

**Local Law Y of 2022**

**A Local Law amending Chapter 140 of the Code of the Town of Rochester**

**§ 140-25. Planned unit developments**

**Section 1. Chapter 140 Amendment**

Chapter 140 of the Code of the Town of Rochester **§ 140-25. Planned unit developments.** shall be amended as follows.

**§ 140-25. Planned unit developments**

A. Purposes.

- (1) Planned unit developments may, with approval of the Town of Rochester Town Board, be permitted in designated zoning districts for the purposes including but not limited to the following:
  - (a) Conveniently locating businesses and services with respect to neighborhoods.
  - (b) Developing commerce, industry, and tourism in planned units compatible with other uses.
  - (c) Facilitating transitional development proximate to the Hamlet, Business, and Industrial zoning districts.
  - (d) Providing for the efficient use of land and the placement of utilities and streets in ways that lower development costs and impacts.
  - (e) Encouraging mixed use, commercial and industrial design innovation not possible under strict application of subdivision and zoning regulations.
  - (f) Promoting the expansion of existing hamlets. and development of new centers.
  - (g) Promoting traditional neighborhood and mixed-use development patterns.
- (2) Generally, planned unit developments are intended to provide landowners who wish to develop functionally integrated communities or complexes with the flexibility to do so, provided sufficient open space will be preserved and the development is designed with safeguards to protect the public health, safety, and welfare.

B. Procedures.

- (1) The Town Board shall be authorized, at its sole discretion, to designate a property for planned unit development use following a public hearing and within 62 days of receiving a report from the Town of Rochester Planning Board recommending the same. This report shall be based upon review, by the Planning Board, of a sketch plan and application. The sketch plan and application shall be completed to such detail as provided in § 140-46 and be processed accordingly.
- (2) The Town Board shall, in making its determination, assess whether the proposed planned unit development would be consistent with: (1) the sound development, safety, health and welfare of the property on which it is proposed and the surrounding neighborhood; and (2) the purposes of this section. It shall also give preference to applications for projects where such development will serve to strengthen existing commercial or industrial centers.
- (3) Any designation of a property for planned unit development use by the Town Board shall be conditioned upon Planning Board approval of a detailed site plan complying with the requirements of § 140-46. The Planning Board shall only be authorized to act upon such site plan following Town Board approval. Town Board designation of a property for planned unit development use shall only serve to authorize a full application and shall not be construed as an approval to proceed with development or serve to vest any rights in such development with the applicant.
- (4) All Planned Unit Developments access shall be within 750 feet of a state or county highway.
- (5) Town Board action shall be a prerequisite of Planning Board approval but not sufficient to authorize any disturbance or use of land for purposes of planned unit development. Such authority shall remain with the Planning Board, which shall function as lead agency for purposes of SEQRA compliance.

C. General Requirements

(1) The following standards shall apply to all planned unit developments:

<b>Planned Unit Development Standards</b>		
<b>Category</b>	<b>PCD Planned Commercial Development</b>	<b>PID Planned Industrial Development</b>
<b>Zoning Districts</b>	, H, B, NR,	B, NR, I
<b>Minimum Site Area</b>	10 acres	20 acres
<b>Permitted Uses</b>	All Business District principal permitted uses, convenience stores; nurseries and greenhouses, and mixed use residential	All Industrial District uses
<b>Utilities</b>	Community water and sewage facilities and underground electric	Community water and sewage facilities and underground electric
<b>Minimum Open Space</b>	10%	10%
<b>Maximum Lot Coverage</b>	60%	50%

<b>Building Setback</b>	75 feet - all lot lines	100 feet - all lot lines
<b>Maximum Height</b>	45 feet or 3 stories (whichever is less)	35 feet or 2 stories (whichever is less)

- (2) Except for lot and yard requirements which may be modified by the Planning Board, planned unit developments shall comply with all other provisions of this chapter, including, but not limited to, the parking, landscaping, and commercial and industrial performance standards of § 140-20. Interior signs directed only to on-site uses or individuals shall, however, be exempt from sign standards. Town Board or Planning Board may award development standard bonuses for Energy Conservation Development, as defined.
- (3) The land proposed for a planned unit development may be owned, leased, or controlled either by an individual, business entity or by a group of individuals or business entities. Planned unit development applications shall be filed by the owner or jointly by all owners of the property included in the application. In the case of multiple ownership, the approved plan shall be binding on all owners or subsequent owners.
- (4) A management plan and covenants and restrictions for the planned unit development to ensure long-term maintenance of properties and improvements, address hours of operation and deal with other matters potentially having an impact on adjoining properties shall be submitted for review and approval by the Town Board at the time the planned unit development is proposed.
- (5) Contiguous parcels or areas of land within multiple zoning districts, including land outside zoning districts where planned unit developments are not permitted, may be included if they do not constitute more than 10% of the project acreage. Density shall be based on the underlying density for the larger portion of the property.

## **Section 2. 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, provision, or application.

## **Section 3. 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.