Redline for Hearing 12-28-2022

Local Law DD of 2022

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

Section 1. Chapter 140 Amendment
Chapter 140 of the Code of the Town of Rochester shall be amended.
A new definition shall be added to **§ 140-3, Word Usage** and be inserted in alphabetical order.

CONTRACTOR STORAGE YARD -- a parcel or a portion of a parcel used for the storage of tools, equipment, materials, vehicles, containerized debris, and other raw materials ancillary to work being performed off-site, for someone other than the contractor, by a Contractor engaged in such work. This definition of a Contractor Storage Yard excludes private landowners and their personal equipment for noncommercial use on private property; and entities solely engaged in agricultural activities.

Section 2. Chapter 140 Amendment
Chapter 140 of the Code of the Town of Rochester shall be amended.
A new subsection shall be added **§ 140-38, Contractor Storage Yards**

Section 3. § 140-38, Contractor Storage Yards

§ 140-38, Contractor Storage Yards

A. Storage of building materials, supplies, parts, etc., shall be indoors unless otherwise permitted by the Planning Board.
B. Storage yards, equipment and vehicles shall not be located within 100 feet of any property line.
C. Storage yard equipment and vehicles related to the contractor's business shall be parked in the rear of the property or be screened from adjacent properties and the public right-of-way per §140-20.
D. Not more than 15% of the total lot area or 1 acre, whichever may be less, may be used for the stockpiling of material used by the contractor for a storage yard.
E. No more than 4 vehicles propelled by their own power (i.e., not including trailers) with a gross vehicle weight of 26,000 pounds or more shall be stored outdoors at a contractor's storage yard, unless mitigating measures are authorized by the Planning Board at Site Plan approval.

Section 4. 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 5. 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