

LOCAL LAW 1 OF 2021 AMENDING
CERTAIN PORTIONS OF CHAPTER 175
OF THE SWEDEN TOWN CODE

Be it enacted by the Sweden Town Board, County of Monroe, State of New York
(hereinafter referred to as the Board), as follows:

SECTION 1. TITLE

This Local law shall be referred to as "Local Law 1 of 2021 amending certain portions of
Chapters 175 of the Sweden Town Code".

SECTION 2. AUTHORIZATION

This Local Law is adopted pursuant to the legislative authority in Municipal Home Rule
Law §10 and Town Law §261-§264.

SECTION 3. PURPOSE AND INTENT

The Town of Sweden (sometimes hereinafter referred to as the Town) deems it necessary
to enact certain modifications and changes to portions of Chapter 175 of the Sweden Town Code
to best serve the public interests of Sweden and its population. Consequently, the Board has
conducted a review of the Sweden Town Code and this Local Law is the result of that review.

SECTION 4. AMENDMENTS TO CHAPTER 175-7
ZONING DEFINITIONS

Portions of Sweden Town Code §175-7, as set forth hereinbelow, are hereby changed and/or added as follows:

1. The Term CORNER LOT is added and defined as a parcel of land at the junction of and fronting on two (2) or more intersecting streets, roads, or thoroughfares where the front line is indicated by the address of the building.

2. The term HOME OCCUPATION is changed to read: "An occupation or profession which is carried on in a dwelling unit or accessory structure to a dwelling unit, by a member of the family residing in the dwelling unit and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes".

3. The term LAND BANK PARKING is added and defined as the Sweden Town Planning Board may permit land banking of up to twenty five percent (25%) of the required parking spaces through the site plan process. Sufficient evidence shall be provided by the applicant that supports the reduced parking needs. The area proposed for land banking of parking spaces shall be an area suitable for parking at a future time. Landscaping of the land banked area shall be in full compliance with the zoning regulations and, at a minimum, landscaped with turf. As a result of the site plan review, additional landscaping of the land banked area may be required. The land banking area cannot be used for any other purpose. The land banked parking area cannot be used to fulfill any other landscaping requirements. As a part of the site plan review process, the applicant shall show the area to be banked on the site plan and marked as "Land Banked Future Parking". The Sweden Town Planning Board, on the basis of increased parking demand for the use, shall require the conversion of all or part of the land banked area to

off street parking spaces. Nothing shall prevent the applicant from converting the land banked area to parking prior to Town notification. Where land areas are reserved for future connections to adjacent parcels all improvements (i.e. sanitary, storm, water, roads) are to be constructed to the common property line.

4. The term LOT AREA is added and defined as the square footage or acreage contained within the boundaries of a lot. Any portion of a lot included in a public road, street or highway right-of-way shall not be included in calculating lot area.

5. The term LOT DEPTH is added and defined as the mean distance from the street right-of-way line to the rear lot line measured in the general direction of the side lines of a lot.

6. The term LOT FRONTAGE is added and defined as the linear distance along a lot line which adjoins the road or highway providing access to a lot.

7. The term LOT LINE is added and defined as property lines bounding a lot.

8. The term LOT LINE FRONT is added and defined as the line separating a lot from a street right-of-way.

9. The term LOT LINE REAR is added and defined as the line opposite and most distant from a front lot line.

10. The term LOT LINE SIDE is added and defined as any lot line other than a front or rear lot line.

11. The term LOT WIDTH is added and defined as the width of a lot between the side lot lines at the front building line as prescribed by front yard and setback regulations.

12. The term STREET RIGHT-OF-WAY is added and defined as the strip of land occupied by a dedicated roadway under the jurisdiction of a governmental agency.

13. VACANT BUILDING is added and defined as a building or structure or portion thereof, which any one or more of the following apply:

A) Unoccupied and/or unsecured.

B) Unoccupied and/or unsecured by other than normal means.

C) Unoccupied and unsafe as determined by the Sweden Town Code Enforcement Officer.

D) Unoccupied subject to a prior Court Order(s) and/or an Order(s) from the Sweden Town Code Enforcement Officer.

E) Illegally occupied.

F) Unoccupied for a period of time of over ninety (90) days, except where an owner maintains residency in another location during winter months or otherwise is absent for an extended period of time due to travel, illness or other exigent circumstances.

SECTION 5. AMENDMENTS TO CHAPTER 175 - 7
DEFINITIONS

Sweden Town Code §175-30C(17) is hereby changed to read:

" Off site temporary advertising signs shall not be placed prior to forty five (45) days preceding the event and shall be removed within forty eight (48) hours after the event.

SECTION 6. AMENDMENTS TO CHAPTER 175
ATTACHMENT 1 TABLE A

1. Under allowable signs of Real Estate (sale, lease, or rental of property on which the sign is located) the wording shall be changed to read:

“One ground and/or building mounted – Off site open house directional signs.”

2. Under the category of comments for political campaign signs, the wording shall be changed to read:

“Placed no sooner than forty five (45) days prior to election day, removed within forty eight (48) hours after election day.”

3. Under the allowable signs for places of worship, libraries, museums, service clubs, societies, nursing homes, hospitals, the wording shall be changed to read:

“One ground – mounted sign PLUS building – mounted directories in each building entrance and/or building - mounted signs per each business.”

4. Under the allowable signs for civic signs – (listing service clubs and religious organization), the wording shall be changed to read:

“Ground – mounted permanent signs and/or building – mounted signs and Temporary ground – mounted advertising signs.”

5. Under the allowable signs for three (3) or fewer businesses or tenants on one parcel with a total building size of less than 100,000 square feet, the wording shall be changed to read:

“One ground – mounted sign PLUS building – mounted directories at each building entrance and/or building - mounted signs per each business and Temporary daily special signs.”

6. Under the allowable signs for one (1) or more businesses or tenants on one parcel with a total building size of more than 100,000 square feet, the wording shall be changed to read:

“One ground – mounted sign PLUS building – mounted directories at each building entrance and/or building – mounted signs per each business and Temporary daily special signs.”

7. Under the allowable signs for four (4) or more businesses or tenants on one parcel with a total building size of more than 12,000 square feet, the wording shall be changed to read:

“One ground – mounted sign PLUS building – mounted directories at each building entrance and/or building – mounted signs per each business and Temporary daily special signs.”

8. Under the allowable signs for apartment complex, the wording shall be changed to read:

“Ground – mounted and/or building – mounted signs.”

9. Under the allow signs for real estate (sale, auction, lease, or rental of property on which the sign is located), the wording shall be changed to read:

“One (1) premises ground – mounted and/or building – mounted.”

SECTION 7. AMENDMENTS TO CHAPTER 175-24
HOME OCCUPATIONS.

The entirety of the current Subsection shall be replaced with the following:

"A home occupation shall be permitted in a residential dwelling in any district in the Town. Prior to operating as a home occupation, a permit must be obtained from the Sweden Town Code Enforcement Officer provided the following standards and provisions are maintained as set forth hereinbelow.

A) Home occupation includes, but is not limited to, art, photograph studios, dressmaking, physician office, dental office, lawyer office, engineer office, architect office, accountant office, insurance agent, real estate agent, teaching musical instruction (limited to a single pupil at a time) and beauty shops operated by a person occupying the dwelling. Home

occupation exclusions include, but are not limited to, dog boarding kennels, automotive repair shops, mechanical repair shops, group band instruction, convalescent homes and mortuary establishments.

B) Not more than one person outside of the immediate family residing in a dwelling may be engaged in a home occupation.

C) No more than twenty five percent (25%) of the gross floor area of the residence shall be used for conducting a home occupation except that a bed and breakfast is exempt from this requirement.

D) One sign shall be permitted to identify a home based business. No sign shall have more than two (2) printed sides. All signs shall comply with Town Code §175-30.

E) There shall be no outdoor storage or display of materials, goods, supplies or equipment related to a home occupation.

F) A home occupation shall not create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance greater or more frequent than that usually experienced in a neighborhood where a home occupation is located.

G) The appearance of a dwelling shall not be altered, and the occupation within the residence shall not be conducted, in a manner that would cause a premise to differ from the residential character of the dwelling or the residential neighborhood in which a home occupation is located by the use of colors, materials, construction, lighting or the emission of noise, dust, vibration, odor, smoke, glare, electrical interference, a fire hazard or any other hazard or nuisance greater or more frequent than that usually experienced in a neighborhood where a home occupation is located. No mechanical, electrical or other equipment that produces

noise, dust, vibration, odor, smoke, glare, electrical interference, a fire hazard or any other hazard or nuisance greater or more frequent than that usually experienced in a neighborhood where a home occupation is located shall be permitted.

H) No more than two (2) licensed commercial vehicles (each 1 ton or less) may be used in connection with a home occupation.

I) A bed-and-breakfast is considered a home occupation. As such, a bed-and-breakfast is required to obtain an operating permit.

J) All permits shall be automatically renewed annually unless violations have been filed in the Town office. Permits that are not automatically renewed in a timely fashion shall give rise to the Sweden Town Code Enforcement Officer reviewing same before continuation of said home occupation.

SECTION 8. AMENDMENT TO CHAPTER 175-41

RETAIL BUSINESS DISTRICT

1. The current labeling of this sub-section “B-1 Retail Business District” shall be deleted in its entirety and replaced with “B-1 Business District”.

2. Sub-paragraphs “A”, “B”, “C”, “D” and “E” shall add the following wording to each such sub-paragraph “- Retail Business District”.

3. The following sub-paragraphs shall be added to this section:

F. Permitted uses – Non Retail Business District.

1) Insurance offices of independent or general agents.

2) Medical and dental offices and clinics, excluding overnight occupancy.

- 3) Branch banks.
- 4) Commercial schools.
- 5) Attorney offices.
- 6) Offices for other licensed professionals, such as architects, designers, engineers, etc., excluding, however, any warehouses or storage areas.
- 7) Office parks/buildings.
- 8) Public buildings and grounds, excluding maintenance, storage or repair facilities.
- 9) Uses accessory to the above which are an integral part of and used solely by the permitted use and are deemed appropriate by the authorized official.
- 10) At any time when the specific use originally permitted within this district is to be changed so that it involves a separate different and district use, process or product, the Town may require application to be made for a special use permit at which time it may be required that any phases of the operation which have become and/or will become detrimental to the neighborhood be corrected prior to the Sweden Town Planning Board issuing any special use permit.

G. Conditional uses – Non Retail Business District.

- 1) The following uses and accessory uses shall be permitted when authorized in accordance with the provisions of this Chapter:
 - a) Drive-in bank auto tellers.
 - b) Mortuaries or funeral homes.
 - c) Nonprofit institutions for charitable, religious, cultural or community social purposes.

d) Public utility substation uses, excluding power plants, maintenance or storage facilities and uses of similar nature.

e) Nursery or day care centers and nonprofit schools.

f) Combinations of permitted business non-retail and single family residential uses.

g) Other legal uses, determined by the Town to be similar in nature to those uses described in a Non-Residential Business, same to be compatible with the purposes of said District and to be consistent with the Town's Comprehensive Plan.

h) Upon a determination by the Town that any business or conditional use originally permitted within a Non-Residential Business District is to be changed so that it involves a separate, different and distinct use process product or service (or involves a new operator) an application must be made to the Board. Prior to the issuance of any conditional use permit, the Board shall ensure that the applicant satisfies the Town's standards and requirements. As part of this process, the Board may require modification of any and all phases of the operation that have become and/or will become, detrimental to the neighborhood.

H. Dimensional requirements – Non Retail Business District.

1) Lot area. The minimum lot area shall be that necessary to accommodate the necessary structures and comply with this chapter, as well as all other Town requirements.

2) Lot coverage. Structures, parking areas and roadways shall not occupy more than a maximum of 65% of the total lot area. The remainder of the lot shall be devoted to no less than a minimum of 35% open space or landscape area.

a) Greenspace shall be 35%. “Greenspace” shall be defined as an area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes in an otherwise urban environment.

b) Incorporation of green infrastructure such as green roofs, rain gardens, biofilters, and pervious pavement shall be reviewed and deemed appropriate by the Town.

3) Setback requirements. All setbacks shall comply with buffering requirements set forth in the Sweden Town Code with the proviso that no structure within the Business Non-Retail District shall be located closer than eighty (80) feet to the front property line, twenty (20) feet to the side property line of thirty (30) feet to the rear property line and/or in the case of corner lots, the eighty (80) foot minimum front setback shall be provided along each road frontage.

4) Maximum building height restrictions: three (3) stories or forty (40) feet, whichever is less.

SECTION 9. SEVERABILITY AND/OR VALIDITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local law, or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which said order or judgment shall be rendered.

SECTION 10. EFFECTIVE DATE

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with the Municipal Home Rule Law §27.

Dated: Brockport, New York
February 9, 2021

RESOLUTION NO. 24

Adopt Local Law 1 of 2021 to Amend
Certain Portions of Chapter 175 of the
Sweden Town Code

WHEREAS, the Town Board of the Town of Sweden has determined that it is the best interests of the Town of Sweden for certain amendments to be made to Chapter 175 concerning Zoning; and

WHEREAS, a duly advertised Public Hearing was held by the Town Board at the Town Hall, 18 State Street, Brockport, New York, on July 28, 2020; and

WHEREAS, all persons desiring to be heard were heard and due deliberation having been had thereon.

NOW THEREFORE BE IT RESOLVED:

Sec 1. Local Law 1 of 2021 is attached as Schedule A.

Sec 2. The Town Board of the Town of Sweden hereby adopts Local Law 1 of 2021 – Amendments to Chapter 175 Zoning.

Sec 3. The Town Clerk is authorized and directed to file a complete copy of Local Law 1 of 2021 with the Secretary of State as required by law.

Sec 4. This Resolution shall take effect immediately.

MOTION for adoption of this resolution by Councilperson Muesebeck
Seconded by Councilperson Hayles

Discussion:

VOTE BY ROLL CALL AND RECORD

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|-------------------------|------------|
| Councilperson Hayles | <u>Aye</u> |
| Councilperson Hoke | <u>Aye</u> |
| Councilperson Humby | <u>Aye</u> |
| Councilperson Muesebeck | <u>Aye</u> |
| Supervisor Johnson | <u>Aye</u> |

Submitted – February 9, 2021

Adopted