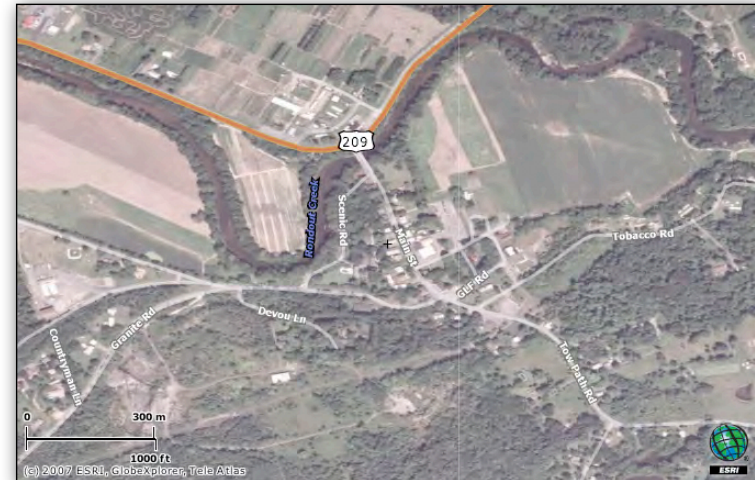
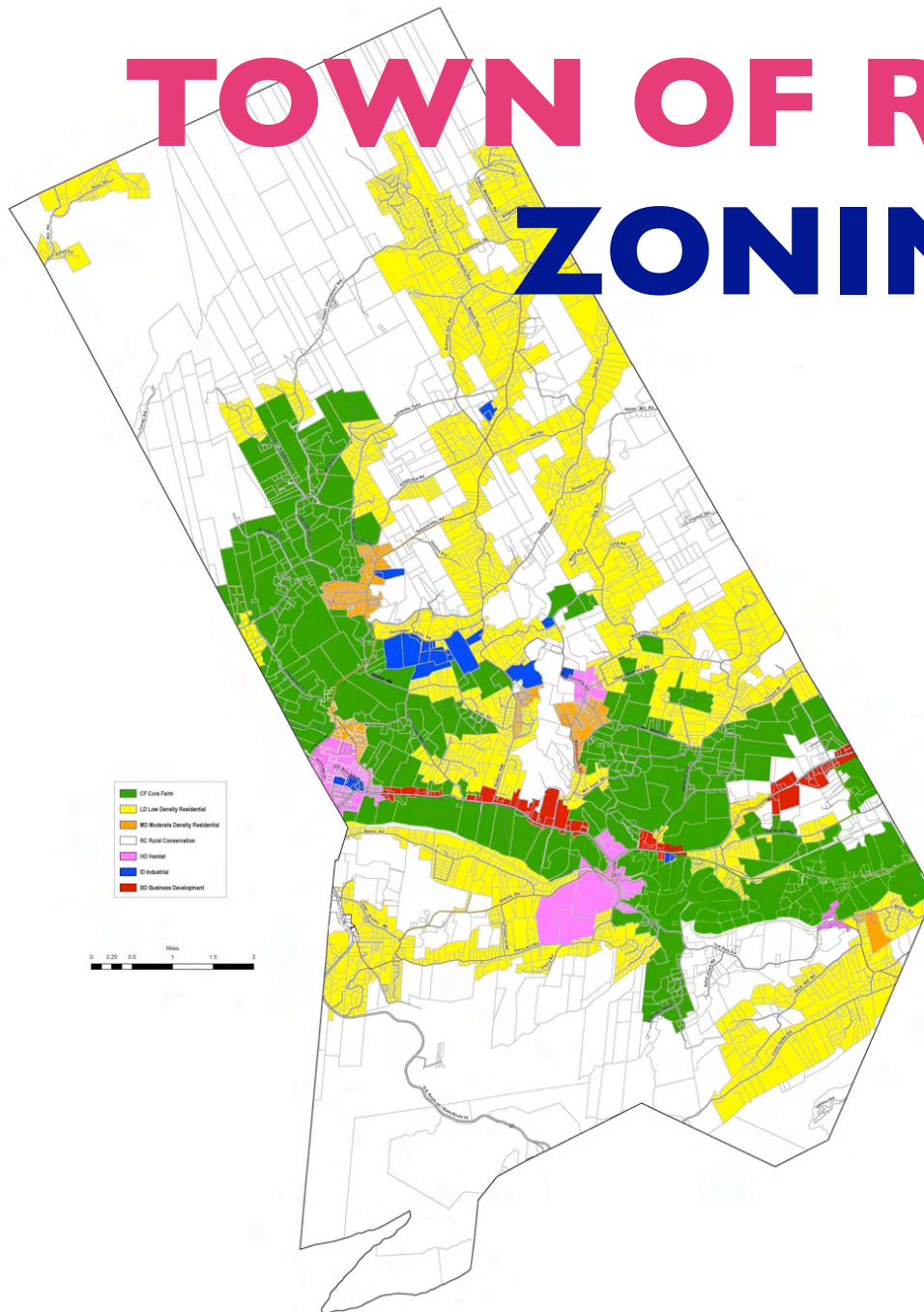


# TOWN OF ROCHESTER

## ZONING UPDATE

### 1983 – 2007



# Town of Rochester Zoning Update

## What you won't find in this law:

*There are **NO** regulations governing wood burning furnaces*

*There are **NO** regulations governing mowing of lawns*

*There are **NO** regulations governing clotheslines*

*There are **NO** regulations governing colors of houses*

*There are **NO** regulations governing agriculturally assessed farms*

*There are **NO** regulations governing keeping of pets indoors*

*There are **NO** restrictions on sizes of families of related individuals*

# Town of Rochester Zoning Update

## Current Zoning:

### Problems

*Flow of regulations not smooth*  
*Terminology out-of-date*  
*Pyramidal district structure*  
*Arbitrary parking regulations*  
*No stormwater management*  
*Inadequate landscaping standards*  
*No traffic study requirements*  
*Cluster provisions outdated*  
*Poor site plan review procedures*  
*Schedules not user-friendly*  
*Too proscriptive in many cases*  
*Redundant with Town Law*

## Proposed Zoning:

### Solutions

*Clearer streamlined procedures*  
*Better definitions*  
*Districts tied to land capacities*  
*Flexible parking regulations*  
*Stormwater tie-in to DEC regs*  
*Landscaping - nonresidential uses*  
*Traffic studies for larger uses*  
*Conservation subdivisions*  
*Special use & site plan procedures*  
*Simple user-friendly schedules*  
*More flexible approaches*  
*Use of Home Rule authority*

# Town of Rochester Zoning Update

## Current Zoning:

### Lots with Split Zoning

#### § 140-8.D

*Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into a more restricted portion.*

## Proposed Zoning:

### Lots with Split Zoning

#### § 140-7.B

*Where a district boundary line divides a lot of record at the time such line is established, the Planning Board may allow the extension of activities permitted in one district to the other as a Special Use, provided that such extension shall increase the developable lot area for the more intensive use by no more than 25%. This is to permit more flexibility in the use of large parcels.*

# Town of Rochester Zoning Update

## Current Zoning:

### Unlisted Uses

#### § 140-10

*No building or premises shall be erected, altered or used except for one or more of uses designated for any district as listed on the Schedule of Zoning Uses.*

## Proposed Zoning:

### Unlisted Uses

#### § 140-8

*If a proposed use is not specifically listed in any category of uses or within any zoning district on the Schedule of District Regulations, the Town Board shall, following a public hearing, render a formal determination as to whether or not the use is permitted in a given district and if the use is permitted, the Planning Board shall then process the application as a Special Use...*

# Town of Rochester Zoning Update

## Current Zoning:

### Boat & Trailer Storage

§ 140-20.E(2)

*No boat, trailer nor truck over one ton capacity shall be stored on any residential lot in any district, except in the rear yard and not closer than the required side yard setback to any lot line.*

## Proposed Zoning:

### Boat & Trailer Storage

§ 140-17.J

*No boat, trailer nor commercial vehicle shall be stored on any residential lot in any district, except in an existing driveway or the rear or side yard and not closer than the required side yard setback for accessory uses.*

*Commercial Vehicle — Any motor vehicle that requires a Commercial Drivers License (CDL) to operate.*

# Town of Rochester Zoning Update

## Current Zoning:

### Agriculture

#### § 140-20.J(1)

*The processing and storage of agriculture products, including packing, warehousing, and storing, is permitted... The unenclosed storage of manure or areas for storage of dead fowl or other odor or dust producing substance or use shall not be permitted within 100 feet of a property line or public street right-of-way. Buildings for the housing of fowl or farm animals shall not be located in the required front yard nor within 50 feet of a property line.*

## Proposed Zoning:

### Agriculture

#### § 140-14

*... nothing herein shall apply to the keeping of household pets indoors or property assessed as agricultural use or any property in a New York State Agricultural District that is actively employed in agriculture qualifying for agricultural assessment.*



# Town of Rochester Zoning Update

## Current Zoning:

### Animal Husbandry

#### § 140-20.J(4)

*The keeping of farm animals for noncommercial purposes on all parcels containing less than 3.1 acres is permitted in some combination of the list below, provided that a special use permit is obtained.*

- (a) No more than one horse per one acre of land.*
- (b) No more than one cow or other large farm animal per one acre of land.*
- (c) No more than eight sheep, goats, pigs or other medium-sized farm animals per acre of land.*
- (d) No more than 15 rabbits or other small farm animals (excluding fowl) per acre of land.*
- (e) No more than 50 fowl per acre of land.*

## Proposed Zoning:

### Animal Husbandry

#### § 140-14 (Noncommercial Agriculture)

*A minimum parcel of two acres ... required for the combination of residence and stable.*

*... one additional horse may be kept for each additional one acre of land...*

Permitted Animal Densities		
Animal	Minimum Acres for One	Animals Per Acre
Cows or steers*	2.00 acres	1.0 animal
Swine*	1.00 acre	3.0 animals
Goats or sheep*	1.00 acre	5.0 animals
Llamas and oither exotics*	1.00 acre	5.0 animals
Oestriches, emus and other rhea species*	1.00 acre	5.0 animals
Other fowl/poultry*	0.50 acre	50.0 animals

\* Not including commercial operations covered by State Department of Agriculture and Markets definition.

*No stable building, pen, feed lot, corral, manure storage area or other area where animals are concentrated, except for grazing paddocks, shall be located less than 100 feet from any adjoining property line and any public or private road.*



# Town of Rochester Zoning Update

## Current Zoning:

### Kennel Definition

#### § 140-5

*Kennel — Any place at which there are kept any number of dogs for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.*

## Proposed Zoning:

### Kennel Definition

#### § 140-4

*Kennel — An establishment in which more than six dogs or similar domesticated animals of more than six months in age are housed on a temporary or permanent basis.*

# Town of Rochester Zoning Update

## Current Zoning:

### Parking

#### § 140-20

*A. In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main building or structures of such uses are constructed or altered.*

*B. Required minimum off-street automobile parking spaces. The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees and/or seats contained in such new buildings or structures or added by alteration of building or structures, and such minimum number of spaces shall be maintained by the owner of such buildings or structures.*

## Proposed Zoning:

### Parking

#### § 140-17.A

*(1) The following parking standards shall apply to all applications for new, expanded or modified land uses, and apply cumulatively in the case of mixed-use projects such as resorts, provided adjustments may be made by the Planning Board to reflect the likelihood of shared parking ...*

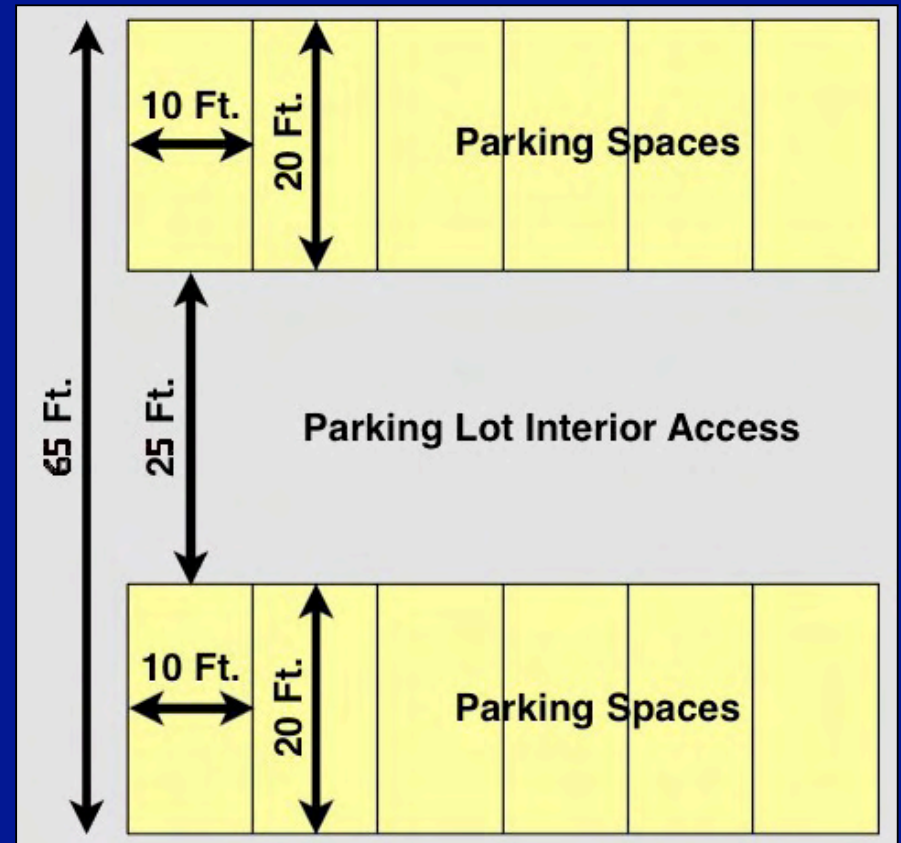
Basic Parking Requirements	
Land Use	Parking Requirement
Home-occupations	1 space per 100 sq. ft. of floor area devoted to use
Hotels/motels	1 space per rental room plus 1 for each 4 employees
Industrial uses	1 space per 400 sq. ft. floor area
Commercial uses	1 space per 175 sq. ft. floor area
Places of public assembly	1 space per 4 seats
Offices	1 space per 200 sq. ft. floor area
Restaurants	1 space per 50 sq. ft. floor area
Vehicle service establishments	4 spaces plus 1 per employee

*(2) Any applicant may also request, in writing, a modification of parking standards ...*

# Town of Rochester Zoning Update

## § 140-17.A Parking

- (a) *Industry studies of parking needs...*
- (b) *The characteristics of the proposed customers, residents, occupants or visitors...*
- (c) *The expected occupancy rates, traffic levels and numbers of employees...*
- (d) *Recommendations...based on experience...*
- (e) *The likelihood that parking will be shared...*
- (f) *The availability of reserve areas...*



# Town of Rochester Zoning Update

## Current Zoning:

### Parking Landscaping

#### § 140-21.K

*At least 8% of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs and other plant materials. All loading berths and parking areas of three or more spaces that abut a residential lot line and any parking lot for more than 20 cars shall be screened by a six-foot-high solid masonry wall or compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen from the adjoining property.*

## Proposed Zoning:

### Parking Landscaping

#### § 140-17.D

*All parking ... to accommodate 12 or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control ...*

*(1) No more than 12 parking spaces should be allowed in a continuous row uninterrupted by landscaping...*

*(2) No parking areas should be designed such that a vehicle might directly back out onto a ... through road...*

*(3) Commercial parking ... should generally be located in the rear yard of any use ... for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway ...*

# Town of Rochester Zoning Update

## Current Zoning:

### Family Definition

#### § 140-5

*Family — One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit.*

## Proposed Zoning:

### Family Definition

#### § 140-4

*Family — Persons living together as a single, permanent and stable nonprofit housekeeping unit, using all rooms in the dwelling and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together with sharing of food, rent, utilities or other household expenses. Households of related individuals shall be presumed to be a family. Twelve or more non-related persons living together shall not be considered families for purposes of this Law unless affirmative evidence is presented to indicate to the satisfaction of the Building Inspector that the household or group meets the other criteria contained herein.*

# Town of Rochester Zoning Update

## Current Zoning:

### Smoke Standard

#### § 140-20.C(5)

*The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals or plant life or to other forms of property shall be prohibited.*

## Proposed Zoning:

### Smoke Standard

#### § 140-20.G

*No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted on a regular or continuing basis which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling. The Ringelmann Smoke Chart shall be used to determine the total smoke emitted. The emission of one smoke unit per hour and smoke with discernible density of No. 1 on the Ringelmann Smoke Chart shall be prohibited.*

# Town of Rochester Zoning Update

## Current Zoning:

### Vehicle Repair

#### § 140-23.E

*All repair work, except emergency repairs and all storage shall be within a completely enclosed building which has a maximum height of 30 feet. Such repair work shall not include any body repair work or spray painting.*

## Proposed Zoning:

### Vehicle Repair

#### § 140-20.I

*Whenever a vehicle and equipment sales, mechanical and body repair use is proposed as a Special Use, or as an expansion of an existing non-conforming use ...*

- (1) All automobile or vehicle parts, new or used, shall be stored within buildings or screened.*
- (2) Vehicles that are temporarily on the property awaiting repair, shall be stored in an area which meets the minimum yard requirements applicable for the district and the use.*
- (3) Vehicle and equipment sales shall not be combined with other uses, including vehicle and equipment repair or services (e.g., gasoline sales), without first obtaining separate Special Use and Site Plan Review approval for the sales operation ...*



# Town of Rochester Zoning Update

## Current Zoning:

### Residential District Signs

#### § 140-24.A(1)(a)

*Permitted nonresidential uses and legal nonconforming, nonresidential uses, but not including home occupation or day nurseries, may display signs pertaining to the use of property, having an aggregate total face area of not more than 32 square feet and not projecting beyond the principal building of such use to which they are attached more than 24 inches, except that where such nonresidential uses are set back more than 50 feet from the property lines, one additional sign may be erected in the ground, provided that such ground sign shall not exceed 15 square feet in total face area, shall not exceed five feet in height and such sign shall be no nearer than 10 feet to any property line or road, whichever requires the greater set back.*

## Proposed Zoning:

### Residential District Signs

#### § 140-21.B (Sign Schedule)

##### Freestanding Signs:

*Fifty (50) sq. ft in aggregate, or 1 sq. ft. per 5 feet of lot frontage (whichever is less), no individual sign to exceed 24 sq. ft. in area or 15 feet in height.*

##### Wall Signs:

*Five percent (5%) of any single building façade or thirty-two (32) sq. ft. per unit or lot in aggregate, whichever is less. Window wall signs shall not occupy more than 25% of any window.*

# Town of Rochester Zoning Update

## Current Zoning:

### Hamlet District Signs

#### § 140-24.B

*The total surface display area of business signs shall not exceed in square feet one square foot per lineal foot of principal frontage of the lot, but not to exceed 50 square feet in area and not to exceed two in number. Said signs shall not project more than five feet beyond the principal building on the lot and there shall be no more than one projecting sign per business unit; provided, further, that such signs shall not extend more than 20 feet above the ground level or exceed the highest part of the building housing the business or service advertised, whichever is less restrictive.*

## Proposed Zoning:

### Hamlet District Signs

#### § 140-21.B (Sign Schedule)

##### Freestanding Signs:

*Seventy-five (75) sq. ft in aggregate or 1 sq. ft. per one foot of lot frontage (whichever is less), no individual sign to exceed 32 sq. ft. in area or 15 feet in height.*

##### Wall Signs:

*Ten percent (10%) of any single building façade or sixty-four (64) sq. ft. per unit or lot in aggregate, whichever is less. Window wall signs shall not occupy more than 25% of any window.*

# Town of Rochester Zoning Update

## Current Zoning:

### Business District Signs

#### § 140-24.C

*Two signs having an aggregate total face area of not more than 100 square feet may be displayed for each establishment, provided that such signs shall be located no nearer than 10 feet to any property line; and provided, further, that such signs shall not extend more than 20 feet above ground level or more than five feet above the height of the roof of a building at the point of location of the sign, whichever is less restrictive.*

## Proposed Zoning:

### Business District Signs

#### § 140-21.B (Sign Schedule)

##### Freestanding Signs:

*One-hundred (100) sq. ft in aggregate or 1 sq. ft. per two foot of lot frontage (whichever is less), no individual sign to exceed 32 sq. ft. in area or 15 feet in height.*

##### Wall Signs:

*Ten percent (10%) of any single building façade or sixty-four (64) sq. ft. per unit or lot in aggregate, whichever is less. Window wall signs shall not occupy more than 25% of any window.*

# Town of Rochester Zoning Update

## Current Zoning:

### Noise Standard

#### § 140-22.D(1)

*General standards. The following general standards are hereby adopted for the control of uses in any Light Industrial District, and no use shall be permitted, established, maintained or conducted therein which shall cause:*

...

*(b) Noise, perceptible beyond the boundaries of the lot occupied by such use causing the same.*

## Proposed Zoning:

### Noise Standard

#### § 140-20.D(1)

*No proposed new land use shall generate cumulative sound levels (SPL), at or beyond any lot line, that exceeds the ambient noise level by 10 or more decibels (dBA). Any sound of 5 to 10 decibels above the ambient noise level shall be attenuated or mitigated to the maximum degree practical, as shall be determined by the Planning Board during Site Plan Review.*

Increase in Sound Pressure (dB)	Human Reaction
Under 5	Unnoticed to tolerable
5 - 10	Intrusive
10 - 15	Very noticeable
15 - 20	Objectionable
Over 20	Very objectionable to intolerable

# Town of Rochester Zoning Update

## Current Zoning:

### Permit Requirements

#### § 140-53.A

*No building or structure shall be erected, added to or moved, nor shall any existing building or land be changed in use, until a zoning permit and/or building permit therefor has been issued by the Code Enforcement Officer.*

## Proposed Zoning:

### Permit Requirements

#### § 140-9




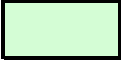



*Whenever any owner or occupant of property in the Town of Rochester shall ...*

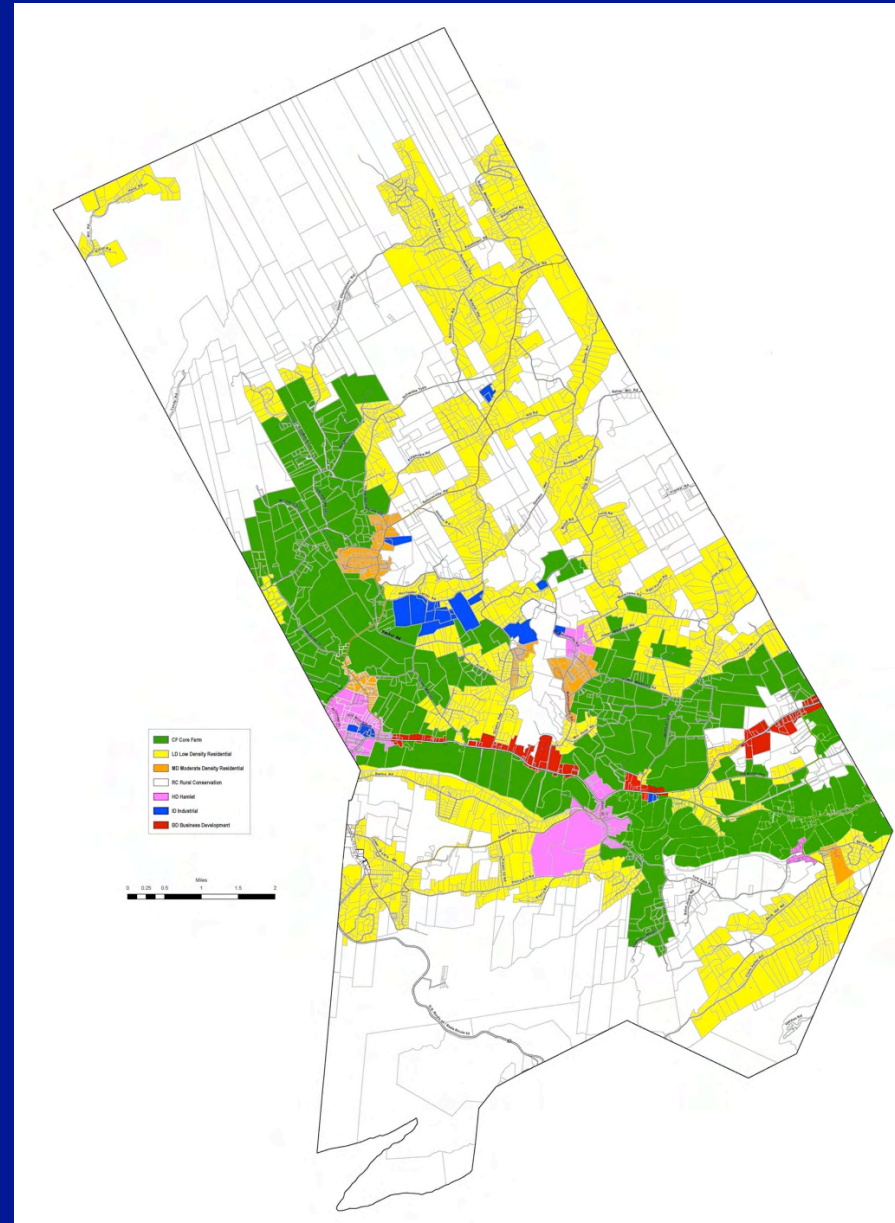
- A. establish a new use,*
- B. clear, excavate or grade more than 10,000 square feet of wooded land ... for purposes of nonresidential use or one acre of other land,*
- C. change an existing use,*
- D. make permanent structural improvements ...*
- E. erect a new building, or*
- F. move, add to or enlarge any existing land use or building;*

*such owner or occupant shall first comply with the requirements of this Law. A building/zoning permit shall be required whenever a change in land use occurs ...*

# Town of Rochester Zoning Update

## ZONING DISTRICTS:

-  CF Core Farm
-  LD Low Density Residential
-  MD Moderate Density Residential
-  RC Rural Conservation
-  HD Hamlet
-  ID Industrial
-  BD Business Development



# **Town of Rochester Zoning Update**

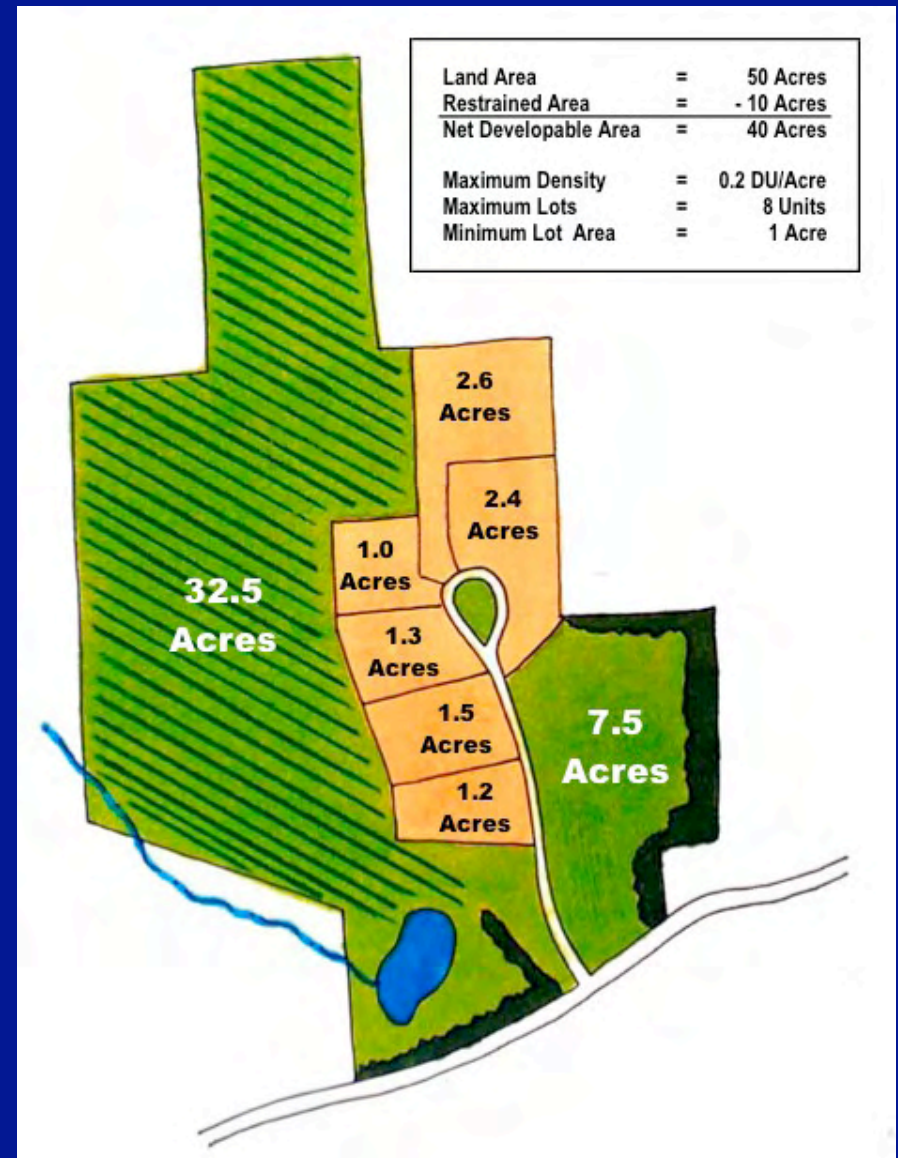
## **SCHEDULE**



# Town of Rochester Zoning Update

## § 140-10.F Maximum Density

*Maximum density shall be determined for a given parcel as a whole at the time of subdivision or site plan approval. Such maximum density shall be enforced by a developers agreement with the Town of Rochester, imposition of a restrictive covenant or conservation easement or combination thereof as the Planning Board shall determine. Parcels existing within the CF District at the time this section is enacted, which parcels possess between 5 and 10 acres of land, shall be entitled to be subdivided into a cumulative maximum of two lots, provided each possesses one buildable acre of land, as defined in the Town of Rochester Subdivision Law.*



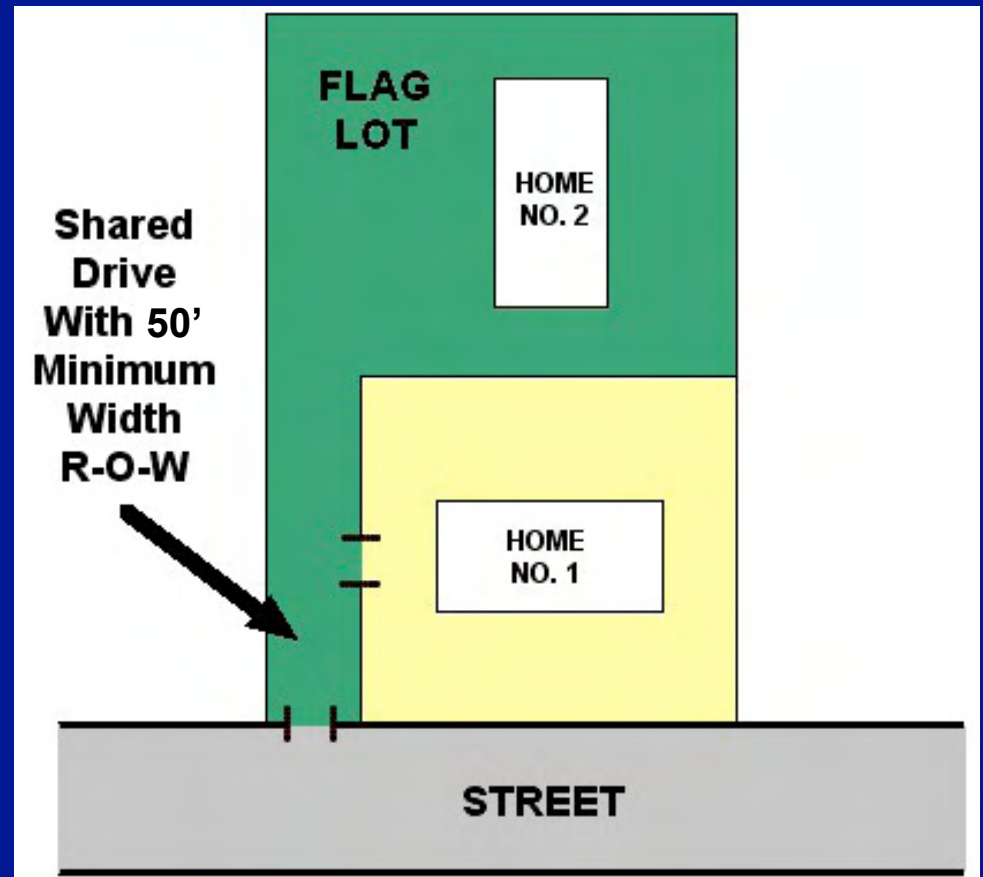
 CF Core Farm District

# Town of Rochester Zoning Update

## § 140-10.E Flag Lots

*Flag lots...permitted provided:*

- (1) The right-of-way is a minimum of 50 feet in width.*
- (2) The lot area shall be exclusive of that portion used as a right-of-way...*
- (3) No right-of-way shall...reduce the...front lot line of the existing parcel to less than 150 feet.*
- (4) All flag lot access right-of-ways shall be titled in fee-simple ownership...*
- (5) No more than one such lot shall be created from an existing parcel...*



# Town of Rochester Zoning Update

## § 140-15 Landscaping Standards

- A. *The Planning Board may...require a landscape plan...*
- B. *The...plan...shall demonstrate how building materials, colors, and textures will be blended with the natural and man-made landscape.*
- C. *The plan should...preserve existing vegetation to the maximum extent possible...define vehicular and pedestrian ways...be of sufficient size and quality...buffer the activity from adjoining land uses...and soften the impact of other site development...*



# Town of Rochester Zoning Update

## § 140-17.G

### Access to Routes 44/55 and 209.

- ✓ *Limited direct access*
- ✓ *Driveway spacing*
- ✓ *Joint access drive*
- ✓ *Pedestrian connections*
- ✓ *Limited number of drives*
- ✓ *Right-turn lanes & rules*
- ✓ *Incentives for joint access (15% reduction in lot area, frontage and parking)*

Required Driveway Spacing	
Posted Speed (Mph)	Minimum Spacing (feet)
30	125
35	150
40	175
45	200
55	250

## § 140-17.I Traffic Study.

Required for new Special Uses generating 500 trip-ends per day of new traffic.

Traffic Study Criteria	
Land Use	Criteria
Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-ends per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross floor area
Institutional uses	4.0 trip-ends per employee
Other uses	See <i>Trip Generation</i> . Institute of Transportation Engineers



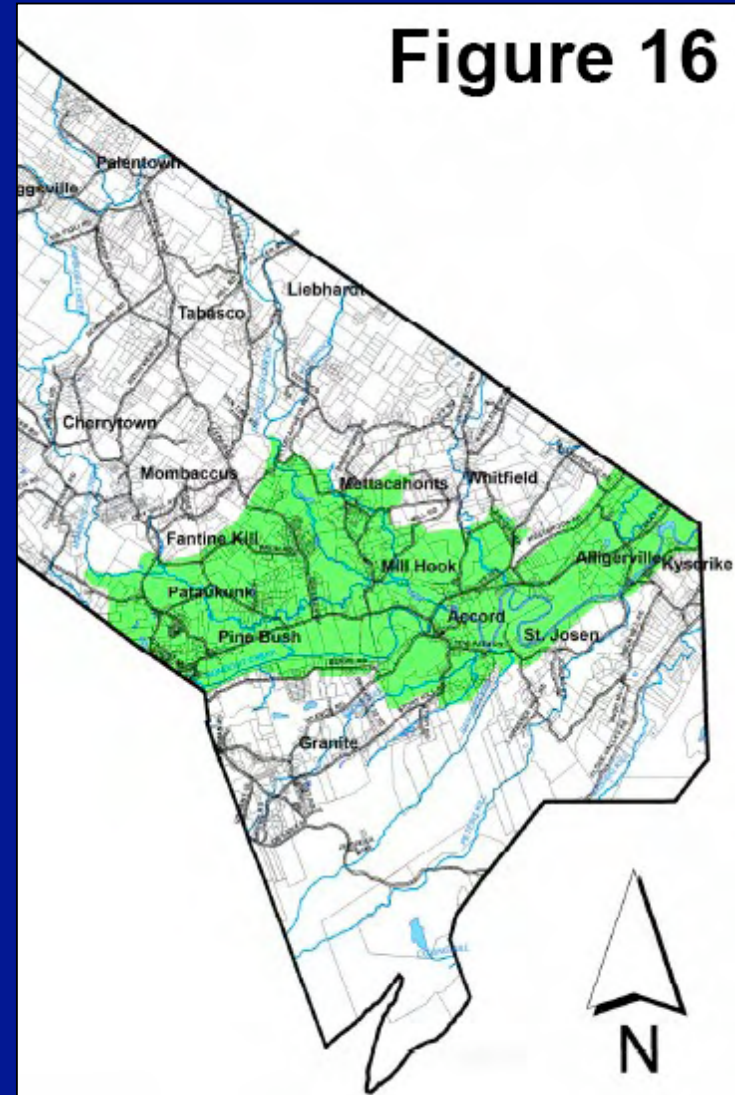
# Town of Rochester Zoning Update

## § 140-18.A.

### Aquifer Protection Overlay District.

- 1) *The maximum impervious surface area for proposed uses and activities shall not exceed 15% outside the BD Business Development, HD Hamlet, ID Industrial and MD Moderate Density Residential Districts.*
- 2) *Asphalt plants, junkyards and other potential polluters prohibited.*
- 3) *Any use or activity with projected on-site groundwater withdrawals and/or on-site sewage disposal flows averaging 2,000 gallons per day subject to site plan review.*

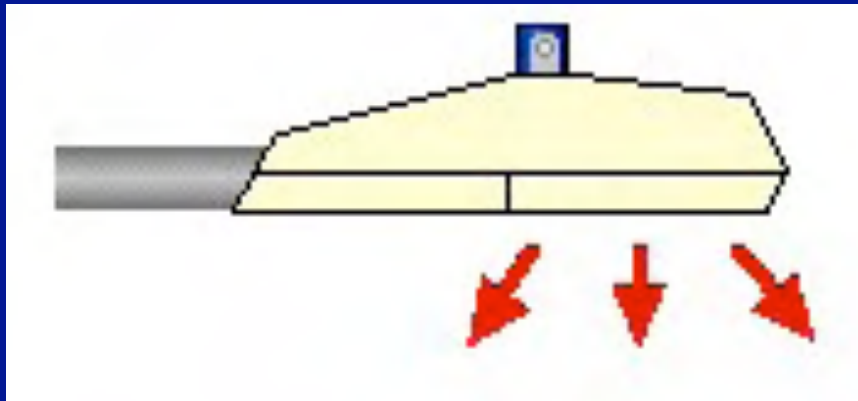
Figure 16



# Town of Rochester Zoning Update

## § 140-20.F. Lighting

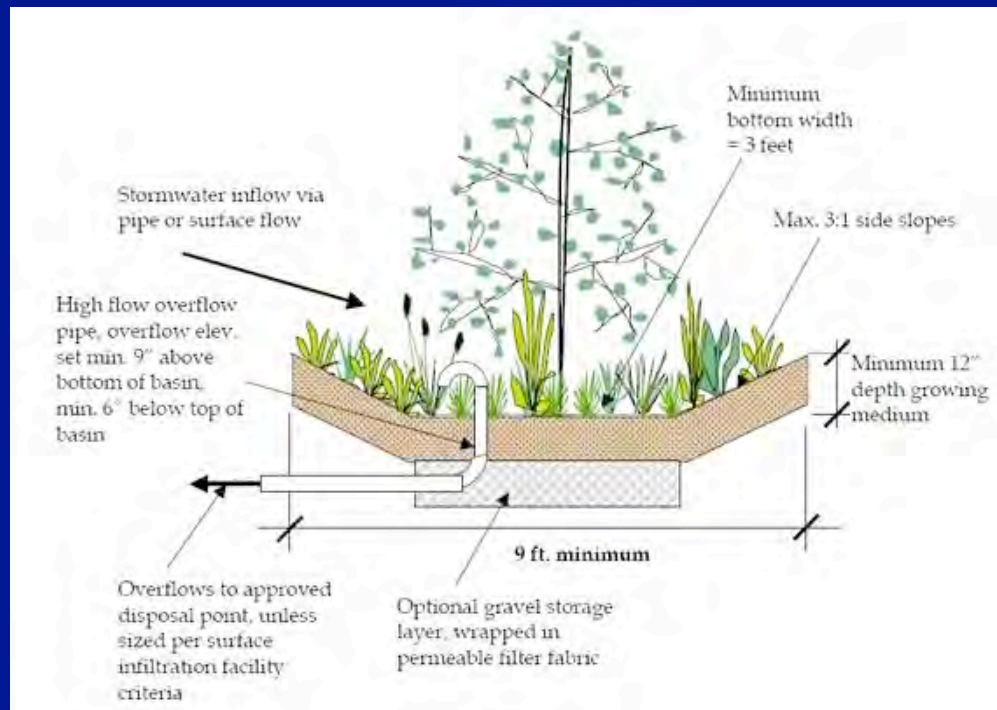
- (1) Lighting shall be shielded to prevent spillover of light.
- (2) All lighting shall be designed so as to avoid glare onto motor vehicles.
- (3) No direct or sky-reflected glare shall be permitted.
- (4) Average foot-candles at the property line shall be less than 1.0.
- (5) Globe lights shall ordinarily not be permitted.
- (6) Light pole heights shall not exceed building heights or 25 feet in height.
- (7) Lighting over 2,000 lumens in strength shall meet the full cut-off standard.
- (8) All site activity areas, shall meet minimum IESNA standards and exceed those standards by no more than 25%.
- (9) All gasoline canopy lighting shall be fully recessed and the average light level under the vehicular canopy shall not exceed 2.0 horizontal maintained foot candles.



# Town of Rochester Zoning Update

## § 140-22 Storm Water Management.

- Post construction stormwater practices shall reduce stormwater peak runoff to 75% of the preconstruction peak runoff for the 10 year event.
- Post construction stormwater practices shall reduce stormwater peak runoff to 90% of the preconstruction peak runoff for the 100 year event.





# **Town of Rochester Zoning Update**

## **§ 140-25 Planned Unit Development Districts. C(1) Planned Commercial Districts**

- (a) Permitted within any existing CF, RC or BD District, with direct access to Routes 44/55, Route 209 or Lucas Turnpike (C.R. No. 1) or located within 1,500 feet of these highways.**
- (b) A PCD District shall comprise at least 10 contiguous acres of land.**
- (c) PCD District lot coverage shall be limited to a maximum of 30%.**
- (d) A free-standing building with one commercial establishment shall not exceed 20,000 square feet of gross floor area (two or more commercial establishments - 30,000 square feet).**
- (e) Structures shall have a unified, attractive, architectural theme.**
- (f) Setbacks shall be determined for the PCD by the Planning Board, based on the number, type and size of buildings in relation to the lot size, proximity to adjacent uses and the need for buffering of the project from such uses.**
- (g) Existing mature trees shall not be removed except as may be necessary to accommodate approved improvements. Landscaped buffers shall be provided.**
- (h) PCD signs shall be in accordance with a Master Signage Plan.**

# **Town of Rochester Zoning Update**

## **OTHER PROVISIONS:**

- § 140-23 Recreational Vehicles, Campgrounds and RV Parks.
- § 140-24 Manufactured Homes and Parks.
- § 140-25 Planned Unit Development Districts.
  - C(2) PID Planned Industrial Development.
  - C(3) PRD Planned Residential Development.
  - C(4) POD Planned Institutional Organization District.
- § 140-26 Multi-Family Residential Uses.
- § 140-27 Conversions of Residential or Non-Residential Structures.
- § 140-28 Sand, Gravel and Quarrying (Extraction or Mining) Uses.
- § 140-29 Telecommunications Facilities.
- § 140-30 Affordable Housing.
- § 140-31 Conservation Subdivisions (Cluster Development).
- § 140-32 Adult Uses.
- § 140-33 Vehicle Junkyard and Wrecking Facilities.
- § 140-34 Transfers of Density Rights (TDR).

# **Town of Rochester Zoning Update**

## **What Ulster County says:**

*Expanded definitions and use of graphics clarify the statute for users*

*Purposes section does a good job linking to the Comprehensive Plan*

*District designations clearly meet community needs*

*District regulations are strengthened by statements of intent*

*Landscaping, lighting, parking and access provisions alleviate concerns*

*Commercial standards give clear design guidance*

*The zoning map is modernized, easily read, parcel-based and reflects existing use and the vision for the future*

## **Town of Rochester Zoning Update**

# **SUBDIVISION REGULATIONS:**

- ✓ Prohibits grading, clearing & construction prior to approval.
- ✓ Exempts natural subdivisions or lot improvements.
- ✓ Authorizes waivers or modifications for unreasonable restriction from strict compliance or an alternative standard will achieve improved protection of health and safety.
- ✓ Establishes an “all-weather surfaced” criteria to meet the “passable” requirement of Town Law pertaining to streets.
- ✓ Defines subdivision as “division of a parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development...”
- ✓ Defines major subdivision as one with improvements.

## **Town of Rochester Zoning Update**

# **SUBDIVISION REGULATIONS:**

- ✓ Requires sketch plan with site features and tentative layout to determine number of lots using adjusted tract acreage formula.
- ✓ Authorizes requiring soil testing for any subdivision where information suggests testing is warranted for public health.
- ✓ Provides for notices of major subdivision hearings to adjoining.
- ✓ Provides for Preliminary Approval extensions under phasing plans for up to 3 years.
- ✓ Requires hydro-geological study to document water supply and address impacts on aquifers in the case of all subdivisions of 25 lots or more of less than five acres in size.
- ✓ Requires erosion control and storm water management plans prepared to DEC standards.

## **Town of Rochester Zoning Update**

# **SUBDIVISION REGULATIONS:**

- ✓ Provides for the installation or financial guarantee of improvements prior to Final Plan.
- ✓ Requires maintenance bond of 15% of the costs of improvements being dedicated and authorizes similar maintenance requirements for private streets.
- ✓ Requires setback of 100 feet in depth from the high water mark of a stream.
- ✓ Requires each lot served by an on-lot septic system include a minimum of one acre (43,560 square feet) of buildable land exclusive of wetlands, 25% slopes and floodplains.

## **Town of Rochester Zoning Update**

# **SUBDIVISION REGULATIONS:**

✓ Establishes a maximum density for a tract, after deducting areas with natural limitations and land within rights of way and roads, using an Adjusted Tract Acreage (ATA) formula:

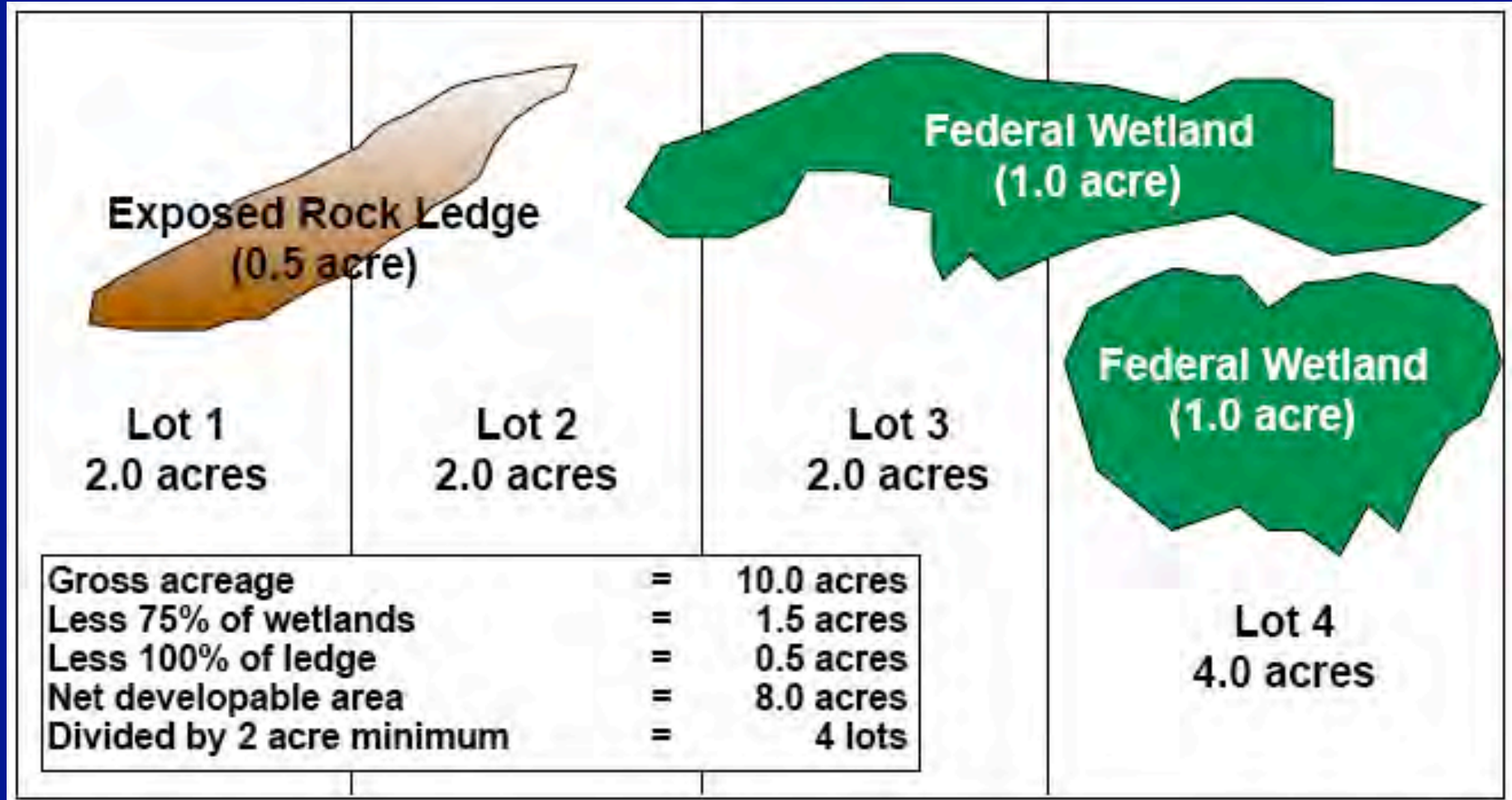
- 100% of all land within public rights of way (including proposed development roads),
- 100% of all land under existing water,
- 100% of any floodway,
- 100% of all exposed rock ledges of one-tenth acre or more in size,
- 75% of any designated 100-year floodplain outside the floodway,
- 75% of all Federal or State designated wetlands, and
- 50% of all slopes over 25% in grade;

and dividing the net figure obtained after these deductions by the minimum lot area.



## Town of Rochester Zoning Update

# SUBDIVISION REGULATIONS:



## **Town of Rochester Zoning Update**

# **SUBDIVISION REGULATIONS:**

- ✓ **Establishes conservation design criteria for all subdivisions.**
  - Ensure least practicable disturbance to natural infiltration.
  - Provide for stream buffers.
  - Design improvements to minimize loss or degradation of woodland areas.
  - Preserve woodlands along roads, lot lines, streams, swales and hedgerows.
  - Prohibit earth disturbance (except for soil analysis) prior to Preliminary Approval.
  - Use clustering to preserve meadows, stone walls and visually prominent places.
  - Minimize grading on slopes by avoiding or building into them with multi-level entrances.
  - Protect features of natural significance.
  - Mitigate historic impacts.
  - Encourage trails and protect them with permanent conservation easements.
  - Retain and reuse old farm roads and lanes and avoid placing buildings in fields.
  - Buffer new buildings by retaining existing vegetation and using topography.
  - Site buildings to not protrude above crestlines and use selective cutting to open views.

## Town of Rochester Zoning Update

# SUBDIVISION REGULATIONS:

- ✓ Conservation subdivisions authorized and strongly encouraged, provided 40% of gross acreage is permanent open space.
- ✓ Planning Board authorized to modify development standards and grant density bonus of 20% with 50% open space.
- ✓ Up to 20% of lots may consist of lots of 10+ acres counted as open space if deed restricted from further subdivision.



# **Town of Rochester Zoning Update**

**PUBLIC COMMENT**