

Local Law 3 of 2021

Amending Chapter 125, Subdivision of Land, of the Code of the Town of Rochester

**Amending L.L. No. 1-2014,
adopted by the Town Board of the Town of Rochester 12-4-2014**
*This local law also repealed former Ch. 125, Subdivision of Land, adopted 8-21-
1962, as amended.*

Pursuant to, and in accordance with, the provisions of the New York State Municipal Home Rule Law and the NYS General Municipal Law, Article 18, §808, the Town of Rochester Town Board amends Chapter 125, Subdivision of Land, of the Code of the Town of Rochester as follows.

Be it enacted by the Town Board of the Town of Rochester:

Section 1.

In existing code § 125-11 Glossary of terms:

The definition of SUBDIVISION, RESUBDIVISION OF LANDS shall be amended to read as follows:

SUBDIVISION, RESUBDIVISION OF LANDS

The action of an applicant to replace an approved subdivision plat with a changed or improved one. Such application is to be treated in the same manner as an original plat, except that if the parcel(s) involved are owned by more than one party, or if rights have been given to others, all parties involved must be coapplicants or agree to the resubdivision before it can be processed by the Planning Board. **[A parcel which is proposed to be resubdivided within 5 years of a previously approved subdivision or resubdivision, shall be classified for review under the standards of a major subdivision application in all cases.]**

Section 2.

In existing Code § 125-1 Procedures and requirements for minor subdivisions the statement shown below shall be deleted:

§ 125-1 Procedures and requirements for minor subdivisions.

The following procedures and requirements shall apply to minor subdivisions only (see definitions). All other subdivisions and resubdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.

and replaced with:

§ 125-1 Procedures and requirements for minor subdivisions.

The following procedures and requirements shall apply to minor subdivisions only (see definitions). All other subdivisions ~~and resubdivisions~~, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified herein.

Section 3. Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

Section 4. Effective Date

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.