterway.

[6] Distances between buildings and building clusters shall be minimized to facilitate outdoor pedestrian activity, particularly along a waterway.

[7] Buildings and structures shall be located so as to avoid flooding and erosion.

[8] Utility structures, including but not limited to electricity transmission and distribution lines, telephone lines, and cable television lines, shall be located underground.

(b) Architecture. The exterior appearance (that is, materials, colors and architectural style, including details) of buildings and structures shall be subject to review and approval by the Planning Board.


[2] The exterior appearance of buildings and structures shall be architecturally compatible with or complementary to other buildings and structures in the WD District.
[3] Buildings shall maintain alignments of the horizontal elements of adjacent buildings, including but not limited to rooflines, eaves, water tables, and windows.

[4] Visible rooflines shall include architectural embellishments, including but not limited to dormers, masonry chimneys, cupolas, and clock towers.

[5] Buildings located at a street corner or other visual focal point shall be designed with additional architectural embellishments, including but not limited to corner towers, chamfers, or other features that emphasize their location.

[6] Not less than 60% of all first-floor facades (measured in square feet of surface area) fronting on a street, pedestrian path, or on a waterway shall consist of pedestrian entrances and windows.

[7] Natural materials, including but not limited to brick, stone, wood, and stucco, shall be used on building exteriors.

[8] Outdoor refuse container enclosures; heating, ventilation, and air conditioning equipment; and other utility equipment shall not be located between buildings and a waterway, and shall be screened from public view.

[9] Building entrances/exits shall be fully integrated with the outdoor pedestrian environment, and shall be clearly defined and articulated by architectural elements, including but not limited to lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades, building-mounted lights, and other similar features.

(c) Pedestrian access. As part of the site plan review process, the Planning Board shall ensure that there is adequate and safe means of pedestrian circulation within the WD District, with connections to the surrounding community and to pedestrian/bicycle paths along

[1] Pedestrian paths and related amenities within the WD District shall function as an integrated system.

[2] Accessory structures that are adjacent to pedestrian paths, including but not limited to pavilions, gazebos, railings, fences, boardwalks, docks, decks, benches, refuse containers, bicycle racks, landscaping, crosswalk treatments, signs, and lighting, shall be located, oriented and scaled for pedestrian use and shall be compatible or complementary in their materials, colors and styles.

[3] Site plans shall identify building entrances and connections to pedestrian paths.

[4] Pedestrian and bicycle paths shall be linked to other existing local and regional trail systems.

[5] Vehicle access and parking. Vehicle access and parking shall be shared among uses, and shall be located and oriented subordinate to buildings, public spaces, public gathering places and pedestrian paths.

[6] Fences. Fences shall be compatible with or complementary to the materials, colors and architectural style of nearby buildings and structures.
C. Development regulations. In furtherance of the legislative intent and purpose of the WD District, development within this district shall be subject to the following regulations:

(1) Lot dimensions. There shall be no minimum or maximum lot width, lot depth, or lot area.

(2) Lot coverage. There shall be no minimum or maximum lot coverage.

(3) Gross floor area. The minimum gross floor area of any building that contains a nonresidential use shall be 5000 square feet. In no case shall any use within such building exceed 10,000 square feet in gross floor area.

(4) Setback. The setbacks of all structures shall comply with the requirements and restrictions of the Building Codes of New York State.

(5) Building height.

(a) The maximum height of principal buildings shall be 50 feet.

(b) The maximum height of accessory buildings in the WD District shall be 15 feet, measured to the peak and shall not exceed one-story.
§ 211-20.1. CCO Canal Corridor Overlay District.

A. Legislative intent and purpose.

(1) In accordance with the Town of Greece Local Waterfront Revitalization Plan (the "LWRP"), the Town of Greece 2001 Community Master Plan Update, previous Town of Greece Canal-related planning studies, and regional and state Canal plans and goals, the legislative intent and purpose of the Canal Corridor Overlay (CCO) District is to protect a scenic corridor along the Erie Canal, by maintaining a vegetative corridor along most of the Town’s Canal waterfront and by providing a consistent level of protection of the visual, environmental, and historical resources within this corridor. In order to accomplish this, the CCO District is overlaid onto zoning districts that are adjacent to the Erie Canal. All provisions of the underlying districts remain in full force and effect, except where provisions of the CCO District differ; in such cases, the more restrictive provision shall apply.

(2) The specific purposes of this district include the following:

(a) To preserve natural, scenic, and historic values along the Erie Canal.

(b) To preserve woodlands, wetlands, and other green space.

(c) To use existing vegetation along the Canal to create a secluded natural experience for boaters, hikers, bikers and other Canal users.

(d) To use vegetative buffers to help reduce the velocity and volume of stormwater runoff entering the Erie Canal, increase infiltration, decrease erosion, and protect water quality by filtering out pollutants, including nutrients from fertilizers and agricultural pesticides.

(e) To regulate uses and structures along the Erie Canal in order to avoid increased erosion and sedimentation.

(f) To recognize areas of significant environmental sensitivity that should not be intensely developed.

(g) To encourage land uses along the Erie Canal that are compatible with the intent and purpose of this district.

(h) To permit reasonable uses of land while directing more intense development to more appropriate areas of the community.

B. District boundaries. The CCO District comprises an area adjacent to the entire length of the Erie Canal in the Town of Greece and is parallel to and 200 feet from the high water mark of the Canal on each side of the Canal, but does not include any of the WD (Waterfront Development) District, all as shown on the Official Zoning Map.

C. Permitted uses and structures; prohibited uses and structures.

(1) Permitted principal uses, accessory uses and structures and special permit uses within the CCO District shall be those set forth in the underlying zoning district.

(2) The following uses and structures, however, are specifically prohibited within the CCO District:

(a) Dismantling, storage, processing or sale of salvageable parts from wrecked automobiles or other machinery, including scrap metal or other discarded but recyclable material.

(b) Oil, gas or mineral extraction or surface mining.
(c) Freight or truck terminals.
(d) Bulk fuel storage.
(e) Bulk industrial chemical storage or processing.
(f) Self-service storage facilities.
(g) Storage areas for construction materials and equipment.
(h) Advertising signs.
(i) Uses which may be noxious or injurious due to the production or emission of dust, smoke, odor, gases, fumes, solid or liquid waste, noise, light, vibration, or nuclear or electromagnetic radiation or due to the likelihood of injury to persons or damage to property if an accident occurs.

D. Development regulations.

(1) Setback.

(a) Nonresidential districts.

[1] The minimum setback of principal and accessory buildings from the Erie Canal shall be 50 feet from the right-of-way of said Canal. However, in no case shall principal and accessory buildings be placed, erected or constructed less than 150 feet from the high water mark of said Canal.

[2] Structures may be placed, erected or constructed within the required setback distance, provided that the Planning Board finds that such structures are directly related to use of the Erie Canal. In such cases, the Planning Board shall have the authority to impose additional conditions as may be warranted.

(b) Residential districts.

(c) The minimum setback of principal buildings from the Erie Canal shall be 50 feet from the right-of-way of said Canal.

(d) The minimum setback of accessory buildings from the Erie Canal shall be 20 feet from the right-of-way of said Canal.

(2) Height.

(a) The maximum height of principal buildings shall be 35 feet. Exempt from this limitation are church spires, chimneys, cupolas, flagpoles and other similar appendages.

(b) The maximum height of accessory buildings shall be 17 feet.

(3) Parking areas and driveways. No parking area, driveway or public street shall be located closer than 100 feet to the high water mark of the Erie Canal.

(4) Vegetative buffer.

(a) Nonresidential districts. No existing vegetation within 100 feet of the high water mark of the Erie Canal shall be removed.
(b) Residential districts. No existing vegetation within 50 feet of the high water mark of the Erie Canal shall be removed.

(5) Docks and water surface use.

(a) Docks, boat mooring slips, boat-launching structures and boat storage structures may be permitted.

(b) Not more than one boat mooring slip shall be permitted per dwelling unit or residential unit.

(6) Additional requirements and standards.

(a) Parking and fence regulations are contained in Articles V and VI of this chapter, respectively.

(b) Sign regulations are contained in Article VII of this chapter. The following signs are prohibited within 200 feet of the high water mark of the Erie Canal:

[1] Freestanding signs with a height greater than 12 feet above the surrounding average ground level or with a sign area greater than 40 square feet.

[2] Signs that are designed or intended to be moved from one location to another.

(c) Development shall not prohibit, interfere with, hinder or discourage the public use of the Erie Canal Trail. Development shall provide opportunities for trail linkages between the Erie Canal Trail and existing or proposed pedestrian walkways.

(d) When located adjacent to historic structures, new buildings shall reflect the architectural character of such existing historic structures.
§ 211-21 (Reserved)
ARTICLE IV
Supplementary Regulations

§ 211-22. Preexisting lots, structures and uses.

A. Preexisting lots. Legal preexisting lots shall be deemed to comply with the lot size regulations established by this chapter for the district in which said lot is located. However, all other applicable provisions of this chapter shall still apply.

B. Preexisting structures or uses.

(1) Enlargement or expansion of structures or uses.

(a) Preexisting structures. Preexisting structures which do not comply with all applicable provisions of this chapter may be permitted to be enlarged, provided that:

[1] The enlargement complies with all applicable provisions of this chapter.

[2] The value of the enlargement is not greater than 25% of the value of the structure before the enlargement.

(b) Preexisting uses. Preexisting uses which do not comply with all applicable provisions of this chapter shall not be permitted to be expanded.

(2) Replacement of structures or uses. If a preexisting structure or use is replaced by another structure or use, said new structure or use shall comply with the regulations established by this chapter for the district in which said new structure or use is located.

(3) Discontinuance of uses. The discontinuance of a preexisting use for a period of six months or more shall be conclusive evidence of abandonment of said use. Any further use of the premises shall comply with the regulations established by this chapter for the district in which said premises are located. Exempt from this requirement are uses which are seasonal in nature.

(4) Structures approved for construction. Any structure for which site plan approval has been granted before the effective date of this chapter may be placed, erected or constructed in accordance with the approvals which were granted for said structure, provided that:

(a) A building permit is issued by the Building Inspector within the time constraints established in § 211-60C.

(b) Work for which the building permit is issued is begun within six months of the issuance of said building permit.

(5) Reconstruction of damaged or destroyed structures.

(a) A legal preexisting structure which is damaged or destroyed for any reason which is beyond the control of the owner may be restored or replaced, provided that:

[1] A building permit for said restoration or replacement is issued by the Building Inspector within one year of the damage to or destruction of said structure.

[2] Work for which the building permit is issued is begun within six months of the issuance of said building permit.

(b) A legal preexisting structure which is restored or replaced in accordance with this subsection shall be exempt from the review requirements established for site plans or minor improvements.
plans in Article IX. Said exemption shall apply only if said restoration or replacement is in the same location as, and is no larger than, said legal preexisting structure.

C. Preexisting parking. Preexisting parking spaces shall be subject to the regulations contained in § 211-40.

§ 211-23. Home occupations.

A. Purpose. The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.

B. General regulations.

(1) Accessory uses which are limited by this chapter to the private, noncommercial use of the residents of the premises on which said accessory uses are located shall be exempt from said limitation, provided that said accessory uses are used as part of and in conjunction with a legal home occupation.

(2) In no manner shall the exterior appearance of a building be altered, nor shall a home occupation be conducted in a manner that would cause the premises to lose its residential character, including but not limited to the use of colors, materials, construction or lighting, nor shall a home occupation be conducted in an accessory structure that is either attached to or detached from a dwelling unit.

(3) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of hours of operation, vehicular traffic, operation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.

(4) In accordance with this chapter and Title 19 NYCRR (Building Codes of New York State), the floor area of a home occupation shall not exceed 25% of the gross floor area, exclusive of attached garages, of the dwelling in which such home occupation is located or 500 square feet, whichever is less.

C. Major home occupations. Major home occupations shall include any home occupation which:

(1) Has not more than one employee, paid or unpaid, who is not a resident member of the family which resides on the premises;

(2) Uses an identification sign;

(3) Displays or stores goods, materials or equipment outdoors;

(4) Generates additional traffic or the need for off-street parking beyond the customary needs of the occupants of a dwelling unit;

(5) Uses equipment that would not customarily be used by the occupants of a dwelling unit; or

(6) Is advertised by address.

D. Minor home occupations. Minor home occupations shall comply with all of the following regulations. Said home occupations shall:

(1) Involve no persons other than resident members of the family which resides on the premises.

(2) Show no visible evidence from the exterior of the dwelling unit of the conduct of the occupation.
(3) Generate no additional traffic nor the need for off-street parking beyond the customary needs of the occupants of a dwelling unit.

(4) Use no equipment which would not customarily be used by the occupants of a dwelling unit.

(5) Not be advertised by address.

(6) Be conducted entirely inside of the principal dwelling unit.

E. Unless otherwise permitted in this section, home occupations shall not include the following uses:

   (1) Restaurants.

   (2) Funeral homes, mortuaries and embalming establishments.

   (3) Nursing homes.

   (4) Stables, kennels or veterinary hospitals.

   (5) Clinics or hospitals.

   (6) Repair shops for motor vehicles, recreational vehicles, or lawnmowers or other small engine equipment.

   (7) Clubs.

   (8) Group instruction.

   (9) Sale, lease or rental of new or used motor vehicles, recreational vehicles, or lawnmowers or other small engine equipment.

   (10) Manufacturing uses.


A. Agriculture shall be permitted in any zoning district.

B. Sales of agricultural products.

   (1) Sales of agricultural products on farms may be permitted as an accessory use, provided that said agricultural products are produced on the farm on which said sales occur.

   (2) Sales of farm and garden-related goods, materials or merchandise not produced on the farm is permitted, provided that said sales comprise no more than 10% of the value of the agricultural products sold on the premises.

   (3) The total gross floor area of structures used for the sale of agricultural products shall not exceed 2,000 square feet.

§ 211-25. Outdoor storage, displays and sales.

A. No person except the owner or tenant of a structure or lot shall display or sell merchandise from said structure or lot.

B. The outdoor storage or display of goods, merchandise or materials shall not:
(1) Be located in any public right-of-way;

(2) Impede passage of pedestrians, fire lanes, driveways or any parking spaces; or

(3) Interfere with the safe use of adjoining premises or public rights-of-way.

C. The storage of goods, merchandise or materials in trailers or containers shall not be permitted in any district with the exception of the PL District (Public Land). Construction trailers shall be permitted on a residential, commercial or industrial site through application for a permit for the duration of construction only.

§ 211-26. Storage of flammable, combustible or hazardous materials in tanks.

A. All aboveground and underground tanks permitted as hereinafter provided shall be constructed, installed and maintained in compliance with all applicable federal, state, county and Town laws, ordinances, codes, rules and regulations.

B. Regulations for residential districts. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for the installation of aboveground or underground tanks. Exempt from this requirement are aboveground or underground tanks which are used exclusively in conjunction with oil-burning equipment used for heating and which have a storage capacity of not more than 660 gallons.

C. Regulations for nonresidential districts.

(1) Flammable or combustible materials.

(a) The maximum storage capacity of any aboveground or underground tank shall be 10,000 gallons.

(b) Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for aboveground or underground storage in tanks which have an aggregate storage capacity greater than 20,000 gallons.

(2) Hazardous materials. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for aboveground or underground storage in tanks which have an individual or aggregate storage capacity greater than 1,000 gallons.

§ 211-27. Storage of junk.

Except as permitted in § 211-18B(3)(a), the outdoor storage or maintenance of junk shall not be permitted on any lot in any district.


Except for one-family or two-family residential uses, refuse containers shall be stored either inside of a building or within an enclosure which screens said containers from public view.

§ 211-29. Filling and dumping.

A. Filling and nontoxic inorganic materials. Nontoxic inorganic fill material may be used to establish new grades, provided that the use of said fill material, including but not limited to its composition, amount, location and extent, is approved by the Building Inspector and the Town Engineer.
B. Filling with other materials. Filling with or dumping of organic materials, chemical wastes, liquid petroleum derivatives or other deleterious substances shall not be permitted in any district.

§ 211-30. Animals and animal training facilities.

A. Dogs. Not more than three dogs shall be permitted per dwelling unit. However, the offspring of any resident female dog shall not be counted, provided that said offspring are less than four months of age.

B. Farm animals. Regardless of size, breed or species, animals which are customarily found on farms may be permitted outdoors, provided that said animals are kept on a farm.

C. Public and private stables. Public and private stables may be permitted in any district, subject to the regulations established hereinafter. For purposes of this subsection, any horse, pony or similar animal, regardless of size, breed or species, shall be referred to as a horse.

   (1) Regulations for private stables.

      (a) Stable size and capacity.

         [1] The number of horses which are kept at a private stable shall not exceed the number of members of the family which resides on the premises.

         [2] The lot size regulations for private stables are contained in Table VIII.

      (b) Other regulations.

         [1] Setbacks for barns. The minimum setback for a barn at a private stable shall be the greater of:

            [a] One hundred fifty feet to the nearest dwelling unit on an adjoining lot; or

            [b] One hundred feet to the nearest lot not owned by the person who owns the lot on which said barn is located.

         [2] Setbacks for substances which produce dust or odor. The minimum setback for the storage of manure or other substances which produce dust or odor shall be the greater of:

            [a] One hundred fifty feet to the nearest dwelling unit on an adjoining lot; or

            [b] One hundred feet to the nearest lot not owned by the person who owns the lot on which said substances are located.


            [a] Barbed wire corral fences shall not be permitted.

            [b] Electrification of a corral fence may be permitted, provided that the electrical charge in said fence is not harmful to persons who may come in contact with said fence; the device which supplies the electrical current is reviewed and approved by an electrical inspection agency licensed by the Town of Greece; and signs which identify said fence as electrified are posted on said fence at intervals of not greater than 100 feet. Each said sign shall not exceed two square feet in size.
[c] The minimum setback for a corral fence shall be the greater of 150 feet to the nearest dwelling unit on an adjoining lot or 10 feet to the nearest lot not owned by the person who owns the lot on which said corral fence is located.

(2) Regulations for public stables. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for a public stable.

(a) Stable area. The minimum area required for a public stable shall be 20 contiguous acres.

(b) Details of operation. The details of the operation of a public stable shall be subject to the review and approval of the Board of Zoning Appeals. Said details shall include, but shall not be limited to:

1. The maximum number of horses or ponies proposed to be kept at the public stable.
2. The location of barns or corrals on the premises.
3. The storage location for manure or other substances which produce dust or odor.
4. The use of electrified wire.

(c) Setbacks. The setbacks established for public stables shall not be less than those established for private stables.

(d) Site plan review. A public stable shall not be permitted to be operated unless and until a site plan for said stable has been reviewed and approved by the Planning Board in accordance with § 211-60C.

D. Other animals. Other animals which are not specifically addressed in this section may be kept as pets, provided that said animals are kept in a dwelling. Exempt from this provision are domestic cats, which may be permitted outdoors. However, no premises may be used and no structure may be erected or maintained for the harboring of any dangerous or wild animal or any swine, goats, sheep, lambs, chickens, ducks or other similar animals, except as provided in § 211-30B and C. For the purpose of this subsection, an animal shall be considered dangerous which, without provocation, bites, attacks or chases or otherwise threatens to attack any person or attacks or wounds a dog or other domestic animal.

E. Indoor/outdoor animal training facilities which provide for the instruction or training of dogs, cats or horses, owners or handlers, but not including the sheltering, boarding, keeping, breeding, medical services or maintaining of such animals. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for indoor/outdoor animal training facilities in the IL (Light Industrial) and IG (General Industrial) Districts. Indoor/outdoor animal training facilities shall also be subject to the following allowances, conditions and requirements:

1. Facilities shall be maintained so as not to create odors, noise or any type of health hazards to occupants of adjacent facilities.
2. Outdoor facilities shall meet the lot area and setback requirements as shown on Table VIII.
3. Outdoor facilities shall be subject to site plan approval pursuant to § 211-60C.
4. Permitted accessory uses. Animal exhibitions (animal competitions, trials, shows or display of cats, dogs and/or horses) may be permitted, if requested as part of the special permit and as outlined herein. Animal exhibitions shall be conducted in a manner as not to create havoc or harm to the general public or to such animals in exhibition. Sufficient parking shall be provided to meet the exhibition needs and shall not create an adverse effect to traffic flow.

211:83
§ 211-31. Commercial boarding and/or breeding kennels.

The Board of Zoning Appeals may grant a special use permit for the operation of a commercial boarding and/or breeding kennel in the IG District, provided that:

A. Both a boarding kennel and a breeding kennel shall comply with the following criteria:
   
   (1) Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. "Hours of operation" means those hours when dogs are brought to and from the establishment and when dogs are allowed out of cages.
   
   (2) Buildings housing dogs after hours of operation shall be soundproofed so that noises emitted from the kennel building when measured at any neighboring property line shall not exceed 50 decibels.
   
   (3) All kennels shall be screened from all adjacent public rights-of-way and property lines with intervening landform, vegetation and/or fencing so as not to be openly visible from said rights-of-way or property lines.

B. A breeding kennel shall comply with the following additional standards:

   (1) Minimum site area of 10 acres.
   
   (2) Maximum lot coverage of 10%.
   
   (3) Minimum setback of 300 feet from any property line for a dog run or any building intended for the housing of dogs.
   
   (4) Enclosure of all buildings and/or dog runs used for the housing of dogs by a fence at least six feet in height.
   
   (5) Maximum number of 12 dogs housed over one year in age, except that additional dogs may be housed if for each four additional dogs one additional acre of land is provided and compliance continues with all other standards applicable to the special use permit.

§ 211-32. Outdoor lighting.

A. Light spill. No exterior spotlighting or other high-intensity lighting on a property shall spill onto an adjacent public highway right-of-way or onto adjoining property unless expressly permitted by the Planning Board.

B. Shielding light sources. The source of any outdoor light which is permitted shall be shielded so that it is not visible when viewed off the site. Exempt from this requirement are incandescent lights which are located near an entrance to a principal building and low-voltage lights (as defined in the National Electric Code) not more than 18 inches above grade that also delineate a walkway or access to a building.

§ 211-33. Visibility at intersections.

A. On any lot in any district, no structure, sign, ornament, fence, wall or vegetation within the area defined below shall be greater than three feet in height above the nearest street grade. Said height shall be measured at the edge of pavement of the public street adjacent to the areas described below. However, trees and freestanding signs may exceed three feet in height, provided that the lowest branch which bears foliage or the lowest part of the sign, respectively, is at least seven feet above the nearest street grade.

B. The restricted area described above shall be defined as either of the following:

   (1) At the intersection of two public streets, a triangular area whose sides are:
(a) Side (a). The edge of right-of-way of a public street;
(b) Side (b). The edge of right-of-way of the intersecting public street; and
(c) A straight line connecting sides (a) and (b) above at a point on side (a) and on side (b) which is 30 feet distant from the intersection of sides (a) and (b); or

(2) At the intersection of a public street and a driveway or private drive, a triangular area whose sides are:
(a) Side (a). The edge of right-of-way of the public street;
(b) Side (b). The edge of pavement of the intersecting driveway or private drive; and
(c) A straight line connecting sides (a) and (b) above at a point on side (a) and on side (b) which is 15 feet distant from the intersection of sides (a) and (b).

§ 211-34. Fuel dispensing stations.

A. Fuel dispensing stations shall comply with the following regulations:

B. All Class I and Class II flammable liquids, as identified by Title 19 NYCRR (Building Codes of New York State), shall be stored in underground tanks pursuant to the regulations established in § 211-26.

C. Fuel pumps and other similar devices shall be located not less than 25 feet from any lot line.

D. Canopies which shelter fuel pump islands shall be located not less than 15 feet from any lot line. The minimum height of any said canopy shall be 13 feet, measured to the lowest part of said canopy. The maximum area of any said canopy shall be 1,500 square feet.

(1) Signs required for fire safety purposes and instructions for the safe operation of self-service fuel pumps shall be conspicuously posted in close proximity to said pumps.

(2) The following activities may be permitted in conjunction with the dispensing of fuel:

(a) Indoor sales of groceries.
(b) Sales of auto accessories, including but not limited to tires, batteries or windshield wipers.
(c) The above-noted activities, subject to the following limitations:

[1] Except for adding fluids or making minor adjustments performed in conjunction with the sale and dispensing of fuel, no repair work shall be performed on the premises.

[2] No merchandise shall be displayed outdoors unless said merchandise is stored indoors after the close of business hours.

§ 211-34.1. Electric vehicle charging points.

A. Where electric vehicle charging points are permitted as an accessory use pursuant to district regulations established in Article III, the following provisions shall apply:

(1) The maximum number of charging points permitted on a single lot or business center shall not exceed five (5), or 5% of the total number of parking spaces provided, whichever is less. The permitted number
of charging points computed shall be rounded up to the nearest whole number to establish the actual number of charging points. Exempt from this requirement shall be electric vehicle charging points which are not available for use by the general public, or otherwise for the exclusive use of employees or the charging of fleet vehicles.

(2) Parking spaces used in conjunction with permitted accessory electrical vehicle charging points shall be counted toward the number of parking spaces required for the associated principle use in §211-45 or elsewhere in this Chapter.

(3) Installation of accessory electric vehicle charging points shall be subject to approval of a Minor Improvement Plan or granting of a Waiver pursuant to § 211-60(D).

(4) Signs required for fire safety purposes and instructions for the safe operation of electric vehicle charging points shall be conspicuously posted in close proximity to said stations.

(5) In addition to signage, bollards, curbs, pavement markings, and other safety features may be required by the Building Inspector and/or Fire Marshal.

B. Where the number of electric vehicle charging points exceed the limitations established in § 211-34.1(A)(1) it shall be considered a fuel dispensing station subject to the requirements of § 211-34 and the special use permit requirements established in Article III.

§ 211-35. Motor vehicle service stations.

A. Motor vehicle service stations shall comply with the following regulations:

(1) All repair work shall be performed inside of a building.

(2) All junk vehicles, as defined by this chapter, and all automotive parts shall be stored inside of a building or within an area which is entirely screened from public view.

§ 211-36. Public utility substations and powerlines.

A. Special permit uses. In all districts, the following uses may be permitted upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A:

(1) Aboveground high-tension energy transmission lines.

(2) Public utility substations or related maintenance, storage or repair facilities.

B. Exemptions. Exempt from this requirement are the facilities which are permitted in the IG District pursuant to § 211-18B(1)(c) and the facilities listed in Subsection A(1) and (2) above when said facilities are located in a public right-of-way.

§ 211-37. Boat-launching and -storage structures.

A. Boat-launching.

(1) Land-based, permanent boat-launching structures.

(a) Land-based, permanent boat-launching structures may be permitted as accessory structures only in the front yard of a waterfront lot in any district, provided that the combined height of said

211:86
structure and the boat which rests on, is suspended from or is otherwise supported by said structure does not exceed 10 feet. Said combined height shall be the greater of:

[1] The vertical distance between an average grade elevation datum and the highest permanently affixed part of the boat which rests on, is suspended from or is otherwise supported by said structure; or

[2] The vertical distance between an average grade elevation datum and the highest part of said structure.

(b) Said average grade elevation datum shall be the non-weighted arithmetic mean elevation of the ground which adjoins or which is directly beneath each component part of said structure.

(2) Nonpermanent boat-launching structures. Nonpermanent boat-launching structures may be permitted as accessory structures in the front yard of a waterfront lot in any district, subject to the regulations established hereinafter.

(3) Construction materials. All boat-launching structures shall be constructed of noncombustible materials. Said structures shall not be enclosed by walls, nor shall said structures be covered by a roof.

(4) Setback. All boat-launching structures which are located in the front yard of a waterfront lot shall be exempt from all front and side setback regulations, provided that said structures comply with all applicable provisions of this chapter.

A Boat-storage structures. Boat-storage structures shall comply with all applicable setback and height regulations established for the district in which said structures are located.

§ 211-38. Adult bookstores, adult cabarets and adult entertainment establishments.

A. For purposes of this chapter, the regulation of adult bookstores, adult cabarets and adult entertainment establishments is deemed to be necessary in light of the operational characteristics of such uses which, without the enactment of the following regulations, would have increased detrimental impacts within the community. The requirements hereinafter established are designed to prevent the concentration of adult bookstores, adult cabarets and adult entertainment establishments in any one area of the Town of Greece and to lessen the following possible secondary effects attributable to such uses: the creation of traffic and/or parking problems, loitering due to the attraction of transients, increases in criminal activities, the loss of business by nearby non-adult commercial establishments, deterioration within residential neighborhoods and decreased property values.

B. The adult bookstores, adult cabarets and adult entertainment establishments governed by these provisions shall be allowable in the General Industrial (IG) District only, subject to the requirements hereinafter established.

C. No more than one of the uses governed by these provisions shall be permitted on any single lot in the Town of Greece.

D. None of the uses governed by these provisions shall be allowed:

(1) Within 1,000 feet of the boundary of any residential zoning district or any lot on which a dwelling unit is located.

(2) Within 1,000 feet of the property line of a school, church or other place of worship, day-care center, park or playground or other area where large numbers of minors travel or congregate.

(3) Within 1,000 feet of the property line of a lot containing another such use.

E. All adult bookstores, adult cabarets and adult entertainment establishments shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed
by these provisions shall be able to visually see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity. This requirement shall apply to any display, decoration, sign, window or other opening.

F. A person who knowingly owns, manages, operates, conducts or maintains any of the uses governed by these provisions in any way which is contrary to these regulations shall be subject to prosecution under § 211-67 of this chapter.

G. If any part or provision of this section or the application thereof to any persons or circumstances shall be adjudged invalid, such judgment shall be confined to the part or application adjudged to be invalid. Such decision shall not affect the validity of the section as a whole or any part thereof other than the part so decided to be invalid.
§ 211-39. (Reserved)
ARTICLE V  
Off-Street Parking

§ 211-40. Preexisting parking.

A. Legal preexisting uses shall be deemed to comply with the parking regulations of this chapter. However, if any said legal preexisting use is replaced by another use or if any said legal preexisting use is expanded, the new or expanded use shall comply with the parking regulations of this chapter.

B. Exempt from the parking regulations are legal preexisting business centers as defined in Section 211-5 of this chapter. However, if any legal preexisting business centers’ gross floor area is expanded by 10% or more of the existing gross floor area, the business center shall comply with the parking regulations of this chapter.

C. For preexisting uses, parking space requirements computed from the regulations established in this section may be reduced by the number of parking spaces that must be eliminated in order to comply with the legally established requirements for handicap access or enclosure of outdoor refuse containers.

§ 211-41. General regulations applicable for all districts.

A. If the parking requirement for a use is greater than the general parking requirement established for the district in which said use is located, the parking requirement which is specified by this chapter for said use shall apply.

B. The Planning Board shall determine the parking requirements for any use which is not specified herein. The applicant shall provide any information deemed necessary by the Planning Board to determine the required number of parking spaces.

C. Parking space requirements computed from the regulations established in this section shall be rounded up to the nearest whole number to establish the actual number of parking spaces required.

D. Unless otherwise stated, references to parking required for employees shall be based upon the greatest number of employees on the premises at any one time.

E. A public highway shall not be used for maneuvering directly into or out of any parking space provided in accordance with this chapter.

F. The minimum length of a residential driveway, exclusive of its apron, shall be 22 feet.

§ 211-42. Parking space location.

All parking spaces shall be located on the same lot or business center as the use for which they are provided.

§ 211-43. Parking space size.

The minimum size of each parking space shall be nine feet wide by 18 feet deep.

§ 211-44. Reduction in parking.

A. For any application for approval of a site plan or minor improvement plan, the applicant may request a reduction in the number of parking spaces provided on the site by indicating on such plan an area which shall be designated and reserved as land-banked parking and shall remain as either grass or landscaped area. Such applicant shall submit documentation to the satisfaction of the Planning Board or an authorized representative of the Planning Board (such as the Chairperson or Clerk of the Planning Board) that the area designated and reserved as land-banked parking is not necessary for the proposed use. Such land-banked parking area shall be subject to review and approval by the Planning Board or an authorized representative of the Planning Board and shall comply with all applicable regulations established herein for parking areas and driveways, as well as all other applicable laws,
ordinances, codes, rules or regulations. Such land-banked parking area shall not be converted to parking spaces unless and until approval has been granted by the Planning Board or an authorized representative of the Planning Board.

B. For any application for approval of site plan or minor improvement plan, the Planning Board or an authorized representative of the Planning Board (i.e., Planning Board Chairman or the Clerk to the Planning Board) may allow for up to a 20% reduction in the overall amount of parking required by code for reasons, including, but not limited to, the following:

1. Reductions to impervious surfaces as recommended/required by the Town’s Engineering Department;
2. Increases in landscape buffering and screening to adjoining properties;
3. Site modifications for improved layout as recommended/required by the Planning Board; and
4. Other similar modifications as recommended/required by the Planning Board.

§ 211-45. Minimum parking requirements.

A. One-family, two-family and multiple-family dwellings shall provide 1.75 spaces per dwelling unit.

B. Day-care centers and senior citizen residential facilities shall provide one space for each six persons attending or residing on the Premises, based on maximum occupancy.

C. Office uses in the BP District.

1. Offices of health-care professions licensed by the State of New York, including but not limited to those of veterinarians, physicians, dentists or other health-care professionals, shall provide 5.0 spaces for each 1,000 square feet of gross floor area.

2. All offices which are not associated with health-care professions, as described in Subsection G(1) above, shall provide 3.0 spaces for each 1,000 square feet of gross floor area.

D. Funeral homes shall provide 25 parking spaces for each viewing room.

E. Hotels shall provide one space per guest room, plus one space for each employee on the premises between 9:00 p.m. and 7:00 a.m. In addition, all other uses on the premises shall comply with the applicable parking requirements of this section.

F. Fuel dispensing stations:

1. Which have buildings which are used solely for occupancy by employees shall provide one space for each employee.

2. Which have buildings which are used for retail sales of goods or merchandise shall provide one space for each employee and shall also comply with the parking requirements established for retail uses in Subsection Q below.

3. Areas in direct vicinity of gasoline pump(s), which are utilized for the fueling of vehicles shall be counted as a provided parking space.

G. Motor vehicle service stations shall provide one space for each employee, plus three spaces for each service bay.
H. Motor vehicle dealerships shall provide one space for each employee, plus one space for every 10 vehicles, boats or trailers displayed outdoors.

I. Business Centers and commercial uses, not otherwise identified in this section, shall provide parking spaces according to the schedule below. Such minimum requirements shall apply to the total gross floor area of all new construction/uses which are located in a business center and which is expanded per Section 211-40(B) of this chapter.

<table>
<thead>
<tr>
<th>Total Gross Floor Area (square feet)</th>
<th>Spaces Required per 1,000 Square Feet of Gross Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 or less</td>
<td></td>
</tr>
<tr>
<td>First Floor</td>
<td>5</td>
</tr>
<tr>
<td>Floors above or below first floor</td>
<td>3</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
<td></td>
</tr>
<tr>
<td>First Floor</td>
<td>4</td>
</tr>
<tr>
<td>Floors above or below first floor</td>
<td>3</td>
</tr>
<tr>
<td>50,000 or more</td>
<td>4*</td>
</tr>
</tbody>
</table>

NOTE: *Applies to all floors

J. Restaurants which prepare, sell or serve food or beverages principally on a takeout or delivery basis and which have provisions for not more than 12 persons to consume such food or beverages on the premises shall provide parking spaces according to the schedule for uses in the BR and BG Districts, as established in Subsection I above.

K. Restaurants, bars, taverns and nightclubs.

   (1) Restaurants, bars, taverns and nightclubs shall provide 10 parking spaces for each 1,000 square feet of gross floor area.

   (2) Restaurants which do not exceed 5,000 square feet in gross floor area, and include drive-thru services, shall provide 5 parking spaces for each 1,000 square feet of gross floor area.

L. Churches or other places of worship, theaters or auditoriums shall provide one space for every three seats.

M. Industrial uses shall provide one space for each employee.

N. Greenhouses shall provide one space for every 1,000 square feet of gross floor area.

O. Exterior garden nurseries shall provide 0.2 space for every 1,000 square feet of gross floor area.

P. Schools shall provide one space for each 10 students, plus one space for each employee.

Q. Training centers, institutions of higher education and technical/vocational schools shall provide one space for each five students, plus one space for each employee.
ARTICLE VI
Fences

§ 211-46. General regulations applicable for all districts.

A. The regulations hereinafter established for fences shall also apply to any wall which is placed, erected or constructed on a lot to serve the same purpose as a fence.

B. No fence shall be placed, erected or constructed on a lot without a permit issued therefor by the Building Inspector.

C. Except for fences which are located on decks or aboveground pools, the height of a fence shall be measured from the top of said fence to the ground directly beneath said fence.

D. Fences which are within the clear visibility portion of a front or corner lot, as established in § 211-33, shall not exceed three feet in height.

E. Except as provided in § 211-49 below, the use of barbed wire or other similar strands of sharpened enclosure material shall not be permitted. Except as provided in § 211-30C, the electrification of any fence shall not be permitted.

F. For purposes of regulating fences, a lot which adjoins a limited-access highway, including but not limited to New York State Route 390 and the Lake Ontario State Parkway, shall be regarded as an interior lot and not as a through lot.

G. If a zoning district boundary and a lot line coincide, the maximum permissible fence height shall be the greater of the heights permitted by each district.

H. If an earthen berm is located on a lot, fences shall not be permitted between the lot line which generally parallels said berm and the toe of the berm slope which faces the interior of said lot. This restriction shall apply even if said berm is not continuous.

I. The most finished or decorative side of any fence which is placed, erected or constructed on a lot shall face outward from said lot toward the adjoining lots.

J. For purposes of this chapter, a fence shall be deemed to be of closed construction if its component materials comprise more than 50% of the area of any and all portions of said fence. For purposes of this chapter, a fence shall be deemed to be of open construction if its component materials comprise 50% or less of the area of any and all portions of said fence.

K. Except as hereinafter provided, any fence which is placed, erected or constructed on a lot may be of closed construction.

L. Except as hereinafter provided, fences which are located in a front or corner yard shall be of open construction and shall not exceed four feet in height.

§ 211-47. Fence regulations for all residential districts.

Except as hereinafter provided, fences which are located in a side or rear yard shall not exceed six feet in height.

A. Rear and waterfront yards. Fences which are located in a rear yard or a waterfront yard shall be of open construction and shall not exceed four feet in height if:
(1) On a corner lot in any residential district said fences are located in the portion of a rear yard which adjoins the front yard of any adjoining lot.

(2) On a through lot, such fences are located closer than 20 feet to the rear lot line of such lot.

(3) On any waterfront lot, such fences are located within the twenty-five-foot waterfront buffer of such lot. See Figure 5.

(4) On any waterfront lot, such fences are located within 20 feet of the rear lot line of such lot.

B. (Reserved).

C. Fences on decks. A fence may be placed, erected or constructed on a deck, provided that said fence:

   (1) Is located in a rear yard.
   
   (2) Complies with the setback regulations established for principal buildings in the district in which said fence is located.
   
   (3) Complies with all other applicable regulations in this section.
   
   (4) Does not exceed six feet in height. Said fence height shall be measured from the top of said fence to the walking surface of the deck or pool directly beneath said fence.

§ 211-48. Fence regulations for all nonresidential districts.

A. Except as hereinafter provided, in all nonresidential districts except the PL District, fences shall not exceed eight feet in height when such fences are located in the side or rear yard of a lot or business center.

B. Fences which are located in the rear yard of a lot or business center shall be of open construction and shall not exceed four feet in height if said fences are located closer than 20 feet to the rear lot line of said lot or business center and if said lot or business center is a:

   (1) Waterfront lot;
   
   (2) Through lot; or
   
   (3) Corner lot which adjoins a through lot or waterfront lot.

C. Fences on decks. A fence may be placed, erected or constructed on a deck, provided that said fence:

   (1) Is located in a rear yard;
   
   (2) Complies with the setback regulations established for principal buildings in the district in which said fence is located;
   
   (3) Complies with all other applicable regulations in this section; and
   
   (4) Does not exceed eight feet in height. Said fence height shall be measured from the top of said fence to the walking surface of the deck or pool directly beneath said fence.

D. Fences which enclose outdoor refuse containers. A fence which encloses an outdoor refuse container shall not exceed 10 feet in height.
§ 211-49. Barbed wire and other similar sharpened enclosure material.

A. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for the use of barbed wire or other similar sharpened enclosure material (including but not limited to razor wire and razor tape) on fences in nonresidential districts only, provided that the purpose of such enclosure material is to prevent entry into an area:

(1) In which materials or equipment are stored; or

(2) Which could otherwise be hazardous to the public health, safety or general welfare.

B. Any application for a special permit for the use of barbed wire or other similar sharpened enclosure material (including but not limited to razor wire and razor tape) shall specify:

(1) The number of strands of such enclosure material which are to be used.

(2) Whether such enclosure material slants inwardly or outwardly.

(3) The dimensions, location and extent of the placement of such enclosure material.

(4) Any other details which may be required by the Board of Zoning Appeals.

§ 211-50. Exceptions.

A. Fences around tennis courts. A fence may be placed, erected or constructed around a tennis court, provided that:

(1) Said tennis court is a permitted use.

(2) Said fence does not exceed 12 feet in height.

(3) The setbacks of said fence comply with the setback regulations established for accessory uses in the district in which said tennis courts are located.

(4) Said fence is of open construction. However, a woven or mesh fabric material may be permitted to be attached to said fence for the purpose of providing screening from the wind.

B. Fences around uses related to national defense. Exempt from the regulations established in this section are uses which are classified as key facilities by the United States Department of Defense.
ARTICLE VII
Signs

§ 211-51. General regulations applicable for all districts.

A. Except for those signs which are hereinafter specifically exempted, no sign shall be placed, erected or constructed on a lot without a permit issued therefor by the Building Inspector. No sign for which a permit has been granted hereunder shall be moved, altered, changed, enlarged or reconstructed without a new permit being issued therefor in accordance with the provisions hereof.

B. For purposes of this section, the setback of any sign shall be measured to the part of said sign which is closest to the lot line.

C. Exemptions.

(1) The provisions of this chapter shall not apply to safety signs, road signs, historical markers or highway directional signs erected by municipal or public age.

(2) Exempt from the regulations established in this section are street addresses placed on the face of a building to enable address recognition from a moving vehicle, provided that the height of the identifying symbols does not exceed two feet.

D. Advertising signs. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for advertising signs, as defined by this chapter. Exempt from this requirement are window signs which advise the public of off-site events or a change in the location of a former occupant of the structure in which said window sign is placed.

E. Temporary signs.

(1) Temporary signs shall not be attached to fences, trees or utility poles, nor shall said signs be placed in public rights-of-way or be placed so as to obstruct or impair the vision of motorists.

(2) Signs which support the election of an individual or which recommend the manner of voting on a particular matter shall be considered to be temporary signs. Said signs may be placed or erected on a lot not earlier than six weeks before any election, including but not limited to primary, general or special elections. Said signs shall be removed from a lot not later than one week after any such election.

(3) The regulations for all other permitted temporary signs are contained in Table V.

(4) Contractor signs (siding, roofing, painting, construction) as defined in §211-5:

(a) Shall not be permitted in any right-of-way;

(b) Shall not be any larger than six square feet in area and not be any higher than three feet from grade;

(c) Shall be located on the property where the work is currently being performed. Said signs shall not be located closer than fifteen feet from any property lines and shall not obstruct or impede the vision of motorists;

(d) Said sign shall be immediately removed upon the completion of work performed;

(e) There shall be a maximum of one (1) sign per property location for all work being performed;
(f) Contractor signs shall not include seasonal work such as snow plowing, mowing, landscaping or any other similar type of contractual seasonal work.

F. Sign movement and illumination.

(1) Mobile or transportable signs shall not be permitted.

(2) Building-mounted and freestanding signs shall be stationary and shall not rotate or otherwise move.

(3) Flashing, intermittent, rotating or moving lights shall not be permitted.

(4) No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time or temperature.

(5) Sign illumination shall not cause glare or reflection on adjoining streets or premises.

G. Electronic Message Centers/Digital Displays

(1) Electronic message centers shall be of a 10mm minimum resolution and must have automatic dimming capabilities and equipped with a photocell that detects ambient light and shall adjust to brightness levels accordingly. No virtual/optimized/pixel sharing is permitted.

(2) Any Electric Message Center shall hold a static message for a minimum of 24 hours;

(3) Electronic Message Centers shall have no flashing, scrolling or other animation in the message;

(4) Electronic Message Center signs shall not be permitted in any residential district;

(5) The applicant must be willing to participate in emergency alerts, driving bans, school closings, police emergencies, amber alerts, as well as general community service messaging;

(6) If an Electronic Message Center is installed on any property, such property can no longer use temporary signage of any means;

(7) Electronic Message Center signs shall be manufactured with minimum requirements as described in this section and of which, the following documentation will be required when applying for a building permit:

   (a) Documentation showing 10mm minimum resolution.

   (b) Virtual/optimized/pixel sharing is prohibited. Documentation showing such is required.

   (c) FCC Certificate.

   (d) LED Color Depth Specifications must be provided.

   (e) Dimming documentation.

(8) Electronic Message Center signs shall be limited to freestanding signs only and shall be subject to the same rules and regulations of this chapter. Electronic Message Center signs shall not be permitted as a building mounted sign under this ordinance;

(9) FCC Class A Compliance – All equipment must be tested and found to comply with the limits for a Class “A” digital device, pursuant to part 15 of the FCC Rules.

H. Maintenance. All signs shall be maintained in a safe condition at all times so as not to be detrimental to the public health or safety.
I. Preexisting signs.

   (1) Legal preexisting signs shall be deemed to comply with the sign regulations of this chapter.

   (2) All other preexisting signs, including but not limited to vehicle-mounted, mobile, transportable or temporary signs, shall comply with the sign regulations of this chapter.

   (3) The message on a legal preexisting sign may be changed when the use or occupancy of a building or lot changes.

J. Abandoned signs. When a business has ceased occupancy of a lot or structure for a period of more than 60 days, any sign or sign supports associated with the former business shall be removed by the owner of the premises.

K. No freestanding sign shall be permitted in any yard which adjoins a limited-access highway, including but not limited to New York State Route 390 and the Lake Ontario Parkway.

L. Other signs forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Building Inspector or his representative shall have the right to recover from the homeowner or person placing such a sign, the full costs of removal and disposal of such sign.

§ 211-52. Number, location, height and size of signs.

A. Signs permitted in residential districts.

   (1) One freestanding or building-mounted sign which identifies the presence of a legal major home occupation on the same lot. Said sign shall not exceed two square feet in size. If said sign is freestanding, it shall not be located closer than 15 feet to the front lot line, nor shall the highest side of said sign be more than four feet above the nearest street grade.

   (2) One freestanding directory, message board or identification sign for each educational, charitable, civic or religious organization, provided that said directory, board or sign is:

      (a) Located on the same lot as the organization which it identifies.

      (b) Located not closer than 15 feet to the front lot line.

      (c) Not greater than 25 square feet in size.

      (d) Not higher than 20 feet above street grade, when measured from the highest side of said freestanding sign to the nearest street grade. If a freestanding sign is permitted by the Board of Zoning Appeals to be located closer than 15 feet to a right-of-way, the lowest side of said sign shall be not less than seven feet above the nearest street grade. However, said sign may be less than seven feet above the nearest street grade, provided that the highest side of said sign is not more than three feet above the nearest street grade.

   (3) One freestanding entrance identification sign for each subdivision or multiple-family dwelling development, provided that:

      (a) Said sign is located on a lot which is contained in said subdivision or multiple-family dwelling development.

      (b) Said sign is located not closer than 15 feet to the front lot line.

      (c) Said sign is not greater than 20 square feet in size.
(d) The highest side of said sign does not exceed three feet above the ground.

(4) One freestanding or building-mounted sign which identifies a model home or the temporary location of a builder's office in a dwelling in a subdivision, provided that said sign is located on a lot which is contained in said subdivision. Said sign shall not exceed two square feet in size.

B. Signs permitted in nonresidential districts. For purposes of this section, any nonresidential use shall be referred to as a "business."

(1) Freestanding signs.

(a) Maximum number permitted.

[1] One for each building or lot which contains only one business; or


[3] Two for each lot or business center which has frontage on more than one New York State or Monroe County highway; has more than 300 feet of frontage on each said highway; and has direct vehicular access to each said highway.

[4] Restaurants which have a drive-up service window may be permitted one order board in addition to any other permitted freestanding sign, provided that said order board is not visible from a public street. Said order board shall not exceed 20 square feet in area, nor shall the highest side of said order board exceed six feet in height above the driveway from which said order board is viewed by customers.

(b) Location.

[1] The minimum setback of a freestanding sign from a public street shall be 15 feet from the existing right-of-way or from any reservation for future highway purposes, whichever is greater.

[2] The minimum setback of a freestanding sign from a residential district shall be equal to the distance between the highest side of said sign and the ground.

(c) Height. The highest side of a freestanding sign shall not exceed 20 feet above the nearest street grade. If a freestanding sign is permitted by the Board of Zoning Appeals to be located closer than 15 feet to a right-of-way, the lowest side of said sign shall be not less than seven feet above the nearest street grade. However, said sign may be less than seven feet above the nearest street grade, provided that the highest side of said sign is not more than three feet above the nearest street grade.

(d) Size. The maximum permitted size of freestanding signs is contained in Table VI.

(2) Building-mounted signs.

(a) Maximum number permitted.

[1] One for each business which has direct public access between said business and its parking area.

[2] Upon application to and with the approval of the Board of Zoning Appeals, one sign for each business which does not have direct access between said business and its parking area.

(b) Location.
[1] No sign which is mounted on an exterior wall of a building shall extend more than 18 inches from the surface of said wall, nor shall said sign extend beyond the edges of the wall to which it is attached.

[2] Any sign which is mounted on the roof of a building shall face in the same direction as the front exterior wall of said building.

[3] No sign which is mounted on the roof of a building shall extend above the highest line of the roof to which said sign is attached.

(c) Size.

[1] The maximum permitted size of building-mounted signs is contained in Table VII.

[2] In the event that the front of a business does not face a street, any building-mounted sign which is erected shall comply with the sign size regulations established in Table VII for buildings which have a front setback of 100 feet or less.

(3) Directional signs (informational signs).

(a) Maximum number permitted: not limited by number.

(b) Type of sign.

[1] Freestanding: maximum of five square feet in area and not more than eight feet in height above grade.


[3] Logos shall be permitted in any informational or directional sign.

(4) Signs or advertising devices on motor vehicles.

(a) No person shall park any vehicle on a public right-of-way or public property or on private property so as to be viewed from a public right-of-way, which has attached thereto or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products, a business or directing people to a business, or any commercial activity located on the same or nearby property or any other property.
ARTICLE VIII
Antennas and Telecommunications Facilities

§ 211-53. Legislative intent and purpose.

The intent and purpose of this section is to encourage the location of telecommunications facilities in nonresidential areas, especially on public lands, buildings or structures which are owned or leased by fire districts, public school districts, the Town of Greece, the County of Monroe, the State of New York or the United States of America; to encourage the collocation of antennas or antenna towers or other existing structures, especially on the aforementioned public lands, building or structures; and to protect to the maximum extent practicable the suburban character of the Town of Greece, aesthetic consideration, the property values of the community, the health, safety, and general welfare of the public and a person’s ability to receive telecommunications signals without interference from other telecommunications service providers or unreasonably limiting the reception of receive-only antennas, in accordance with the codes, rules and regulations promulgated by the Federal Communications Commission.

§ 211-54. Antennas for amateur stations.

Amateur stations may be permitted as accessory uses in any district, subject to the regulations established hereinafter.

A. Roof-mounted antennas. Not more than two roof-mounted antennas shall be permitted to exceed 15 feet in height. In no case, however, shall the height of a roof-mounted antenna exceed 25 feet. Said antenna height shall be measured from the highest part of the subject antenna to the highest part of the roof of the building on which said antenna is mounted.

B. Antennas and antenna towers.

(1) Number. Not more than two antenna towers shall be permitted on any lot.

(2) Height. The maximum height of a freestanding antenna or an antenna tower which is mounted on the ground shall be 75 feet. Said height shall be measured from the highest part of said freestanding antenna or antenna tower and attached antennas to the ground at the base of said freestanding antenna or antenna tower.

(3) Location. Antennas and antenna towers may be permitted in side and rear yards only.

(4) Setbacks.

(a) Freestanding antennas and freestanding or guyed antenna towers. The minimum setback from all lot lines shall be equal to 1/2 the distance between the highest part of the antenna or of the antenna tower, including attached antennas, and the ground at the base of said antenna or antenna tower.

(b) Building-supported antennas and antenna towers. Antennas and antenna towers which are wholly or partly supported by a building shall comply with the minimum setbacks established for the district in which said structures are located.

(5) Exemptions. Exempt from the regulations established in this section are antennas which consist of a single wire, provided that said wire is not attached to a mast, pole or antenna tower.

§ 211-55. Satellite dish antennas.

A. General provisions.

(1) No building permit shall be required for satellite dish antennas which have a maximum diameter not greater than 1/2 meter (19.7 inches).
(2) Roof-mounted satellite dish antennas. No satellite dish antenna which has a maximum diameter greater than one meter (39.4 inches) shall be permitted to be mounted on a roof unless and until it has been demonstrated to the satisfaction of the Building Inspector that adequate transmission or reception capability cannot be provided on the premises by a satellite dish antenna based on the ground.

B. Satellite dish antennas used as principal uses. When used as a principal use, satellite dish antennas, including but not limited to those which are used by direct-to-premises satellite service providers to provide said service, shall be deemed to be telecommunications facilities and shall comply with the provisions of § 211-56.

C. Satellite dish antennas used as accessory uses.

(1) Number.

(a) Residential districts. Not more than one satellite dish antenna shall be permitted on any lot.

(b) Nonresidential districts. Not more than three satellite dish antennas shall be permitted on any lot.

(2) Size.

(a) Residential districts. Unless the Federal Communications Commission promulgates rules to the contrary, the maximum diameter of a satellite dish antenna shall be one meter (39.4 inches).

(b) Nonresidential districts. Unless the Federal Communications Commission promulgates rules to the contrary, the maximum diameter of a satellite dish antenna shall be two meters (78.8 inches).

(3) Location. Freestanding satellite dish antennas may be permitted in side and rear yards only. Exempt from this requirement are satellite dish antennas which have a maximum diameter not greater than 1/2 meter (19.7 inches).

(4) Setback. The minimum setback of a freestanding satellite dish antenna, when rotated to any position, from all lot lines shall be 15 feet, measured to the part of said antenna which is closest to the lot line.

§ 211-56. Telecommunications facilities.

Telecommunications facilities may be permitted as principal or accessory structures in any district, subject to the regulations established hereinafter.

A. Special permit uses. Upon application to and with the approval of the Board of Zoning Appeals pursuant to § 211-60A, a special permit may be issued for the placement, erection or construction of telecommunications facilities in all districts. Exempt from this requirement are collocated antennas which comply with the regulations established hereinafter in Subsection C(5)(a). The Board of Zoning Appeals upon request may allow relief from the regulations listed below under Subsection B and C(1) through (4) by means of an area variance request.

B. General regulations applicable for all districts.

(1) Location. Telecommunications facilities which are:

(a) Used as principal uses may be placed, erected or constructed in any yard on a lot or in a business center, except as hereinafter provided.

(b) Placed, erected or constructed on a waterfront lot may be permitted in side and rear yards only.

(c) Used as accessory uses may be permitted in side and rear yards only.

(2) Setbacks. Except as hereinafter provided, telecommunications facilities shall comply with the minimum
setback regulations established for principal uses or accessory uses, as applicable, in the district in which said facilities are located.

C. Antennas, antenna towers and accessory antenna structures.

(1) Height. The applicant shall submit sufficient information to justify the proposed height of an antenna or antenna tower as the minimum necessary to achieve its coverage objectives. In no case, however, shall any antenna or antenna tower exceed 200 feet in height. For purposes of this section, said height shall be measured from the highest part of an antenna or an antenna tower and attached antennas or other appurtenances to the ground at the base of said antenna or antenna tower.

(2) Setbacks.

(a) Antennas and antenna towers. The minimum setback of an antenna or an antenna tower and attached antennas or other appurtenances from all lot lines shall be the greater of:

[1] A distance which is equal to the height of said antenna or antenna tower and attached antennas or other appurtenances; or


(b) Accessory antenna structures. Accessory antenna structures and guy anchors shall comply with the minimum setback regulations established for the district in which said structures are located.

(3) Aesthetics. Antennas, antenna towers and accessory antenna structures shall be designed, located and screened or buffered in a manner which provides to the maximum extent practicable compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences to the extent practicable, the Board of Zoning Appeals may impose reasonable conditions on said structures, including but not limited to the following:

(a) Visual screening. The Board of Zoning Appeals may require the base of an antenna, antenna tower or accessory antenna structure to be visually screened from adjoining lots. The nature and location of said visual screening shall be subject to the applicable site plan and minor improvement plan approval provisions of Subsection D. Said visual screening may include but shall not be limited to fences, walls and landscaping. Existing on-site trees and other vegetation shall be preserved to the maximum extent practicable and may be substituted or enhanced in order to meet landscaping requirements.

(b) Lighting.

[1] The Board of Zoning Appeals may require that antenna towers be designed and located so as to avoid, if possible, an undesired application of Federal Aviation Administration requirements for artificial lighting that maintains or enhances visibility.

[2] Unless otherwise required by the Federal Aviation Administration, the Federal Communications Commission or Title 19 NYCRR (Building Codes of New York State), artificial lighting shall not be permitted to be placed on or to shine onto antennas, antenna towers or accessory antenna structures. If artificial lighting is used, said lighting shall be aimed or shielded to the maximum extent practicable so as to minimize adverse effects on the surrounding premises.

(c) Colors and painting.

[1] The Board of Zoning Appeals may require that antennas and antenna towers be designed and located so as to avoid, if possible, an undesired application of Federal
Aviation Administration requirements for painting that maintains or enhances visibility.

[2] Unless camouflage technology is used to hide, disguise or otherwise obscure or minimize the view of an antenna tower, or unless otherwise required by the Federal Aviation Administration or the Federal Communications Commission, antennas and antenna towers shall have a galvanized finish or be painted matte gray.

[3] Accessory antenna structures shall maximize the use of building materials, colors and textures which are designed to blend with the natural surroundings.

(d) Signs.

[1] Except as hereinafter provided, signs shall not be permitted on antennas, antenna towers or accessory antenna structures unless required by federal or state regulation.

[2] The Board of Zoning Appeals may require that the owner of an antenna, antenna tower or accessory antenna structure place signs on said structures or on any enclosing fences for warning, notification or other purposes. The maximum sign area of each said sign shall be two square feet.

(4) Access and safety.

(a) Access. In order to ensure adequate emergency and service access to an antenna or antenna tower, an access driveway, two parking spaces and a driveway turnaround area shall be provided on the premises. To the maximum extent practicable, existing streets or private driveways shall be used for access to an antenna tower. In order to ensure minimal visual disturbance and reduce soil erosion potential, construction of an access driveway shall, at all times, minimize ground disturbance and vegetation cutting, and road grades shall closely follow natural contours.

(b) Fences. All antenna towers and guy anchors, if applicable, shall be enclosed by a fence or wall which is eight feet in height, or shall be secured sufficiently otherwise in order to protect said antenna towers from trespassing or vandalism.

(c) Compliance with federal and state requirements. The owner of a telecommunications facility shall comply with all applicable federal and state regulations, including but not limited to Federal Aviation Administration and Federal Communications Commission regulations and Title 19 NYCRR (Building Codes of New York State).

(d) Structural safety.

[1] Design. The owner of an antenna or antenna tower shall provide a certification from a New York State licensed professional engineer that the design of said antenna or antenna tower meets all applicable structural safety requirements.

[2] Construction and maintenance. Antennas and antenna towers shall be placed, erected or constructed and maintained in conformity with all applicable codes, rules and regulations. Not less than each fifth year after the placement, erection or construction of an antenna or antenna tower, the owner of said antenna or antenna tower shall submit to the Building Inspector a certification from a New York State licensed professional engineer that said antenna or antenna tower has been inspected for structural integrity and continues to meet all applicable structural safety requirements.

(5) Collocation with existing telecommunications facilities.
(a) Waiver of special permit requirement. In all districts, no special permit may be required for the collocation of an antenna, with or without accessory antenna structures, on existing buildings, antenna towers or other structures for which a special permit for a telecommunications facility previously has been granted by the Board of Zoning Appeals. A building permit may be issued for said collocated antenna, provided that, in the opinion of the Director of Development Services, said collocated antenna and existing telecommunications facility comply with all applicable provisions of said special permit.

(b) Collocation on existing antenna towers or structures. At all times, shared use of existing antenna towers or other structures shall be preferred to the construction of new antenna towers. An applicant for a special permit for a telecommunications facility which includes an antenna tower shall submit an inventory of existing antenna towers within a reasonable distance of the proposed telecommunications facility and shall describe, in writing, opportunities for shared use of existing telecommunications facilities as an alternative to a proposed new antenna tower. The applicant shall submit documentation which demonstrates, to the satisfaction of the Board of Zoning Appeals, good-faith efforts to secure collocation on existing antenna towers or structures as well as documentation of the technical, physical and financial reasons why collocation is not proposed. The applicant shall submit written requests for collocation where applicable. The applicant shall also demonstrate, to the satisfaction of the Board of Zoning Appeals, efforts to locate a new antenna on the same lot as an existing antenna tower or other structure, if collocation of antennas on an existing antenna tower or structure is not proposed.

(c) Future collocation on new antenna towers. In the interest of minimizing the number of antenna towers in the Town of Greece, the Board of Zoning Appeals may require, as a condition of special permit approval for a telecommunications facility, that the owner of said facility indicate in writing its commitment to permit collocation on said facility and that said owner will design any antenna tower which may be a part of said facility to be placed, erected or constructed with sufficient base, height and carrying capacity to accommodate future collocation. The Board of Zoning Appeals may waive the collocation requirement if it determines that accommodation of future collocation is not feasible or imposes an unnecessary burden, based upon:

[1] The number of Federal Communications Commission licenses available for the area in the foreseeable future.

[2] The kind of telecommunications facility, site and structure proposed.


[4] The number and location of available spaces at other existing and approved telecommunications facilities.

[5] Potential adverse visual impacts by a telecommunications facility which has been designed to accommodate collocation.

(6) Removal of abandoned antennas, antenna towers and accessory antenna structures.

(a) The discontinuance of the use of an antenna, antenna tower or accessory antenna structure for its intended purpose for more than six consecutive months shall be conclusive evidence of abandonment of said use. Said antenna, antenna tower or accessory antenna structure shall be removed by its owner within three months of the date of said abandonment, which date shall be determined by the Building Inspector. However, upon written request, the Building Inspector may extend said three-month period for two additional periods of time not to exceed three months each. Said extension may be granted if, in the opinion of the Building Inspector, it is warranted by the particular circumstances of the request. These requirements also shall apply
to any person subsequently securing rights to collocate on said antenna tower. No building permit shall be issued by the Building Inspector for an antenna, antenna tower or accessory antenna structure at a telecommunications facility unless and until the following conditions, as applicable in the opinion of the Building Inspector, are met:

[1] The owner of said antenna, antenna tower or accessory antenna structure shall submit a New York State licensed professional engineer's certified estimate of the cost of removal of the proposed telecommunications facilities and of restoration of the surrounding premises for review and verification by the Building Inspector.

[2] In order to guarantee the future sufficiency of funds for the aforementioned removal and restoration, a certified check, renewable letter of credit or other security equal to not less than two times the certified estimated cost of said removal and restoration shall be submitted to the Town.

[3] A letter from the owner of the premises shall be submitted to the Building Inspector which grants the Town or a duly authorized agent of the Town permission to enter the site for the purpose of removing the telecommunications facilities and restoring the premises after the expiration of the period of time established by the Building Inspector for the removal of said telecommunications facilities. Said letter shall be subject to review and approval by the Town Attorney.

(b) Any telecommunications facilities which are not removed within the time period established by this section may be removed and the premises may be restored by the Town or its duly authorized agent. The expense for said removal and restoration shall be charged against the certified check, letter of credit or other security which was submitted to the Town for said removal and restoration. If said security is not sufficient to pay all of the expenses incurred by the Town or its duly authorized agent, the additional monies spent shall be added to the real property taxes which are levied by the Town on the premises.

D. Site plan and minor improvement plan approval.

(1) Except as hereinafter provided, telecommunications facilities shall be subject to the applicable provisions of the site plan review and approval authority of the Planning Board pursuant to § 211-60C and the minor improvement plan review and approval authority of an authorized representative of the Planning Board pursuant to § 211-60D.

(2) Waiver of site plan and minor improvement plan approval. Site plan and minor improvement plan approval shall not be required for antennas, with or without accessory antenna structures, which are collocated on existing buildings, antenna towers or other structures for which a special permit for a telecommunications facility previously has been granted by the Board of Zoning Appeals, provided that, in the opinion of the Director of Development Services, said collocation and existing telecommunications facility comply with all applicable provisions of said special permit.

E. The following uses shall not be subject to the provisions of this section:

(1) Except for satellite dish antennas, antennas which are used solely for reception of radio or television broadcast signals.

(2) Equipment which is designed, marketed and used as consumer products, including but not limited to telephones, facsimile machines ("fax machines"), modulators/demodulators ("modems"), remote control toys and hand-held, mobile, marine and portable radio telecommunication transmitters/receivers.

(3) Equipment which is used to improve radio telecommunications service reliability inside of a building or structure, provided that said equipment is located inside of said building or structure. Said equipment shall include but shall not be limited to low-power antennas and leaky coaxial cable radiators.

211:106
(4) Repair and maintenance of telecommunications facilities at the site of said facilities.

(5) Digital loop carriers and other similar cabinets and equipment for telecommunications services that are provided via wires or cables.

F. Telecommunications facilities which are located on public lands, buildings or structures which are owned or leased by fire districts, public school districts, the Town of Greece, the County of Monroe, the State of New York or the United States of America shall not be subject to the provisions of this section.
ARTICLE IX
Solar Energy

§ 211-57 Solar Energy System Regulations.

A. The intent and purpose of this section is to encourage the use and appropriate siting of solar energy facilities in the Town in order to take advantage of a safe, abundant, renewable and non-polluting energy resource, decrease the cost of electricity to town residents where possible, increase employment and business development opportunities to the extent reasonably practical, and to create synergy between solar energy and other innovative industry sectors present in the town.

B. Definitions – As used in this section, the following terms shall have the meanings indicated:

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM – A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE – Land, designated as “Farmland of Statewide Importance, in the U. S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that is of statewide importance for the production of food, feed, fiber, forage and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE – The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure that generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION – Native wildflowers, forbs and grasses that serve as habitat, forage and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation (NYSDEC).

POLLINATOR – Bees, birds, bats and other insects or wildlife that pollinate flowering plants and includes both wild and managed insects.

PRIME FARMLAND – Land designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System located on the roof of any legal permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS – Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT – Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM – The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any
interconnection equipment. A Solar Energy System is classified as a “Tier 1”, “Tier 2” or Tier 3 Solar Energy System” as follows:

(1) **Tier 1 Solar Energy Systems** include Roof-Mounted Solar Energy Systems, and Building-Integrated Solar Energy Systems as defined herein.

(2) **Tier 2 Solar Energy Systems** include Ground-Mounted Solar Energy Systems with capacity up to twenty-five (25) kW AC and that generate no more than 110% of the electricity consumed on the site over the previous twelve (12) months.

(3) **Tier 3 Solar Energy Systems** are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

**SOLAR PANEL** – A photovoltaic device capable of collecting and converting solar energy into electricity.

**STORAGE BATTERY** – A device that stores energy and makes it available in an electrical form.

C. General Provisions.

(1) Solar Energy Systems constructed or installed prior to the effective date of this section shall not be required to meet the provisions of this section.

(2) Modifications to an existing Solar Energy System that increases the Solar Energy System area by more than 10% of the original area of the Solar Energy System shall be subject to the requirements of this section.

(3) All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”) and the Town of Greece code.

(4) Except for those Solar Energy Systems which are hereinafter specifically exempted, no Solar Energy System shall be placed, erected or constructed on a lot without a permit issued therefor by the Building Inspector. No Solar Energy System for which a permit has been granted hereunder shall be moved, altered, changed, enlarged or reconstructed without a new permit being issued therefor in accordance with the provisions hereof.


(1) **Tier 1 Solar Energy Systems.** Tier 1 systems shall be permitted in any zoning district, subject to the following requirements:

(a) Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.

(b) Solar panels mounted on pitched roofs shall be mounted with a maximum distance of eight (8) inches between the roof surface and the highest edge of the system.

(c) Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.

(d) Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than twenty-four (24) inches above the flat surface of the roof, whichever is higher.

(e) All Solar Panels used in Tier 1 installations shall have an anti-reflective coating.
(f) All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

(g) Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

(2) Tier 2 Solar Energy Systems. Tier 2 systems may be permitted as follows:

(a) As an accessory use in the General Industrial (IG) district.

(b) Upon issuance of a special use permit from the Board of Zoning Appeals pursuant to § 211-60A:

[1] In the R1-44, R1-18, R1-10 and R1-E Single-Family Residential zoning districts on properties more than 1 acres in size, and in the rear yard only; or

[2] In the Flexible Office Industrial (FOI) or Light Industrial (IL) zoning districts.

(c) Tier 2 systems shall be screened from public view to the extent practicable.

(d) Tier 2 systems shall be considered accessory structures, subject to the bulk requirements of the applicable zoning district, including but not limited to setbacks, height, and lot coverage.

(e) Tier 2 systems shall not operate at a capacity exceeding twenty-five (25) kW AC and shall not generate no more than 110% of the electricity consumed on the subject property over the previous twelve (12) months.

(f) All Solar Panels used in Tier 2 installations shall have an anti-reflective coating.

(3) Tier 3 Solar Energy Systems. Tier 3 systems are permitted as follows:

(a) As a principal permitted use in the General Industrial (IG) zoning district, and subject site plan approval pursuant to the provisions of § 211-60.

(b) In the Flexible Office Industrial zoning district, upon issuance of a special use permit by the Board of Zoning Appeals pursuant to the provisions of § 211-60A, and subject site plan approval pursuant to the provisions of § 211-60.

(c) Setbacks. Tier 3 systems shall be setback 100’ from the zoning district boundary, and 25’ from any property line internal to the district.

(d) Underground Requirements: All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.

(e) Signage.

[1] No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturers name, equipment specification information, safety information and 24-hour emergency contact information. Said information shall be depicted within an area no more than eight (8) square feet.

[2] As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
(f) **Glare:** All Solar panels shall have anti-reflective coating(s).

(g) **Lighting:** Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from adjoining properties.

(h) **Screening and Visibility.**

[1] Solar installations shall be screened from public view with existing vegetation, topographic features, landscaping in accordance with the Town of Greece Landscape Guidelines for Development, or other means deemed suitable by the Planning Board and/or Board of Zoning Appeals.

[2] Tier 3 systems may be subject to an assessment of the visual impacts on public roadways and adjacent properties including but not limited to a line of sight profile or viewshed analysis.

(i) **Decommissioning.**

[1] Solar Energy Systems that have been abandoned and/or not producing electricity for a period of six (6) months, or as deemed acceptable by the Building Inspector, shall be removed at the owner and/or operator’s expense, which at the owner’s option may come from any security made with the Town of Greece, as set forth in this section.

[2] A decommissioning plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:

   [a] The cost of removing the Solar Energy System; and

   [b] The time required to decommission and remove the Solar Energy System and any ancillary structures; and

   [c] The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

[3] **Security.**

   [a] The deposit, executions, or filing with the Town, in cash, letter of credit, bond or other form of security reasonably acceptable to the Town Attorney, shall be in the amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be [125] % of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of [2] % annually for the life of the Solar Energy System.

   [b] In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, letter of credit, bond or security shall be forfeited to the Town of Greece, which shall be entitled to maintain an action thereon.
ARTICLE X
Subdivision and Development Review

§ 211-58. Board composition and responsibility.

A. Planning Board.

   (1) Pursuant to § 271 of the Town Law, the Planning Board of the Town of Greece shall consist of seven
       members appointed by the Town Board. Terms of appointment for each of the members of the Planning
       Board shall be in accordance with Local Law No. 4 of 1977. This chapter shall not affect the terms of
       members of the Planning Board who were appointed prior to the effective date of this chapter.

       (2) The Planning Board shall have all of the powers and shall perform all of the duties prescribed under the
           Town Law and this chapter.

B. Board of Zoning Appeals.

   (1) Pursuant to § 267 of the Town Law, the Board of Zoning Appeals of the Town of Greece shall consist
       of seven members appointed by the Town Board. The terms of appointment for each of the members of
       the Board of Zoning Appeals shall be in accordance with Local Law No. 3 of 1977. This chapter shall
       not affect the terms of members of the Board of Zoning Appeals who were appointed prior to the
       effective date of this chapter.

   (2) The Board of Zoning Appeals shall have all of the powers and shall perform all of the duties prescribed
       under the Town Law and this chapter.

§ 211-59. Subdivision review.

A. Subdivisions.

   (1) The division of any parcel of land into two or more lots, blocks or sites, with or without public streets or
       highways, shall be deemed to be a subdivision. Such subdivision shall be shown on a map or plat which
       shall be subject to the review and approval of the Planning Board.

   (2) Application for approval of a subdivision, showing the arrangement, layout and design of streets and
       lots, shall be prepared and submitted in accordance with specifications and administrative procedures
       adopted by the Planning Board and in accordance with the Town's Specifications for Construction of
       Utilities and Roadways.

B. Changes of lot lines.

   (1) The change of one or more lot lines on one or more lots shall be shown on a map or plat which shall be
       subject to the review and approval of an authorized representative of the Planning Board such as the
       Chairperson or Clerk of the Planning Board. The approval of such lot line changes shall not:

       (a) Result in the creation of more lots on which a new principal building could be erected than
           would exist without such change of lot line; nor

       (b) Be granted if any of the lots involved, or any structures or uses thereon, does not comply with
           all applicable provisions of this chapter, unless said noncomplying condition:

              [1] Has been granted a variance; or
§ 211-59.1. Cluster development. [Added 5-14-2007 by L.L. No. 4-2007]

A. Purpose and intent. Pursuant to § 278 of the New York State Town Law, the Planning Board may consider approval of cluster developments (as defined in § 278 of the New York State Town Law) consisting of lots that do not comply with certain zoning requirements, in order to preserve the natural and scenic qualities of open lands.

B. Applicability. The Planning Board may permit or require a cluster development in the R1-44, R1-18, and R1-10 Districts upon a finding that such requirement would further the purpose and intent of this section.

C. General provisions.

(1) The permitted density in a cluster development shall be determined at the time of preliminary plat approval, and in accordance with the provisions of § 278 of the New York State Town Law.

(2) In no case shall the permitted number of building lots or dwelling units in a cluster development exceed the number that could be permitted if, in the Planning Board’s judgment, the land were subdivided into lots conforming to the minimum lot size and density requirements of the applicable zoning district, and all other requirements of this chapter.

(3) In no case shall the permitted number of building lots or dwelling units in a cluster development exceed the number that could be permitted if, in the Planning Board’s judgment, the land were developed in accordance with all other current and generally accepted design standards and applicable regulatory requirements.

D. Concept plan review. Application for concept review of a conventional plan and cluster plan, as hereinafter described, may be submitted to the Planning Board in advance of formal subdivision review. Concept plans need not be fully engineered, but should include as much information as is readily available.

E. Preliminary plat application. When considering an application for preliminary plat approval of cluster developments, the Planning Board shall conduct a review of both a conventional plan and a cluster plan, along with all other materials required for standard subdivision applications.

(1) Conventional plan. Applications for approval of a cluster development shall include a conventional plan that conforms to all applicable zoning requirements. A conventional plan will not be approved for construction, but instead will be used to determine the number of building lots or dwelling units (density) that reasonably could be developed without lot clustering. A conventional plan shall be designed in accordance with the following provisions:

(a) A conventional plan shall consist of a street and lot layout in which all lots conform to the area and dimensional requirements for lots in the applicable zoning district, and all other applicable requirements of this chapter.

(b) Applications for preliminary plat approval of a cluster development shall include the following information for all lots that wholly or partly comprise such development:

[1] A field delineation of any wetlands, subject to confirmation and jurisdictional determination by the United States Army Corps of Engineers or the New York State
Department of Environmental Conservation. The confirmed boundaries of such wetlands shall be shown on all sheets in the plan set.

[2] The one-hundred-year flood zone of any waterway, as determined by engineering analysis. Such flood zone boundaries shall be shown on all sheets in the plan set.

[3] An accurate depiction of the one-hundred-year flood zone and floodway as shown on current Flood Insurance Rate Maps (FIRM) from the Federal Emergency Management Agency. Such FIRM boundaries shall be shown on all sheets in the plan set.

[4] Existing topography (certified by a licensed land surveyor or professional engineer). Such topography shall be depicted at a contour interval not greater than 1.0 foot and shall be extended 100 feet onto all lots that adjoin a cluster development.

(c) No lot shown on a conventional plan shall contain regulated wetlands or one-hundred-year flood zones, as herein described, in the area within which a dwelling unit would be permitted to be placed, erected, or constructed in compliance with the setback regulations established for the district in which such dwelling unit would be located.

(d) A conventional plan shall reasonably account for all physical aspects of the site and potential limitations to site development, including, but not limited to, access and road design, stormwater management, and topography.

(2) Cluster plan. Applications for approval of a cluster development shall include a cluster plan in which the street and lot layout and the lot areas and dimensions are modified in order to preserve the natural and scenic qualities of open lands. As part of the approval of a preliminary plat for a cluster development, the Planning Board shall determine the degree to which the applicable zoning requirements may be modified. The Planning Board may modify such zoning requirements for an entire cluster development or for individual lots within such development.

(a) A cluster plan shall include the applicable zoning requirements for the district in which the subdivision is located, along with the proposed modifications to such zoning requirements.

(b) A cluster plan, showing the arrangement, layout and design of streets and lots, shall be prepared and submitted in accordance with specifications and administrative procedures adopted by the Planning Board and in accordance with the Town's Specifications for Construction of Utilities and Roadways.

(c) A cluster plan shall consist of no more lots than were deemed appropriate by the Planning Board based on a conventional plan.

(d) In no case shall the ratio of public street right-of-way to private drive (as measured in linear feet along the center line) in a cluster plan exceed such ratio in a conventional plan.

(e) A cluster development shall preserve the most environmentally sensitive features and/or wildlife habitat on the lands that comprise such development, without compromising site design and orderly development within the community.

(f) Where possible, and to the greatest degree practicable, lands to be preserved within a cluster development shall be contiguous to existing public lands or other open space.

F. Modifications. The Planning Board may authorize modifications to the requirements of this section upon a finding that such action is necessary to eliminate practical difficulties associated with the strict interpretation of these requirements and that the result will further the stated purpose and intent of this section and of § 278 of the New York State Town Law.
G. Disposition of lands to be preserved. The Planning Board shall consider each individual cluster development on its own merits, and may establish such conditions on the ownership, use, and maintenance of such open lands as it deems necessary to further the purpose and intent of this section and § 278 of the New York State Town Law. Options for ensuring the preservation of the natural and scenic qualities of open lands may include, but shall not be limited to, conservation easements and public ownership.

§ 211-60. Development review.

A. Special permits.

(1) Public hearings. Any use for which a special permit is required shall be considered at a public hearing held in accordance with the requirements of § 274-b of the Town Law.

(2) Decisions. The board which has jurisdiction over an application for a special permit may approve with or without modifications or deny a special permit.

(3) Expansion of a special permit use. The nature, duration and intensity of the operations which are involved in or conducted in connection with any use for which a special permit has been granted shall not be increased or expanded without the approval of the board which has jurisdiction over said special permit use. Any expansion of a use which requires a special permit shall be considered at a public hearing held in accordance with the requirements of § 274-b of the Town Law.

(4) Expiration of a special permit.

(a) A special permit shall authorize only one specific use. Said permit shall expire if:

[1] The use does not begin operation within one year of the date on which approval for said permit was granted; or

[2] The use, once begun, ceases operation, for any reason, for more than six consecutive months. Exempt from this requirement are uses which are seasonal in nature.

(b) Upon written request, the board which issued the special permit may extend the time periods established in Subsection A(4)(a)[1] and [2] above for two additional periods of time not to exceed three months each. Said extensions may be granted if, in the board's opinion, it is warranted by the particular circumstances of the request.

(5) Revocation of a special permit.

(a) A special permit may be revoked by the board which has jurisdiction over said permit. Said board shall hold a public hearing to consider whether or not the special permit grantee has violated the terms and conditions of said special permit. Said public hearing shall be held only after the permit grantee has been notified, as hereinafter described, by the Building Inspector of said violations and has failed to correct said violations within the time period established by the Building Inspector. Notice of violations shall be served in the following manner:

[1] By personal service of a copy thereof upon the owner or some one of the owners, executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the premises as shown by the last preceding completed assessment roll of the Town or, if no such person can be reasonably found, by mailing to said owner by certified mail, return receipt requested, a copy of said notice directed to his/her last known address; and

[2] By personal service of a copy of said notice upon any adult person occupying the premises on which said special permit use is conducted, or, if no such person can be reasonably found, by mailing to said occupant by certified mail, return receipt
requested, a copy of said notice directed to the address of the premises on which said special permit use is conducted, or by securely affixing a copy of said notice upon any building or structure which is located on the premises on which said special permit use is conducted.

(b) At least 10 days before said public hearing, a legal notice of said hearing shall be published in a newspaper of general circulation in the Town. Written notice of said hearing shall be mailed to the special permit grantee by certified mail, return receipt requested, directed to the last known address of the permit grantee.

(6) Standards for special permit applications to the Board of Zoning Appeals. No special permit shall be granted by the Board of Zoning Appeals unless and until the applicant has demonstrated to the satisfaction of the Board that:

(a) Access to the site and the size of the site are adequate for the proposed use.

(b) The proposed use will not adversely affect the orderly pattern of development in the area.

(c) The nature, duration and intensity of the operations which are involved in or conducted in connection with the proposed use will be in harmony with nearby uses and will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

(d) The proposed use will not create a hazard to health, safety or the general welfare.

(e) The proposed use will not be detrimental to the flow of traffic in the vicinity.

(f) The proposed use will not place an excessive burden on public improvements, facilities, services or utilities.

(7) Waiver. Upon written request from an applicant, the board which has jurisdiction over an application, may waive the requirements of this chapter that a special permit be obtained. Said waiver may be granted at a regularly scheduled meeting of the board which has jurisdiction. Waivers may be granted if such board determines it is warranted by the particular circumstances of the request. Said circumstances may include, but shall not be limited to:

(a) A change in the owner, operator or tenancy of a use for which a special permit previously was granted, provided that said use:

1. Is operated in conformity with the terms and conditions of the special permit which previously was granted; and

2. Complies with all applicable codes, rules and regulations; or

(b) A use which is located within a principal use and which is incidental, secondary, or subordinate to said principal use; or

(c) Re-approval of a special permit for a use, provided that said special permit expired without said use having commenced.

(d) Expansion of an existing special permitted use which does not include construction of additional floor space or appurtenances;

(e) Restaurants which serve food or beverages principally on a takeout or delivery basis and which have provisions for not more than 12 persons to consume such food or beverages on the premises.
(f) Because of the particular character or limited nature of a proposal.

B. Variances and appeals.

(1) Variances. The Board of Zoning Appeals shall have the power, upon an appeal from a decision or determination of the Building Inspector, to grant a use variance or an area variance, subject to the procedures and requirements of § 267-b of the Town Law.

(2) Appeals. The Board of Zoning Appeals shall hear and decide on appeals from any order, requirement, decision or determination made by the Building Inspector in the administration of this chapter in accordance with the procedures and requirements of § 267-a of the Town Law.

C. Site plans.

(1) One-family and two-family dwellings.

(a) No building permit shall be issued by the Building Inspector for any one-family or two-family dwelling on a lot unless and until a subdivision plat and site design details for such use have been approved by the Planning Board, the Town Engineer and the Commissioner of Public Works and such plat has been filed in the office of the Monroe County Clerk, or, alternatively, a site plan for such use has been approved by the Town Engineer, the Commissioner of Public Works and the Building Inspector. This requirement shall also apply to any lot for which an approved subdivision map, plat or deed has been filed or recorded in the office of the Monroe County Clerk prior to the effective date of this chapter.

(b) During the construction of a one-family or two-family dwelling, the Building Inspector or Commissioner of Public Works may authorize minor adjustments to the approved plan which are consistent with such plan, when such adjustments are deemed necessary in light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with laws, ordinances, codes, rules or regulations which are made applicable to the subject property by any agency or instrumentality of the United States, New York State, Monroe County or Town of Greece. The Building Inspector or Commissioner of Public Works may, in his/her discretion, refer any such proposed change to the Planning Board for review.

(c) Approval of a site plan for a one-family or two-family dwelling shall be valid for the purpose of obtaining a building permit for a period of two years following the date of such approval by the Town Engineer, the Commissioner of Public Works and the Building Inspector. Upon written request from an applicant, the Town Engineer, the Commissioner of Public Works and the Building Inspector together may waive the requirement to obtain reapproval of an expired site plan, provided that they determine that no substantial change has taken place in the particular circumstances of such previous site plan approval. Approval of such waiver shall be valid for the purpose of obtaining a building permit for a period of two years following the date of such waiver by the Town Engineer, the Commissioner of Public Works and the Building Inspector. Upon expiration of such waiver, no building permit shall be issued by the Building Inspector unless and until site plan approval has been granted by the Town Engineer, the Commissioner of Public Works and the Building Inspector.

(2) Other uses.

(a) Pursuant to § 274-a of the Town Law, no building permit shall be issued by the Building Inspector for any of the following uses unless and until a site plan for said use has been reviewed and approved by the Planning Board. Exempt from this requirement are minor improvements as provided for in Subsection D.

[1] Multiple-family residential uses;
[2] Office, retail, industrial and other similar commercial uses;

[3] Religious, non-profit or private institutional uses including private schools;

[4] Any use for which a special permit is required; and

[5] Land Disturbances, as defined in Section 211-5, which exceed one (1) acre in area, excluding agricultural activities conducted in accordance with the rules and regulations of the New York State Department of Agriculture and Markets.

(b) Application for approval of a site plan, showing the arrangement, layout and design of the proposed use, shall be prepared and submitted in accordance with specifications and administrative procedures adopted by the Planning Board.

(c) The Planning Board may approve with or without modifications or deny an application for site plan approval in accordance with the procedures and requirements of §274-a of the Town Law. Upon a finding by the Planning Board that, because of the particular character or limited nature of a new development or change in use or special conditions peculiar to a site, the submission of a site plan or of certain portions of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said informational requirements will cause extraordinary and unnecessary hardship, the Planning Board may vary or waive such submission wherever, in the opinion of the Board, such waiver will not be detrimental to the public health, safety or general welfare.

(d) Site plans which are approved by the Planning Board shall also be subject to the review and approval of the Building Inspector, Fire Marshal, Town Engineer, the Commissioner of Public Works, and any other persons or agencies designated by the Planning Board.

(e) Approval of a site plan by the Planning Board shall be valid for the purpose of obtaining a building permit for a period of one year following the date of the Board’s approval resolution. The Planning Board may, however, upon written request, extend such one-year period for two additional periods of time not to exceed three months each. Such extensions may be granted if, in the Board's opinion, it is warranted by the particular circumstances of the request. Upon expiration of such extensions, no permit shall be issued by the Building Inspector unless site plan approval has been granted by the Planning Board.

(f) During the construction of an approved site plan, the Building Inspector or Commissioner of Public Works may authorize minor adjustments to the approved plan which are consistent with such plan, when such adjustments are deemed necessary in light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with laws, ordinances, codes, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Monroe County or Town of Greece. The Building Inspector or Commissioner of Public Works may, in his/her discretion, refer any such proposed change to the Planning Board for review.

(g) Exempt from the requirements of this section are structures which are erected, placed or constructed in order to comply with the requirements of the Americans with Disabilities Act of 1990, as amended.

D. Minor improvements.

(1) Minor improvements, as hereinafter described, shall not be permitted for any multiple-family residential or non-residential use, unless and until a minor improvement plan has been reviewed and approved by
the Planning Board or an authorized representative of the Planning Board such as the Chairperson or Clerk of the Planning Board.

(2) For purposes of this chapter, "minor improvements" shall include the placement, erection or construction of:

(a) Freestanding signs.

(b) Light poles.

(c) Fences or walls.

(d) Accessory structures, or additions to existing structures, provided that said structures or additions do not exceed 4,000 square feet of gross floor area or 25% of the area of existing principal structures.

(e) New or enlarged paved or unpaved parking areas, provided that said new parking areas or said parking area enlargements do not contain more than 20 parking spaces.

(e) Structures which are erected, placed or constructed on an annual, seasonal or other recurring basis and which are removed from the premises within five months of their erection, placement or construction.

(f) Minor alterations of previously approved site plans or minor improvement plans.

(g) Other similar minor improvements.

(3) Application for approval of a minor improvement plan, showing the arrangement, layout and design of the proposed minor improvement, shall be prepared and submitted in accordance with specifications and administrative procedures established in regulations adopted by the Planning Board.

(4) The authorized representative of the Planning Board may approve with or without modifications or deny an application for approval of a minor improvement plan. Any minor improvement plan approved by said representative of the Planning Board shall also be subject to the review and approval of the Town Engineer and the Building Inspector.

(5) Upon the request of the authorized representative of the Planning Board or an applicant, a minor improvement plan shall be subject to the review and approval of the Planning Board.

(6) Approval of a minor improvement plan shall be valid for the purpose of beginning said minor improvement for a period of one year following the date of said approval by the authorized representative of the Planning Board or by the Planning Board. However, upon written request, the authorized representative of the Planning Board may extend said one-year period for two additional periods of time not to exceed three months each. Said extension may be granted if, in the opinion of said representative of the Planning Board, it is warranted by the particular circumstances of the request.

(7) Waiver of minor improvement plan requirements. Upon written request from an applicant, the Planning Board or an authorized representative of the Planning Board may waive the requirements of this chapter that approval of a minor improvement plan be obtained, subject to the requirements and restrictions of this subsection.

(a) Structures and improvements eligible for waiver:


[2] Accessory electric vehicle charging points.

[4] Fences or walls, including those which are used to enclose outdoor refuse containers.


[6] Structures which are erected, placed or constructed on an annual, seasonal or other recurring basis and which are removed from the premises within five months of their erection, placement or construction.

(b) A waiver of the minor improvement plan requirement shall not be granted for:

[1] Structures and improvements which are proposed to be located within a public easement.

[2] Structures, uses and improvements which do not comply with the applicable provisions of this chapter, unless such structures, uses or improvements have been granted variances by the Board of Zoning Appeals or are legal preexisting conditions.

(c) Requests for waiver of the minor improvement plan requirement shall be submitted in writing by the property owner, or a duly authorized representative of the property owner, and shall include a recent instrument survey of the project location, including all existing structures and easements. The proposed structure or improvement shall be drawn to scale on the instrument survey map, including all dimensions and setback distances. Additional information may be requested, including but not limited to structural details, manufacturer’s specifications, and exterior materials and colors.

(d) Approval of waiver.

[1] Waivers may be approved, approved with modifications, or disapproved by resolution of the Planning Board, or in writing by an authorized representative of the Planning Board.

[2] A waiver of the minor improvement plan requirements shall be valid for the purpose of beginning such minor improvement for a period of one year following the date of the Planning Board resolution granting such waiver, or for a period of one year following the date of the written approval of such waiver by an authorized representative of the Planning Board.

[3] No minor improvement for which a waiver has been disapproved by the Planning Board or its authorized representative shall be permitted unless and until a minor improvement plan has been approved in accordance with the provisions of this chapter.

E. Amendments to Official Zoning Map. In the event that an amendment of the Official Zoning Map is scheduled to expire by reason of a time limit established by the Town Board by resolution at the time that such amendment is made, upon written request by an applicant, which application shall be filed before the end of such time limit, the Town Board may, without public hearing, extend such time limit by time periods of not more than six months each. Such extensions may be granted if the Town Board determines, in its sole judgment and discretion, that such extensions are warranted by the particular circumstances of the request.

§ 211-61. Application fees and notices of public hearing.
A. Application fees. A nonrefundable fee shall be paid to the Town Clerk for any application submitted pursuant to this chapter. The amount of the fee for each type of application shall be established by the Town Board under separate resolution.

B. Notices of public hearing.

(1) General requirements.

(a) For any application which requires a public hearing, the applicant shall file an affidavit in the Department of Development Services no later than the business day before said public hearing. Said affidavit shall certify that all notification requirements as hereinafter provided have been met not less than 10 calendar days before said public hearing. Said affidavit shall also contain the names and addresses of all lot owners who are required to be notified and shall include the dates on which said notice was given. All written notices which are required to be given by the applicant shall be mailed through the United States Postal Service. The applicant shall obtain proof of said mailings from the Postal Service.

(b) If an applicant owns or has a financial interest in lots which adjoin a lot which is subject to the notification requirements hereinafter provided, said notification requirements shall also apply to the boundary of said adjoining lots.

(c) Any written notice which is hereinafter required shall specify the location of the subject lot, the current zoning of the subject lot, the proposal for which approval is requested and the date, time and place of the public hearing.

(d) Any application which does not comply with the notification requirements hereinafter established may be dismissed by the board which has jurisdiction over said application. No further consideration of an application which has been dismissed shall occur unless and until a new application is submitted in compliance with all requirements established by this chapter.

(e) At the request of an applicant or on its own initiative, the board which has jurisdiction over an application may modify or waive the notification requirements hereinafter provided. Said modification or waiver may be granted at a regularly scheduled meeting of the board which has jurisdiction. Said modification or waiver may be granted if, in said board's opinion, it is warranted by the particular circumstances of the request.

(2) Town Board.

(a) Zoning Ordinance changes. For any amendment, supplement or change of any regulation, restriction or zoning district boundary contained in this chapter, the applicant shall give notice in each of the following manners:

[1] Written notice. The applicant shall give written notice to the owners of all lots which are within 500 feet of the boundary of the lot which is proposed to be changed in zoning.

[2] Poster. The applicant shall place at least one poster on the lot which is proposed to be changed in zoning in a location which is easily read from each public street on which said lot fronts. The dimensions of said poster shall be not less than 36 inches high by not less than 36 inches wide. Said poster shall specify the current zoning, the proposed zoning and the date, time and place of the public hearing. Said poster shall be removed from the subject lot within 30 days following the public hearing.

(b) Special permits. For any application for a special permit, the applicant shall give written notice to the owners of all lots which are within 500 feet of the boundary of the lot which contains a use or structure for which a special permit is requested.
(c) An applicant applying for a waiver of a special permit shall not be required to give written notice to the
owners of all lots within 500 feet. However, if a waiver is not granted by the Town Board, the applicant
shall comply with the neighborhood notification requirements contained in this Subsection B.

(3) Planning Board.

(a) Subdivisions. For any application for preliminary plat approval, the applicant shall give written notice to
the owners of all lots which adjoin or are directly across the street from the lot which is proposed to be
subdivided.

(b) Site plans. If the Planning Board determines, by a vote of a majority of its members, that a public hearing
is required for an application for site plan approval, the applicant shall give written notice to the owners of
all lots which adjoin or are directly across the street from the lot which contains a use or structure for which
site plan approval is requested.

(4) Board of Zoning Appeals.

(a) Special permits and use variances. For any application for a special permit or a use variance, the
applicant shall give written notice to the owners of all lots which are within 500 feet of the boundary of
the lot which contains a use or structure for which a special permit or use variance is requested.

(b) Area variances and other appeals. For any application for an area variance or other appeal from any
order, requirement, decision or determination made by the Building Inspector involving the
administration of this chapter, the applicant shall give written notice to the owners of all lots which
adjoin or are directly across the street from the lot which contains a condition for which a variance
request or other appeal is made.

(c) An applicant applying for a waiver of a special permit shall not be required to give written notice to the
owners of all lots within 500 feet. However, if a waiver is not granted by the Board of Zoning Appeals,
the applicant shall comply with the neighborhood notification requirements contained in
Subsection B(1)(a).

§ 211-62. Successive applications.

A. For any application which has been denied on its merits by the Town Board, Planning Board or Board of Zoning
Appeals, no second application which is the same or substantially the same as the first application shall be heard
by the Board which issued said denial for a period of one year from the date on which said denial was issued.

B. Within said one-year period, a successive application may be heard by the Board which denied the first application
if, by a vote of a majority of its members plus one, said Board finds that substantial new evidence is available or
that a mistake of law or fact significantly affected the previous denial. Any successive application shall include a
detailed statement of grounds which justify consideration of said application.

C. If a new hearing is held for a successive application, the applicant shall establish grounds which warrant
reconsideration of the merits of said application before offering any evidence on said merits. If the applicant fails
to establish said grounds, said application may be summarily dismissed.

ARTICLE XI
Administration and Enforcement

§ 211-63. Building Inspector.

The Building Inspector shall have all the rights, duties and responsibilities given to him/her in the Town Law,
Executive Law and other laws, rules and regulations of the State of New York. In the administration and enforcement
of this chapter, said rights, duties and responsibilities shall include, but shall not be limited to:
A. Issuance of permits for the placement, erection, construction, alteration, movement, removal or demolition of structures.

B. Inspection of all site improvements to determine conformance with a subdivision map or plat, site plan or minor improvement plan.

C. Issuance of certificates of occupancy.

D. Investigation of possible violations of this chapter.

E. Issuance of orders, requirements, decisions and determinations.

F. Initiation of action in a court of law for any violation of this chapter or any order issued thereunder.

G. Issuance of appearance tickets for any violation of this chapter or any order issued thereunder.

§ 211-64. Building permits.

The Building Inspector may issue a building permit for any structure which is governed by this chapter and Title 19 NYCRR (Building Codes of New York State). No building permit shall be issued unless and until proof is presented to the satisfaction of the Building Inspector that:

A. The lot on which said structure is located complies with all applicable regulations of the Town of Greece.

B. When required by this chapter, an approved subdivision map or plat, site plan or minor improvement plan is on file in the Town.

C. Said structure complies with all applicable regulations of the Town of Greece and Title 19 NYCRR (Building Codes of New York State).

D. Unimpeded access to said structure is provided for emergency vehicles.

§ 211-65. Certificates of occupancy.

A. No building shall be occupied unless and until a certificate of occupancy is issued by the Building Inspector.

B. The Building Inspector may issue a certificate of occupancy when a building or addition thereto and site comply with all applicable regulations of the Town of Greece and Title 19 NYCRR (Building Codes of New York State) and all plans and specifications for said building or addition and site.

C. If a building or addition thereto complies with all applicable requirements of Title 19 NYCRR (Building Codes of New York State), but not all applicable requirements of the Town of Greece have been complied with to the satisfaction of the Building Inspector, the Building Inspector may issue a certificate of occupancy or a temporary certificate of occupancy for said building or parts thereof. Said certificate of occupancy or temporary certificate of occupancy may be issued, provided that the following conditions, as applicable in the opinion of the Building Inspector, are met:

(1) All applicable requirements which have not been complied with, including but not limited to public or private site improvements, shall be identified, in writing, by the Building Inspector.

(2) A period of time shall be established, in writing, by the Building Inspector for satisfactory compliance with all said requirements.

(3) A certified check, letter of credit or other security, sufficient in amount to guarantee the completion of any required public or private site improvements, shall be submitted to the Town.
(3) A letter from the owner of the premises shall be submitted to the Building Inspector which grants the Town or a duly authorized agent of the Town permission to enter the site for the purpose of completing any required public or private site improvements after the expiration of the period of time established by the Building Inspector for the completion of said site improvements. Said letter shall be subject to the review and approval of the Town Attorney.

D. If any required public or private site improvements are not completed within the time period established by the Building Inspector, the Town or its duly authorized agent may complete said improvements. The expense for said work shall be charged against the certified check, letter of credit or other security which was submitted to the Town. If said security is not sufficient to pay all of the expenses incurred by the Town or its duly authorized agent, the additional moneys spent shall be added to the real property taxes which are levied by the Town on the premises.

E. The Building Inspector may immediately revoke a temporary certificate of occupancy and order the premises vacated if at any time after the issuance of said temporary certificate of occupancy a condition occurs which, in the opinion of the Building Inspector, renders the premises unsafe or which constitutes a danger to public safety.

F. A temporary certificate of occupancy shall be valid for a period of time not to exceed six months. However, upon written request, the Building Inspector may extend said six-month time period for two additional periods of time not to exceed three months each, provided that the required financial instrument and letter of permission are extended for the additional time period. Said extension may be granted if, in the opinion of the Building Inspector, it is warranted by the particular circumstances of the request.

G. The Building Inspector may issue a certificate of occupancy or a certificate of compliance for a building or addition thereto which does not comply with the setback regulations established for the district in which said building or addition is located, provided that:

1. Said noncompliance does not exceed six inches.

2. Any exterior dimension of said building or addition does not exceed that which would result if said building or addition complied with the established setback regulations.

3. Said certificate of occupancy or certificate of compliance specifically states the exception to compliance.

§ 211-66. Appearance tickets.

Pursuant to the New York State Criminal Procedure Law, the Building Inspector shall have the authority to issue appearance tickets, subscribed by the Building Inspector, which direct a designated person to appear in a designated local criminal court on a designated date in connection with the alleged commission of a designated violation of this chapter or any order issued thereunder.

§ 211-67. Penalties for offenses.

A. Any violation of this chapter or of any order, requirement, decision or determination issued by the Building Inspector pursuant to this chapter is hereby declared to be an offense, punishable by a fine not exceeding $1,000 or imprisonment for a period not to exceed six months, or both, upon conviction for a first offense; upon conviction for a second offense, both of which offenses were committed within a period of five years, punishable by a fine not less than $1,000 nor more than $5,000 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which offenses were committed within a period of five years, punishable by a fine not less than $2,500 nor more than $10,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or of any order, requirement, decision or determination issued by the Building Inspector pursuant to this chapter shall be deemed misdemeanors, and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
B. In addition to the penalties provided above, the Town Board may also maintain an action or proceeding to compel compliance with this chapter or to restrain by injunction any violation of this chapter.

§ 211-68. Amendments.

The Town Board may, at the request of an applicant or on its own initiative, amend, supplement or repeal the regulations, provisions or zoning district boundaries contained in this chapter. Said action by the Town Board shall be in accordance with the laws of the State of New York.
ZONING

211 Attachment 1

Town of Greece

Figure 1
GREECE CODE

Figure 2
ZONING

Figure 3
GREECE CODE

Figure 4
ZONING

Figure 5
R1-E Waterfront Lots
Figure 6

**Sign Types**

- Pole Sign
- Wall Sign
- Window Sign
- Roof Sign
- Awning Sign
- Directional Sign
- Entrar
ZONING

Figure 7

FENCE LOCATIONS
INTERIOR LOTS

- Rear yard
  - 6 ft. high
  - Open or closed construction permitted

- Side yard
  - [Open or closed]
  - 6 ft. high

- Front yard
  - 4 ft. high
  - [Open construction fence only]
  - 4 ft. high

- Side yard
  - [Open or closed]
  - 6 ft. high

House

Property line
Fence Locations
Corner Lots

Property line

4 ft. high

Front yard

Open construction only.

Rear yard 6 ft. high
[Open or closed construction.]

House 30 ft. by 60 ft.

Side yard 6 ft. high
[Open or closed construction.]

Front yard

Open construction only.

4 ft. high

Vision triangle

Property line

Road right of way
Chapter 211

Table I

Area Setback, Height and Lot Coverage Regulations for the R1-44, R1-18, R1-10 and R1-E Single-Family Residential Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Area</th>
<th>Minimum Lot Size</th>
<th>Minimum Dwelling Unit Area</th>
<th>Principal Buildings</th>
<th>Accessory Structures, Swimming Pools and Tennis Courts</th>
<th>Garden or Tool Sheds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot</td>
<td>[Corner Lot]</td>
<td>(square feet)</td>
<td>[Corner Lot]</td>
<td>(feet)</td>
<td>Lot</td>
</tr>
<tr>
<td></td>
<td></td>
<td>[square feet]</td>
<td>(square feet)</td>
<td>[square feet]</td>
<td>(feet)</td>
<td></td>
</tr>
<tr>
<td>R1-44</td>
<td>4,000</td>
<td>15,000</td>
<td>150 (150)</td>
<td>150 (150)</td>
<td>225</td>
<td>50</td>
</tr>
<tr>
<td>R1-18</td>
<td>3,000</td>
<td>12,500</td>
<td>150 (150)</td>
<td>150 (150)</td>
<td>140</td>
<td>50</td>
</tr>
<tr>
<td>R1-10</td>
<td>2,000</td>
<td>11,500</td>
<td>70 (70)</td>
<td>70 (70)</td>
<td>130</td>
<td>40</td>
</tr>
<tr>
<td>R1-E</td>
<td>Neighborhood Average</td>
<td>Neighborhood Average (125% of the Neighborhood Average)</td>
<td>40</td>
<td>Neighborhood Average (230% of the Neighborhood Average)</td>
<td>600</td>
<td>500 (1,000)</td>
</tr>
</tbody>
</table>

Footnotes:
1. In no case shall the lot area be less than the minimum. Lot width and/or lot depth must be increased to accomplish this.
2. Unless separate requirements are explicitly stated in brackets [ ] in this table, the regulations apply to all lot types.
3. A Cape Cod and a split-level dwelling shall be regarded as one-and-one-half-story dwellings. A raised ranch dwelling shall be regarded as a two-story dwelling.
4. Not less than 2.5 feet.
5. Neighborhood average shall be the adjoining lot in both directions and on the same side of the street as the affected lot.
6. Not less than 2.5 feet nor more than 10 feet.
7. R1-44 District - church development may be required by the Planning Board.
8. In accordance with § 211-11(D)(1), on any lot that adjoins, and that fronts the same side of the street as, lots that contain buildings, the minimum front setback for principal buildings shall be the greater of (a) the setback established for the district in which such lot is located; or (b) the neighborhood average.
9. For churches or other places of worship, the setback requirements of the BR District shall apply.

All Districts

The maximum lot coverage shall be 33%, excluding decks under 18 inches in height, stoops and patios.

The maximum height of principal buildings shall be two stories. Exempt from this limitation are church spires, chimneys, cupolas, flagpoles and similar appendages.

Accessory structures are permitted in rear yards only, however, garages may be permitted in side and rear yards.

The maximum height of accessory buildings shall be 13.5 feet, measured to the peak of the roof. Accessory buildings shall be limited to one-story only. Lots up to 16,000 square feet in area are permitted to have 800 square feet total gross floor area for all accessory buildings and attached garages on the premises. Lots of 16,000 square feet or more in area are permitted to have 1,000 square feet total gross floor area for all accessory buildings and attached garages on the premises. Regardless of the size of the parcel, the total gross floor area for all accessory buildings and attached garages on the premises shall not exceed the total area of the principal structure on the premises. Exempt from these height and area limitations are accessory structures on farms.

Special Setback Provisions
1. If a setback is not determined by the neighborhood average, then the following special provisions shall apply:
   (a) If the lot contains a Town highway whose right-of-way is less than 50 feet wide, front setbacks shall be measured from such highway centerline and 30 feet shall be added to applicable minimum setbacks.
   (b) If a lot adjoins any of the following Towns of Greece highways, front setbacks shall be measured from the centerline of such right-of-way. In such cases, 45 feet shall be added to applicable minimum setbacks:
      (1) Deming Street.
      (2) Gates-Greece Town Line Road.
      (3) James Road.
      (4) Long Road.
      (5) Maulen Lane.
      (6) Pack Road.
      (7) Post Avenue.
   (c) If the lot adjoins a Monroe County highway whose right-of-way is less than 60 feet wide, excluding Dewey Avenue, applicable setbacks shall be measured from the centerline of such right-of-way. In such cases, 50 feet shall be added to the applicable minimum setbacks.
   (d) If a lot contains a private road, driveway or easement that provides vehicular access for other lots, applicable setbacks shall be measured from the centerline of such private road, driveway or easement. In such cases, 10 feet shall be added to the applicable minimum setbacks.
2. If a lot adjoins a street on an angle or curve, the lot would be deemed to have a continuous front setback conforming to the angle or curve of such street.
3. The setback of a principal or accessory building shall be measured to the foundation of such building.
4. Precipice buildings, balconies and cantilevered portions of buildings may project into a front yard or rear yard, provided that such structures do not project more than three feet into the setback established for the district in which such front or rear yard is located and provided that such structures do not project into any easement in such front yard or rear yard.

There may be other applicable state and federal regulations pertaining to floodplain, wetlands, coastal erosion hazard areas, etc., that may be more restrictive and may supersede local zoning regulations.
ZONING

Town of Greece

Table II

Area, Setback, Height and Lot Coverage Regulations
for the RM Multiple-Family Residential Districts
and the RS Senior Residential District

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum District Area² (acres)</th>
<th>Maximum Density (units per gross acre)</th>
<th>Minimum Dwelling Unit Area³ (square feet)</th>
<th>Minimum Setback All Structures (feet)</th>
<th>Setback From Boundary of Various Districts</th>
<th>Maximum Height of Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>RM</td>
<td>3</td>
<td>100 or 20'</td>
<td>400</td>
<td>600</td>
<td>750</td>
<td>100² - 7'-0&quot;</td>
</tr>
<tr>
<td>RS</td>
<td>3</td>
<td>15' or 20'</td>
<td>400</td>
<td>600</td>
<td>750</td>
<td>100² - 7'-0&quot;</td>
</tr>
</tbody>
</table>

Notes:

The minimum length of the front lot line shall be 50 feet, except for the R1-S District, where the minimum front lot line shall be 40 feet.

Landscape guidelines are available from the Department of Development Services and should be used as guidelines when preparing site plans for multiple-family residential development.

Footnotes:

1. May be increased by the Town Board. Refer to § 211-13E. Except from this limitation are church spires, chimneys, cupolas, flagpoles and similar appendages.

2. In no case, however, shall the height of an accessory building exceed the height of the tallest principal building.

3. Dwelling units per acre.

4. Residential units per acre.

5. There is no minimum area for a residential unit.

6. Parking may be permitted within this one-hundred-foot setback. Parking areas and driveways shall be located not less than 50 feet from the street right-of-way. Also permitted within this setback is green space, including landscaping, berms, and drainage features such as retention and detention ponds.

7. Except as otherwise required herein, parking areas and driveways shall be located not less than 30 feet from a lot line.

8. The minimum district area may be waived by the Town Board.

9. Exception for single-family homes. In such cases, the minimum setback shall be 25 feet.

10. For churches or other places of worship, the setback requirements of the BR District shall apply.

Special Setback Provisions

1. If a setbacks is not determined by the neighborhood average, then the following special provisions shall apply:

(a) If a lot adjoins a Town highway whose right-of-way is less than 50 feet wide, front setbacks shall be measured from such highway centerline and 30 feet shall be added to applicable minimum setbacks.

(b) If a lot adjoins any of the following Town of Greece highways, front setbacks shall be measured from the centerline of such right-of-way. In such cases, 45 feet shall be added to applicable minimum setbacks:

(1) Deming Street.
(2) Gates-Greece Town Line Road.
(3) Jane Road.
(4) Ling Road.
(5) Maiden Lane.
(6) Peck Road.
(7) Post Acreage.

(c) If a lot adjoins a Monroe County highway whose right-of-way is less than 80 feet wide, excluding Dewey Avenue, applicable setbacks shall be measured from the centerline of such right-of-way. In such cases, 50 feet shall be added to the applicable minimum setbacks.

(d) If a lot contains a private road, driveway or easement which provides vehicular access for other lots, applicable setbacks shall be measured from the centerline of such private road, driveway or easement. In such cases, 10 feet shall be added to the applicable minimum setbacks.

2. If a lot adjoins a street on an angle or curve, the lot would be deemed to have a continuous front setback conforming to the angle or curve of such street.

3. The setback of a principal or accessory building shall be measured to the foundation of such building.

4. Fireplaces, bay windows, balconies and cantilevered portions of buildings may project into a front yard or rear yard, provided that such structures do not project more than three feet into the setback established for the district in which such front yard or rear yard is located and provided that such structures do not project into any easement in such front yard or rear yard.

There may be other applicable state and federal regulations pertaining to floodplain, wetlands, coastal erosion hazard areas, etc., that may be more restrictive and may supersede local zoning regulations.
Town of Greece

Area, Setback and Lot Coverage Regulations for the BP, BR and BG Business Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size* (square feet)</th>
<th>Minimum Gross Floor Area of Principal Buildings (square feet)</th>
<th>Setbacks†‡</th>
<th>Maximum Building Height†‡</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area Interior Lot [Corner Lot]</td>
<td>Width Interior Lot [Corner Lot]</td>
<td>Depth Interior Lot [Corner Lot]</td>
<td>Front or Corner Side (feet) Rear (feet) Stories Feet</td>
<td></td>
</tr>
<tr>
<td>BP</td>
<td>12,000 [15,000]</td>
<td>80 [100]</td>
<td>120 [120]</td>
<td>1,000</td>
<td>30 Neighborhood Average 15 15 2 40</td>
</tr>
<tr>
<td>BR</td>
<td>15,000 [18,000]</td>
<td>80 [100]</td>
<td>140 [140]</td>
<td>1,000</td>
<td>30 Neighborhood Average 15 15 -- --</td>
</tr>
<tr>
<td>BG</td>
<td>20,000 [24,000]</td>
<td>90 [100]</td>
<td>200 [200]</td>
<td>1,000</td>
<td>30 Neighborhood Average 20 20 -- --</td>
</tr>
</tbody>
</table>

Notes:
The minimum length of the front lot line shall be 50.
The maximum lot coverage shall be 50%.

Landscape Guidelines are available from the Department of Development Services and should be used as guidelines when preparing site plans for commercial purposes.
The landscape area of a site, as defined in Section 211-5, shall not be permitted to be utilized for the storage of merchandise and/or for display/parking of motor vehicles.

No parking area or driveway may be closer than 20 feet to a front lot line. This requirement can be reduced by the Planning Board to 10 feet when a solid wall, no greater than 3.0 feet in height is used for screening.

No parking area or driveway shall be located closer than 20 feet to a residential district. This requirement can be reduced to 10 feet when a solid wall, at least 6.0 feet in height is used for screening.

Special Setback Provisions
1. If a setback is not determined by the neighborhood average, then the following special provisions shall apply:
   (a) If a lot adjoins a Town highway whose right-of-way is less than 50 feet wide, front setbacks shall be measured from such highway centerline and 30 feet shall be added to applicable minimum setbacks.
   (b) If a lot adjoins any of the following Town of Greece highways, front setbacks shall be measured from the centerline of such right-of-way. In such cases, 45 feet shall be added to applicable minimum setbacks:
      1. Deming Street.
      2. Gates-Greece Town Line Road.
      3. James Road.
      4. Ling Road.
      5. Maiden Lane.
      6. Peck Road.
      7. Post Avenue.
   (c) If a lot adjoins a Monroe County highway whose right-of-way is less than 80 feet wide, excluding Dewey Avenue, applicable setbacks shall be measured from the centerline of such right-of-way. In such cases, 50 feet shall be added to the applicable minimum setbacks.
   (d) If a setback is measured from a private road, driveway, or easement which provides vehicular access for other lots, applicable setbacks shall be measured from the centerline of such private road, driveway or easement. In such cases, 10 feet shall be added to the applicable minimum setbacks.
2. If a lot adjoins a street on an angle or curve, the lot would be deemed to have a continuous front setback conforming to the angle or curve of such street.
3. The setback of a principal or accessory building shall be measured to the foundation of such building.
4. Fireplaces, bay windows, balconies and cantilevered portions of buildings may project into a front yard or rear yard, provided that such structures do not project more than three feet into the setback established for the district in which such front yard or rear yard is located and provided that such structures do not project into any easement in such front yard or rear yard.

Footnotes:
† In no case shall the lot area be less than the minimum. Lot width and/or lot depth must be greater than shown on this table.
‡ Where a lot adjoins a residential district, the setback from such district may be zero feet if such setback is permitted by the New York State Uniform Fire Prevention and Building Code with regard to occupancy classification, construction materials, building height and fire resistance.
§ For churches or other places of worship, the setback requirements in the BR District shall apply.
4 Exempt from this limitation are church spires, chimneys, cupolas, flagpoles and similar appendages.
# ZONING

## Town of Greece

### Table IV

Area, Setback and Lot Coverage Regulations for the FOI, IL and IG Districts

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size (acres)</th>
<th>Minimum Gross Floor Area of Principal Buildings (square feet)</th>
<th>Setback from Street Rights-of-Way&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Minimum Setback&lt;sup&gt;4&lt;/sup&gt; (feet)</th>
<th>Adjoining Residential District</th>
<th>Adjoining Nonresidential District&lt;sup&gt;1&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOI</td>
<td>1</td>
<td>1,000</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>IL</td>
<td>3</td>
<td>1,000</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>IG</td>
<td>5</td>
<td>1,000</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>25</td>
</tr>
</tbody>
</table>

**Notes:**

- The minimum length of the front lot line shall be 50 feet.
- No parking area or driveway shall be located closer than 50 feet to a residential district.
- In the FOI and IL Districts, no parking area or driveway shall be located closer than 25 feet to a street right-of-way line. Exempt from this requirement are driveways which provide direct access to public streets.
- In the IG District, no parking area or driveway shall be located closer than 50 feet to a street right-of-way line. Exempt from this requirement are driveways which provide direct access to public streets.

**Footnotes:**

1. For churches or other places of worship, the setback requirements in the BR District shall apply.
2. If a lot contains a private road, driveway or easement that provides vehicular access for other lots, applicable setbacks shall be measured from the centerline of such private road, driveway or easement. In such cases, 10 feet shall be added to the applicable minimum setbacks.
3. Setbacks shall be increased if required by the Building Codes of New York State relative to occupancy classification, construction materials, building height, fire resistance or other factors.
4. Where a lot adjoins a nonresidential district, the setback from such district may be zero feet if such setback is permitted by the New York State Uniform Fire Prevention and Building Code with regard to occupancy classification, construction materials, building height and fire resistance.

**Special Setback Provisions**

1. If a setback is not determined by the neighborhood average then the following special conditions apply:
   - (a) If a lot adjoins a Town highway whose right-of-way is less than 50 feet wide, front setbacks shall be measured from such highway centerline and 30 feet shall be added to applicable minimum setbacks.
   - (b) If a lot adjoins any of the following Town of Greece highways, front setbacks shall be measured from the centerline of such right-of-way. In such cases, 45 feet shall be added to applicable minimum setbacks:
     1. Deming Street.
     2. Gates-Greece Town Line Road.
     3. Jones Road.
     4. Long Road.
     5. Maiden Lane.
     6. Peck Road.
     7. Post Avenue.
   - (c) If a lot adjoins a Monroe County highway whose right-of-way is less than 80 feet wide, excluding Dewey Avenue, applicable setbacks shall be measured from the centerline of such right-of-way. In such cases, 50 feet shall be added to the applicable minimum setbacks.
   - (d) If a lot contains a private road, driveway or easement which provides vehicular access for other lots, applicable setbacks shall be measured from the centerline of such private road, driveway or easement. In such cases, 10 feet shall be added to the applicable minimum setbacks.

2. If a lot adjoins a street on an angle or curve, the lot would be deemed to have a continuous front setback conforming to the angle or curve of such street.
3. The setback of a principal or accessory building shall be measured to the foundation of such building.
4. Fireplaces, bay windows, balconies and cantilevered portions of buildings may project into a front yard or rear yard, provided that such structures do not project more than three feet into the setback established for the district in which such front yard or rear yard is located and provided that such structures do not project into any easement in such front yard or rear yard.

There may be other applicable state and federal regulations pertaining to floodplain, wetlands, coastal erosion hazard areas, etc., that may be more restrictive and may supersede local zoning regulations.
**ZONING**

**Town of Greece**  
**Table V**

**Regulations for Permitted Temporary Signs**

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Maximum Number</th>
<th>Maximum Size (square feet)</th>
<th>Type of Sign</th>
<th>Maximum Number</th>
<th>Maximum Size (square feet)</th>
<th>Maximum Duration (days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadside stand (for sales of produce, flowers or other plants grown on premises)</td>
<td>1</td>
<td>OR</td>
<td>20</td>
<td>Sign for business which has lost permanent sign due to fire, road construction, etc.</td>
<td>1</td>
<td>Permitted size of permanent sign</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>OR</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage sale^3</td>
<td>1</td>
<td>OR</td>
<td>6</td>
<td>Grand opening/going out of business^5</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>OR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational, charitable, civic or religious event^3</td>
<td>1</td>
<td>OR</td>
<td>20</td>
<td>Promotional banner^5</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>OR</td>
<td>10</td>
<td>Structure under construction or renovation on nonresidential premises</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Developer’s sign</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>Structure under construction or renovation on residential premises Contractor’s sign^6</td>
<td>1</td>
<td>10</td>
<td>Contractor’s sign</td>
<td>1</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Lot or building for sale, rent or lease</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential lot</td>
<td>1</td>
<td>OR</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonresidential lot</td>
<td>1</td>
<td>OR</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FOOTNOTES:**

1 “Life of permit”: The length of time for which a building permit issued for the construction or renovation of a building.

2 If no permit is required, the maximum duration of a temporary sign shall be 30 days.

3 The sign must be removed within 48 hours of the end of the event.

4 The permit may be renewed for three additional periods of 30 days each.

5 Such sign or banner shall be entirely mounted on or attached to the building in which the business to which such sign or banner refers is located.

6 Such sign shall be removed at the time the work on the subject premises is completed.
TABLE VI
Size of Freestanding Signs in Nonresidential Districts

<table>
<thead>
<tr>
<th>Size of Building (square feet)</th>
<th>Maximum Size of Sign (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 or less</td>
<td>20</td>
</tr>
<tr>
<td>5,001 to 25,000</td>
<td>40</td>
</tr>
<tr>
<td>25,001 to 100,000</td>
<td>80</td>
</tr>
<tr>
<td>More than 100,000</td>
<td>120</td>
</tr>
</tbody>
</table>
**TABLE VII**  
Size of Building Mounted Signs in Nonresidential Districts

<table>
<thead>
<tr>
<th>Front Setback of Building (feet)</th>
<th>Maximum Size of Sign for Each Ten Feet of Business Frontage (sq. ft)</th>
<th>Not To Exceed (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 or less</td>
<td>10</td>
<td>50</td>
</tr>
<tr>
<td>101 to 200</td>
<td>15</td>
<td>125</td>
</tr>
<tr>
<td>201 to 300</td>
<td>20</td>
<td>200</td>
</tr>
<tr>
<td>301 to 400</td>
<td>25</td>
<td>275</td>
</tr>
<tr>
<td>More than 400</td>
<td>30</td>
<td>350</td>
</tr>
</tbody>
</table>
### Table VIII
Lot Size Regulations for Private Stables and Outdoor Animal Training Facilities

<table>
<thead>
<tr>
<th>Minimum lot size (acres)</th>
<th>When All Adjoining Lots Are 1.5 Acres or More in Size</th>
<th>When Any Adjoining Lot is Less than 1.5 Acres in Size</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 or 2 Horses/Ponies or Up to 20 Dogs/Cats</td>
<td>Each Additional Horse/Pony or Each Additional 10 Dogs/Cats</td>
</tr>
<tr>
<td></td>
<td>1.5</td>
<td>0.25</td>
</tr>
<tr>
<td>Minimum lot width (feet)</td>
<td>225</td>
<td>--</td>
</tr>
<tr>
<td>Minimum setback to any property line and training facility, ring or course (feet)</td>
<td>100</td>
<td>--</td>
</tr>
</tbody>
</table>