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Municipality:	Town of Irondequoit
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Title:	Town of Irondequoit River Harbor District Ordinance
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Abstract

The River Harbor District, as laid out in Article XXIV of the Town Code, is designed to provide a suitable character and stable environment for the establishment and maintenance of water-dependent and/or water-enhanced uses and activities along the east bank of the Genesee River near the Port of Rochester. The district is also designed to promote appropriate residential and economic development and to improve public access to the riverfront. Other goals of the district include protection of the unique and sensitive environmental features that exist along the riverfront and to promote the public health, safety and general welfare.

Resource

Town of Irondequoit NY River Harbor District

Code of the Town of Irondequoit NY

Chapter 235: Zoning

General Code

[http://www.e-](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXXIV&cn=1171&n=[1][173][952])

[codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXXIV&cn=1171&n=\[1\]\[173\]\[952\]](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXXIV&cn=1171&n=[1][173][952])

ARTICLE XXIV River Harbor (RH) District [Added 9-25-2001 by L.L. No. 13-2001; amended 1-22-2002 by L.L. No. 2-2002]

§ 235-151. Purpose; goals.

- A. The River Harbor (RH) District is designed to provide a suitable character and stable environment for the establishment and maintenance of water-dependent and/or water-enhanced uses and activities along the east bank of the Genesee River near the Port of Rochester. The district is also designed to promote appropriate residential and economic development and to provide improved public access to the riverfront. Other

goals of the district include the protection of the unique and sensitive environmental features that exist along the riverfront and to promote the public health, safety and general welfare.

B. The River Harbor (RH) District permits moderate-to-high-density residential development, as well as certain commercial and recreational and open space uses that serve the residents of and visitors to this district and that generally benefit from and enhance the unique aesthetic and environmental qualities in the vicinity of the Town's riverfront area. The purpose of this district includes the following specific goals:

- (1) To ensure that development and land-use activity along the east bank of the Genesee River near the Port of Rochester is consistent with the policies and objectives of the Town of Irondequoit's local waterfront revitalization program (LWRP). and complementary, as much as possible, to the zoning regulations and LWRP policies of adjacent areas of the city of Rochester.
- (2) To provide sufficient space in appropriate riverfront locations for public access, residential development, recreation activities, certain commercial activities and other water-dependent and/or water-enhanced uses, in order to meet the various economic, housing and recreation needs of the Town of Irondequoit's present and future populations.
- (3) To recognize the sensitivity of riverfront area as a unique environmental and recreational resource and to protect these areas from environmentally destructive uses and activities.
- (4) To provide for a desirable mix of commercial uses and active and passive recreational opportunities that take advantage of the unique locations and characteristics of the Town's riverfront area.
- (5) To encourage development that is appropriately designed and in harmony with its environment and that does not conflict with the preservation of the natural beauty of the Town's riverfront area.
- (6) 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; to protect the character of the district and its peculiar suitability for particular uses; to conserve the value of land and buildings and to protect the Town's tax revenue base.
- (7) To permit development in areas which, by virtue of their location, topography, accessibility, relationship to surrounding land uses, zoning patterns and natural

features and availability of public services and utilities, are best suited for a particular purpose.

- (8) To encourage a flexibility of design, preservation of unique environmental features and maintenance of the aesthetic quality of riverfront areas by permitting the Town Planning Board to establish minimum dimensional requirements for permitted principal and accessory uses and to review other pertinent design aspects of such proposed projects.
- (9) To preserve, wherever feasible, the existing vegetation to prevent, as much as possible, significant problems of erosion, sedimentation and drainage, both during and after construction.
- (10) To encourage and facilitate water-dependent and water-enhanced recreational development within the riverfront zone as permitted principal uses or as accessory uses where compatible with the primary purpose of the proposed development.
- (11) To promote the development, maintenance and/or extension of public access to the riverfront where practical and feasible and where such access relates to and is compatible with the primary purpose of the proposed development or activity.

§ 235-152. 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 **Editor's Note: Said map is on file in the Town offices.** as a River Harbor (RH) District, except for the following principal and customarily incidental accessory uses with a special use permit and site plan approval from the Town Planning Board per Articles XVI and XV of Chapter 235, Zoning, of the Town of Irondequoit Code and in conformance with the design guidelines pursuant to this chapter.

A. Principal uses:

- (1) Single-family detached dwellings.
- (2) Multifamily dwellings, apartment buildings or other similar uses.
- (3) Townhouses, single-family attached dwellings, row houses and other similar uses.

- (4) Public parks, playgrounds or similar public recreational uses authorized or operated by a public agency and not operated for gain.
- (5) Commercial parks, playgrounds, tennis/racquetball clubs or other similar uses operated for gain.
- (6) 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, volunteer fire departments, ambulance service stations, and recreational facilities, historic sites, etc.
- (7) Private clubs or camps, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other similar uses.
- (8) Restaurants or eating establishments, including takeout food businesses but excluding drive-thru food or beverage stands.
- (9) Motels, hotels or boatels.
- (10) Yacht clubs or other similar uses.
- (11) Marinas, boat docks, docking basins, boat-launching ramps, including related retail sales of pleasure boats, marine and fishing supplies.
- (12) Car-top boat and canoe sales, display and launch areas.
- (13) Boat building and boat construction facilities, including boat service, repair, rental and storage.
- (14) Stores, shops and boutiques designated for festive retail uses and activities.
- (15) Employment and travel agencies.
- (16) Personal service shops such as hair/beauty salons, pharmacies, dry-cleaning and laundry shops (pickup service only).
- (17) Professional offices for attorneys, physicians, physical therapy, physicians' associates and specialists' assistants, chiropractic, dentistry and dental hygiene, veterinary medicine, nursing, podiatry, optometry, ophthalmic dispensing,

engineering and land surveying architecture, landscape architecture, land use planning, accountants, shorthand reporting, psychology, speech pathologists, audiologists, occupational therapy and other similar professionals.

(18) Real estate and insurance offices.

(19) Banks and related financial services offices.

(20) Baking, confectionery, dressmaking, tailoring shops, provided that all goods or products manufactured or processed shall be sold at retail on the premises and not more than five persons shall be employed at the site at one time.

(21) Public utility buildings or structures, including, but not limited to, electrical telephone and cable substations.

(22) Combinations of permitted principal uses based on a determination by the Town Planning Board that such combinations are appropriate and compatible with the purpose and intent of this district as well as the goals and policies of the Town's local waterfront revitalization program (LWRP).

B. Principal use restrictions and/or additional requirements. All principal uses permitted within a River Harbor (RH) District shall be subject to the following restrictions and/or additional requirements:

(1) Any of the uses permitted in this section that require the use of an area other than within an enclosed building may be conducted in whole or in part outside of such building or absent such building, subject to special use permit and site plan approval issued by the Town Planning Board in accordance with the provisions of Articles XVI and XV of this chapter.

C. Accessory uses (located on the same lot with a permitted principal use):

(1) Home occupations subject to the applicable provisions of Article IV of this chapter.

(2) Private garages and carports subject to the applicable provisions of Article IV of this chapter.

(3) Swimming pools subject to the provisions of § 235-71 of this chapter.

(4) Fencing subject to the provisions of § 235-69 of this chapter.

- (5) Radio, TV or CB antennas and telecommunication towers subject to the provisions of Article XXII 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.
- (7) Gazebos and other similar outdoor features for the use and enjoyment of district residents subject to a special use permit and site plan approval requirements of this chapter.
- (8) Parking and storage of commercial and recreational vehicles for residential use are subject to the applicable provisions of Article XX of this chapter.
- (9) Waterfront structures and facilities.
 - (a) Fishing piers, docks, wharves, boat-launching ramps and similar waterfront structures and facilities, when such uses are clearly accessory or incidental to the primary, principal use of the property, subject to all applicable state regulations and approvals and subject to special use permit and site plan approval issued by the Town Planning Board in accordance with the provisions of Articles XV and XVI of this chapter.

[1] Similar waterfront structures and facilities shall include:

- [a] Facilities for the pumping out of marine holding tanks;
- [b] Facilities for waste oil collection;
- [c] Facilities for the sale and dispensing of fuel and lubricants for boats and boatyard equipment;
- [d] Facilities for the storage of fuel; and
- [e] Facilities for the sale of food and beverages for off-premises consumption and the sale of fishing and boating supplies.

[2] The following additional requirements shall apply to all such structures and facilities:

- [a] The construction of such structures and facilities shall be undertaken in such a way so as not to impair water quality, cause

harm to fish spawning grounds, destroy the natural beauty of the riverfront, reduce the stability of steep slope areas, cause erosion or sedimentation problems along the riverfront, impede views and vistas, create hazards for navigation, interfere with the public use and enjoyment of the water surface or riverfront, or otherwise threaten the public health and safety.

- [b] Design standards for piers, docks and wharves shall be determined based on the information contained in Plate 1, entitled "Dock, Slip and Boat Basin Standards," at the end of the Waterfront Development (WD) District. **Editor's Note: Plate 1 is included in this chapter following § 235-35.**
- [c] Such structures and facilities shall only be constructed of materials which are stable, chemically inert and insoluble and which will have no adverse effects on water quality. Such materials shall also be Coast Guard approved.
- [d] The amount of grading, dredging, earthmoving and disturbance of land above and below water during the construction of such structures and facilities shall be minimized as much as possible and shall be consistent with the permit requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
- [e] To permit the free circulation of water, reduce the effects of fluctuating water levels and prevent adverse modifications of the riverfront, piers, docks and wharves shall be of floating construction wherever feasible and shall not be of rock-filled cribbing, sheet piling, closely spaced piling or such other construction which would significantly impair water circulation.
- [f] There shall be no superstructure permitted above the decks of piers, docks or wharves except those structures that are accessory to marinas.
- [g] No pier, dock or wharf shall be constructed in a configuration other than straight or T-, L-, U- or F-shaped.
- [h] The width of any pier, dock or wharf shall not exceed eight feet.

- [i] Every pier, dock or wharf that is constructed shall have a minimum clearance or setback of 10 feet from adjacent property lines, as extended at a ninety-degree angle from the riverfront, to allow adequate vessel access to neighboring riverfront parcels.
- [j] Piers, docks or wharves that are 40 feet or longer in length shall, during the hours of darkness, be lighted in such a manner so as to not constitute a hazard to navigation.
- [k] Lighting of the surface of any pier, dock or wharf shall be provided in such a manner so as not to produce any offensive glare when viewed from the water or the land. The use of lowmast lighting fixtures and deflector shields to direct the light downward shall be required to reduce or eliminate glare.
- [l] The number of private piers, docks or wharves permitted per each waterfront lot used for single-family residential purposes shall not exceed the following:
 - [i] One hundred feet or less of water frontage: a total of one such structure.
 - [ii] One hundred one feet to 250 feet of water frontage: a total of two such structures.
 - [iii] Two hundred fifty-one feet to 500 feet of water frontage: a total of three such structures.
 - [iv] Each 150 feet of water frontage in excess of 500 feet: one additional structure shall be allowed.
- [m] The number of piers, docks or wharves permitted per each waterfront lot used for multifamily, townhouse or condominium purposes shall not exceed one such structure per residential unit built.
- [n] The number of piers, docks or wharves permitted per each waterfront lot used for commercial purposes shall not exceed three such structures per lot. The construction of more than three such structures per commercially used lot shall be subject to a determination by the Town Planning Board that such additional

structures are needed to accommodate anticipated boat traffic and can be developed on the site without adversely affecting existing environmental conditions or natural features.

- (b) Accessory dredging and filling, when clearly incidental to the principal use permitted on the parcel, subject to all applicable state regulations and approvals and to special use permit approval issued by the Town Planning Board in accordance with the provisions of Articles XV and XVI of this chapter.

§ 235-153. Lot and bulk requirements for residential uses.

A. Required minimum lot size.

- (1) No new principal building or structure to be used as a single-family detached dwelling shall hereafter be erected on any lot in a River Harbor (RH) District, unless such lot shall have a minimum area of 5,000 square feet per dwelling unit.
- (2) No new principal building or structure to be used as a townhouse, single-family attached dwelling, row house or other similar use shall hereafter be erected on any lot in a River Harbor (RH) District, unless such lot shall have a minimum area of 4,000 square feet per dwelling unit.
- (3) No new principal building or structure to be used as a multifamily dwelling, apartment building or other similar use shall hereafter be erected on any lot in a River Harbor (RH) District, unless such lot shall have a minimum area of 2,500 square feet per dwelling unit.

B. Required minimum building setbacks (required front, side and rear yards).

- (1) In order to establish suitable front, side and rear yards, principal buildings and accessory structures for single-family detached dwellings hereafter erected, structurally altered, reconstructed or moved in a (RH) River Harbor District shall be subject to the applicable setback provisions of Article IV of this chapter. Notwithstanding this requirement, the Town Planning Board, in accordance with the provisions of § 278 of New York State Town Law, as amended or changed, shall be empowered to modify the setback requirements and other applicable provisions of this chapter with respect to the approval of a plat or plats. The purpose of this authorization is to enable and encourage a flexibility of design and development of land in such a manner so as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities,

and to encourage and maintain adequate public access to the riverfront.

- (2) No residential building shall be located nearer than 20 feet to a zone district boundary or to any nonresidential use within the River Harbor (RH) District.
- (3) The minimum front, side and rear yard setbacks for attached dwellings, townhouses, row houses, multifamily dwellings, apartment buildings and other similar uses shall be subject to the applicable setback requirements of Article VI of this chapter.

C. Height restrictions.

- (1) Maximum building heights for single-family detached dwellings shall not exceed 35 feet.
- (2) Maximum building heights for attached dwellings, townhouses, row houses, multifamily dwellings, apartment buildings and other similar uses shall be determined by the Town Planning Board during the site plan review and approval process and shall be based on a visual analysis of the site prepared and submitted by the applicant as a part of that review. The Town Planning Board shall be empowered to establish maximum principal building heights and locations in order to preserve the aesthetic integrity of riverfront areas and to protect any scenic views or vistas identified in the visual analysis.
- (3) Accessory structures shall not exceed a maximum height of 15 feet unless otherwise specified or regulated in this chapter.

D. Lot coverage and impervious area ratio.

- (1) Ground coverage for principal and accessory buildings on any lot with a single-family detached dwelling shall not exceed 35% of the total area of such lot measured horizontally.
- (2) The maximum impervious area ratio for any lot with a single-family detached dwelling shall not exceed 60% of the total area of such lot measured horizontally.
- (3) Ground coverage for principal and accessory buildings on any lot for residential use, other than single-family attached dwellings, shall not exceed 30% of the total area of such lot measured horizontally.
- (4) The maximum impervious area ratio for any lot for residential use, other than single-family detached dwellings, shall not exceed 60% of the total area of any lot

measured horizontally.

E. Minimum building size.

- (1) No detached single-family residential dwelling shall contain a total livable floor area of less than 1,100 square feet and a ground floor area of less than 900 square feet.
- (2) In determining the floor area of a detached single-family residential dwelling, the measurements shall be made along the exterior of the main foundation walls of the building and shall exclude any portion of uncovered porches, breezeways or garages.
- (3) Attached single-family dwellings, townhouses, row houses or other similar uses shall have a total livable floor area of at least 1,100 square feet and a ground floor area (exclusive of garage) of at least 550 square feet.
- (4) Multifamily dwellings, apartment buildings or other similar uses shall have a total livable floor area at least 480 square feet for a one-bedroom unit, plus 100 square feet for each additional bedroom. Notwithstanding the foregoing, studio apartments shall be permitted with a livable floor area of at least 360 square feet for each unit.

F. Private garages. Each detached single-family residential dwelling shall have an attached private garage with a maximum area of 900 square feet and having frontage of not more than 30 feet.

§ 235-154. Lot and bulk requirements for nonresidential uses.

- A. The required minimum lot size for all other nonresidential principal uses permitted in the River Harbor District (RH) shall be established by the Town Planning Board during the special use permit and site plan review and approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal 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 and the need to protect or buffer the proposed land use from sensitive environmental areas, significant historic or archaeological areas or scenic views or vistas.
- B. Height restrictions. Maximum building heights for all permitted nonresidential principal uses specified in this section shall not exceed 60 feet, except where it has been determined by the Town Planning Board during the special use permit and site plan

review and approval process that, based on a visual analysis of the site plan prepared and submitted by the applicant and reviewed by the Board, such building heights would interfere with identified scenic views or vistas or destroy the aesthetic integrity of the riverfront area. In such cases, the Town Planning Board shall be empowered to establish maximum principal building heights in order to protect the scenic views and vistas and the aesthetic character of the area.

C. Lot coverage.

- (1) The area of the principal and accessory building on any lot shall not exceed 30% of the area of such lot measured horizontally.
- (2) The maximum impervious area ratio shall not exceed 80% of the total area of any lot measured horizontally.

§ 235-155. Off-street parking and loading.

A. Off-street parking spaces and loading facilities shall be provided for all uses specified in this article, in accordance with the provisions of Article XIV of this chapter and the following additional requirements:

- (1) All parking spaces shall be set back a minimum of 25 feet from the water's edge and any street line and a minimum of 15 feet from any property line to provide for proper landscaping and buffering.
- (2) Off-street parking in the River Harbor (RH) District shall be provided in accord with the following minimum standards:
 - (a) Marinas/boat-launching ramps. Single spaces shall be nine feet by 18 feet. Dimensions for double spaces shall be nine feet by 36 feet. All parking spaces shall be located within 1,000 feet of berths or ramps. Overflow parking should be placed at the ends of the parking areas in any unusually shaped parcels. The required minimum number of spaces shall be as indicated on the following table:

Use	Number of Spaces
Boat slips	0.6 per slip
Boat slips including charter 2 fishing	

Boat ramp	30 car trailer spaces, plus 10 single spaces per ramp
Retail	5 per 1,000 square feet of gross floor area
Nonretail business and office uses	4 per 1,000 square feet of gross floor area
Medical/dental offices	6 per 1,000 square feet of gross floor area

(b) Residential uses.

[1] Detached residential units: two spaces per dwelling unit.

[2] Attached residential units, including townhouses and row houses: two spaces per dwelling unit.

[3] Multifamily and apartment units: 1.5 spaces per unit.

(c) Hotels, motels and boatels: one space per room or suite; plus one space per three employees on maximum shift; plus one space per three persons to maximum capacity of public meeting rooms; plus 50% of the spaces otherwise required for restaurants and accessory uses.

(d) Yacht clubs: one space per three persons to maximum capacity of meeting rooms, plus 1.5 spaces per boat berth.

(e) Restaurants.

[1] Sit-down: one space per three patron seats or one space per 100 square feet of gross floor area, whichever is greater, plus one space per employee on the maximum shift.

[2] Fast-food/takeout: one space per 50 square feet of floor area, plus one space per employee on the maximum shift.

(f) Boat rentals: one space per boat under 16 feet and 1.5 spaces per boat over 16 feet.

- 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 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 spaces 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.

§ 235-156. Landscaping; buffering; trails and paths.

- A. Parking areas shall be landscaped and buffered as much as possible.
- B. Outdoor storage of boats and equipment shall be adequately buffered using trees and/or berms to screen the items being stored from adjacent properties. The adequacy of the buffering shall be determined by the Town Planning Board as part of the special use permit and site plan review and approval process.
- C. Where practical, trees with a diameter or caliper of six inches or greater shall be retained on the site.
- D. As part of the site plan and/or special permit use review and approval process, the Planning Board shall require public access in the form of walkways, pedestrian trails or paths or bikeways to the riverfront for those development projects or proposed uses adjacent to the riverfront where such access is appropriate and desirable and would not conflict with existing natural features or be hazardous to the public health, safety or general welfare. In requiring such public access, the Planning Board shall consider the nature of the access to and from surrounding properties and uses, as well as the relationship of the access and proposed use of the water.

§ 235-157. Site plan approval required; standards.

No permits shall be issued pursuant to the foregoing regulations of this article until and unless a site development plan for such proposed use has been presented to and approved by the Planning Board, which shall consider and determine that all requirements of this chapter have been met; and, further, they shall approve, approve with modifications, or disapprove the site development plan in accordance with the following standards:

- A. The conditions necessary to restrict, safeguard and protect property values in the vicinity of the proposed site and to protect the health, safety, morals, peace and general welfare of the Town.
- B. The effect of the proposed use on the development and characteristics of the area and

upon the development and conduct of other lawful uses in the vicinity.

- C. Whether the proposal and its use will be in harmony with the character of the area.
- D. Whether the proposed use will be consistent with the purpose and goals of the River Harbor (RH) District.
- E. Whether the proposed use will create hazards and dangers to the general public or to persons in the vicinity from the point of view of traffic congestion, crowds, fire protection and parking of automobiles.

§ 235-158. Design guidelines.

- A. Projects constructed within the River Harbor (RH) District shall reflect a maritime theme utilizing site design elements common to maritime waterfront areas such as:
 - (1) Landscaped pedestrian walkways that provide access to and along the riverfront.
 - (2) Parking areas separated from the riverfront by buildings and pedestrian walkways and landscaping.
 - (3) Distinct carved wood signs and wrought-iron accents along pedestrian walkways.
 - (4) Private and public docks for pleasure boats.
 - (5) Docks for commercial boats with bollards for tie-up.
 - (6) Building orientation and placement to maximize water views.
 - (7) Distinctive outdoor lighting consistent with the area's theme.
- B. Buildings and structures constructed within the (RH) River Harbor District should reflect a maritime theme utilizing such architectural design elements, materials, details, and colors common to maritime waterfront areas as:
 - (1) Gable-style pitched roofs.
 - (2) Projected eaves.

- (3) Sheltered entries.
- (4) Small individual buildings with clapboard or wood-shingle siding.
- (5) Shutters beside windows.
- (6) Divided-light windows.
- (7) Flower boxes.
- (8) Paint color schemes with trim accents.
- (9) Cupolas, weathervanes, etc.

§ 235-159. Sign requirements.

- A. All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs, shall be subject to special use permit and site plan review and approval process by the Town Planning Board in accordance with the provisions of Articles XV and XVI. All signs shall be subject to the applicable provisions of Article XXI of this chapter.
- B. Signs may be illuminated with a constant source, but flashing, neon, revolving, animated or similar-type signs are prohibited.
- C. Signs oriented towards the water shall be permitted for identification purposes only, shall be building-mounted, and shall not exceed 25 square feet.
- D. Dimensional and setback requirements for signs oriented towards streets or highways shall be determined by the Planning Board.