

Topic:	Open Space Preservation; Zoning; Recreational Uses
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State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Irondequoit
Year (adopted, written, etc.):	1986
Community Type - applicable to:	Suburban; Rural
Title:	Town of Irondequoit Open Space District Ordinance
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Abstract

Article XII, § 235 of the Town Code of Irondequoit creates an Open Space District for the purpose of preserving a suitable character and a stable environment for the establishment and maintenance of recreational and open space, and activities conducted within the Town.

Resource

Town of Irondequoit NY Open Space District
Code of the Town of Irondequoit NY
General Code
[http://www.codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXII&cn=1039&n=\[1\]\[173\]\[952\]](http://www.codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXII&cn=1039&n=[1][173][952])
ARTICLE XII Open Space (OS) District [Added 5-1-1986 by L.L. No. 4-1986]

§ 235-58. Purpose.

- A. The Open Space (OS) District is designed to provide a suitable character and stable environment for the establishment and maintenance of recreational and open space used and activities conducted within the Town of Irondequoit. The district is designed to protect publicly owned lands within the Town from development pressures and to preserve and enhance the unique and sensitive environmental features that exist in most open space areas within Irondequoit. The district is also designed to encourage land uses and development patterns that respect and are consistent with those unique and sensitive environmental features.
- B. The Open Space (OS) District permits recreational and open space uses that serve the residents and visitors to the Town and that generally preserve and enhance the unique

aesthetic and environmental qualities of open space areas. The purpose of this district includes the following specific goals:

- (1) To ensure that development and land use activity within open space areas along the shorelines of Lake Ontario and Irondequoit Bay is consistent with the policies and objectives of the Town of Irondequoit's Local Waterfront Revitalization Program (LWRP).
- (2) To provide sufficient space in appropriate locations for recreational activities, landscaped areas and buffers, wildlife habitats and other public uses in order to meet the various recreational and quality-of-life needs of the Town of Irondequoit's present and future populations.
- (3) To recognize the sensitivity of open space areas as unique environmental and recreational resources and to protect these areas from environmentally destructive uses and activities.
- (4) To encourage land use and development activity that is in harmony with its environment and that does not conflict with the preservation of the natural beauty of the Town's open space areas.
- (5) To promote the most desirable and appropriate use of land and direction of building development based upon land and soil types and other natural features, environmental constraints, neighborhood characteristics and overall community needs and to protect the character of the district and its peculiar suitability for particular uses.
- (6) To preserve areas that are naturally unsuited for development or that have unique historical, aesthetic or environmental significance.
- (7) To protect and enhance existing park lands, playgrounds and other publicly owned areas within the Town, to provide areas for the development of public service facilities within the Town and to establish a pattern of open space within the Town that contributes to the value and attractiveness of property, the maintenance of unique environmental areas and the general quality of life of the residents of Irondequoit.

§ 235-59. Permitted uses.

No structure shall be erected, structurally altered, reconstructed or moved, and no structure, land or premises shall be used in any district designated on the Official Zoning

Map of the Town of Irondequoit as an Open Space (OS) District except for the following principal and customarily incidental accessory uses:

A. Principal uses.

- (1) Public parks and playgrounds, public indoor and outdoor recreational facilities or similar public recreational uses authorized or operated by a public agency and not operated for gain, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (2) Municipally owned and/or operated buildings or structures and other strictly governmental uses and activities, including, but not limited to, schools; museums; water collection, storage and distribution systems; fire stations; public libraries; post offices; governmental offices; sewer lift stations; sewage treatment plants; etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (3) Buildings or structures erected or used in connection with, but not directly associated with, a governmental function, agency or activity and not operated for gain, including, but not limited to, such things as a community bandstand, Town volunteer Fire Department and recreational facilities, historic sites, etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (4) Public or private botanical gardens, arboretums, conservatories and other similar uses, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (5) Cemeteries, including associated facilities such as mausoleums, columbariums, crematories and chapels, provided that no such structure or facility constructed after the effective date of this chapter shall be located within 50 feet of any residential district boundary line, and subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter;
- (6) Outdoor commercial recreational facilities limited to golf courses, swimming pools, skating rinks, archery ranges, playgrounds, athletic fields or court games, operated for gain, subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (7) Private clubs or camps, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other

similar use, subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.

- (8) Zoos subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (9) Plant nurseries subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (10) Commercial facilities incidental to the operation of public recreational uses, including, but not limited to, such things as refreshment stands, small concessionaire shops dispensing sporting goods, miniature golf and similar amusement and recreational facilities, subject to special use permit approval issued by Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (11) Public utility building or structures, including, but not limited to, electrical substations, subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (12) Combinations of permitted principle uses based on a determination by the Town Planning Board that such combinations are appropriate for the proposed open space area and are compatible with the purpose and intent of this district, subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (13) Other uses not specifically listed above but which, based on a determination by the Town Planning Board, are deemed appropriate for open space areas, are similar in nature to permitted principle uses and are compatible with the purpose and intent of this district, subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.

B. Accessory uses (located on the same lot with a permitted principle use):

- (1) Fencing subject to the provisions of § 235-69 of this chapter.
- (2) Sheds, cabanas or similar accessory structures subject to those dimensional and setback requirements applicable to private garages and carports as noted in Article IV of this chapter.

- (3) Radio, TV or CB antennas subject to the provisions of § 235-72 of this chapter. Those structures that require a permit from the Town Zoning Board of Appeals shall also be subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (4) Signage, subject to the following restrictions:
 - (a) All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs, shall be subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter. Real estate signs shall be subject to the applicable provisions of § 235-16 of this chapter.
 - (b) Signs may be illuminated with a constant source, but flashing, neon, revolving, animated or similar type signs are prohibited.
 - (c) Dimensional and setback requirements for all signs oriented towards streets or highways shall be determined. [Amended 2-4-1997 by L.L. No. 1-1997]
- (5) Parking of trucks, vans and other similar vehicles, subject to the applicable provisions of Article IV of this chapter.
- (6) Dumpsters and other similar outdoor refuse containers or enclosures, provided that such uses are located at least four feet from any lot line, and subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (7) Outdoor storage of boats associated with public recreational facilities, subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (8) Fishing piers, docks, wharves, boat launching ramps and similar waterfront structures and facilities associated with public recreational facilities, subject to all applicable state regulations and approvals and to the applicable provisions of Article IX of this chapter, as well as special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.
- (9) Mooring buoys or facilities associated with public recreational facilities, subject to the applicable provisions of Article IX of this chapter.

- (10) Accessory dredging and filling associated with public recreational facilities, subject to all applicable state regulations and approvals and subject to special use permit approval issued by the Town Planning Board in accordance with the provisions of Article XV of this chapter.

§ 235-60. Lot and bulk requirements.

- A. Required minimum lot size. The required minimum lot sizes for all principle uses permitted in the Open Space (OS) District shall be established by the Town Planning Board during the site plan review and approval process or the special use permit approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principle use, as well as all parking, loading, landscaping, open space, setback and access areas and fire lanes for such use. The required minimum lot size shall also be based on the relative intensity of the proposed land use, the requirements regarding the maximum percentage of lot occupancy contained in this section, the need to protect the proposed use from surrounding land use development patterns and the need to protect sensitive environmental areas, significant historic or archaeological areas or scenic views or vistas.
- B. Required minimum building setbacks (required front, side and rear yards). Setbacks of buildings and structures from all other buildings and structures on the lot and from property lines for all other permitted principle and accessory uses identified in this section shall be determined by the Town Planning Board during the site plan review and approval process or the special use permit process and shall be based on the following requirements and guidelines:
 - (1) Principle buildings, parking areas and accessory structures, excluding such facilities as docks, piers, wharves and boat ramps, shall be set back a minimum of 25 feet inland from the high water's edge, in order to maintain adequate access to the shore zone.
 - (2) Principal building, parking areas and accessory structures shall be set back a minimum of 25 feet from any road right-of-way and a minimum of 15 feet from any property line.
 - (3) Principle buildings, parking areas, accessory structures or areas of concentrated outdoor activity shall be set back a minimum of 25 feet from any residential lot or district.
 - (4) Principle building and accessory structure setbacks should be established with due consideration for provisions for fire protection services and adequate access

for fire and emergency equipment within and around the site.

- (5) Principle building and accessory structure setbacks should be established with due consideration for the protection and preservation of unique and sensitive environmental features, the maintenance of wooded areas, wildlife habitats, scenic vistas, stream beds and slope areas and the requirement to adequately buffer adjacent land uses from intense outdoor recreational activities.
- (6) Principle building and accessory structure setbacks should be established with due consideration to the use of clustering as an appropriate site design technique.

C. Maximum building heights.

- (1) Maximum building heights for all permitted principle uses specified in this section shall not exceed 35 feet, except where it has been determined by the Town Planning Board during the site plan or special use permit review and approval process that, based on a visual analysis of the site prepared and submitted by the applicant and reviewed by the Board, such building height would interfere with identified scenic views or vistas or destroy the aesthetic integrity of the waterfront area. In such cases, the Town Planning Board shall be empowered to establish maximum principle building heights in order to protect the scenic views and vistas and the aesthetic character of open space areas in general.
- (2) Accessory structures shall not exceed a maximum height of 15 feet, unless otherwise specified or regulated in this chapter.

D. Maximum density/maximum percentage of lot occupancy. The total overall ground coverage of all principle and accessory buildings, parking areas and other impervious surfaces on any lot in any Open Space (OS) District shall not exceed 50% of the total lot area. The remainder of the lot shall be for open space and/or landscaped areas.

§ 235-61. Off-street parking and loading.

- A. Off-street parking spaces and loading facilities must be provided for all uses specified in this article, in accordance with the provisions of this article and the following additional requirements:
 - (1) All parking spaces shall be set back a minimum of 15 feet from any street line or property line to provide for proper landscaping and buffering.

- B. A reasonable reduction in the size and number of parking spaces required for a given project may be permitted by the Town Planning Board during the site plan or special use permit review and approval process where it can be demonstrated that such a reduction will not create overflow parking problems or traffic congestion and that the additional space will be used for landscaping or open space within the site. Such a reduction shall be permitted by the Town Planning Board on a case-by-case basis.

§ 235-62. Landscaping and buffering.

- A. When a use is the first to develop on two adjacent vacant parcels, this first use shall be required to meet minimum setbacks, but shall not be required to provide a buffer yard. The second use to develop shall, at the time it is constructed, provide all additional plant material and/or land necessary to provide the total buffer yard required between the two uses, subject to the appropriate requirements contained in Article IX of this chapter. Existing plant materials and/or land located on the preexisting (first developed) land use which meet the requirements of this section may be counted as contributing to the total buffer yard required between it and the second (adjacent) land use to be developed. [Amended 2-4-1997 by L.L. No. 1-1997]
- B. Required setbacks for parking areas shall be landscaped and buffered as much as possible. A reasonable reduction in the size and number of parking spaces required for a project shall be permitted by the Town Planning Board where it can be demonstrated by the applicant that such a reduction will not create overflow parking problems and that the additional space will be used for landscaping or open space within the site.
- C. Outdoor storage of boats and equipment, outdoor dumpsters, sheds, etc., shall be adequately and properly buffered using trees, berms, etc.
- D. Where practical, trees with a diameter or caliper of three inches or greater shall be retained on the site.

§ 235-63. Lighting.

All lighting shall be located and shielded so as to prevent the direct glare of beams onto adjacent residential properties and streets.

§ 235-64. Noise.

All public address systems, loudspeakers or other similar sound-producing activities shall be designed, located and operated so as to avoid any undue disturbance or any nuisance within the surrounding area.