

**Local Law Z of 2022**

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

**§ 140-30. Affordable housing.**

**Section 1. Chapter 140 Amendment**

Chapter 140 of the Code of the Town of **§ 140-30. Affordable housing.** shall be amended as follows.

**§ 140-30. Affordable housing.**

- A. This section is enacted pursuant to the authority of the Municipal Home Rule Law authorizing towns to adopt a local law which amends or supersedes any provision of the Town Law in relation to property, affairs or government of the Town. The Town Board of the Town of Rochester hereby enacts this section superseding § 261(b) of the Town Law so as to grant authority to the Town of Rochester Planning Board to waive certain and limited dimensional requirements of this chapter with respect to lots in residential subdivisions.
- B. The Town of Rochester Planning Board is hereby authorized to modify, when reasonable, the density, lot area, lot width and/or lot depth requirements provided in this chapter for the purposes of encouraging the provision of affordable housing. Such authority shall be limited to the H, R-1 and B zoning districts; a maximum of 20% of the residential lots/units created; and be further limited to those lots/units restricted to development for affordable housing, which shall be of the same type and general quality as the remainder of the development. Modifications shall be limited to 25% of the applicable standard. Affordable housing shall consist of lots/units marketed at a net affordable purchase/rental price (NAPP) per square foot of individual unit floor area, including all fees. Applicants must demonstrate, in writing, a basis for the NAPP based on affordability to Town of Rochester residents earning 80% of median family income in the case of owner units and 60% of median family income in the case of rental units. Such NAPP shall also be approved by the Planning Board and be the basis of any modifications granted. A developer taking advantage of this provision shall provide evidence of compliance with this standard throughout the sales period subject to a program approved by the Town of Rochester Planning Board at the time of preliminary plan approval.
- C. Any modification granted by the Planning Board may be subject to such conditions as the Planning Board may determine reasonably necessary to promote public health, safety and general welfare. Such waiver shall also be limited to the minimum necessary to achieve the purpose of creating affordable housing supplies within the Town. The Town of Rochester Planning Board shall be under no obligation to approve any modification that, in its judgment, based on evidence presented by the subdivider, does not establish need.

## **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.