

Town of Parma, NY  
Monday, July 18, 2016

## Chapter 165. Zoning

### Article V. Residential Districts

#### § 165-36.1. Planned Development-Senior Residential (PD-SR) District.

[Added 2-3-2009 by L.L. No. 1-2009]

- A. Purpose. The purpose of the Planned Development-Senior Residential District is to:
- (1) Provide a variety of senior-oriented housing types in an area with public water and sewer services;
  - (2) To regulate land use for senior-oriented residential development in a manner that provides certain advantages over that which would be obtained under conventional zoning;
  - (3) To provide a development framework for senior-oriented residential communities that results in land uses and physical site arrangements that are not contemplated under conventional zoning;
  - (4) To preserve and enhance natural features of the site.
- B. Objectives. The following objectives shall be considered in the development of a PD-SR District:
- (1) Provide for a maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential residents.
  - (2) Provide for usable open space and recreation areas and other facilities serving the community, such as trail ways to neighboring properties, sitting benches, and the like.
  - (3) Provide for access to trail ways, open space and other community services through clearly designated pathways as part of the project development.
  - (4) Provide for convenient location of commercial and service areas that are appropriately scaled to serve primarily residents of the senior residential development and to minimize impacts on traffic and neighboring properties.
  - (5) Provide for safe and efficient vehicular ingress and egress, as well as circulation within the site.
  - (6) Provide for safe and convenient pedestrian access to facilities within the district, public transportation facilities and to any existing pedestrian walkways that adjoin the district.
  - (7) Provide for auxiliary parking as may be necessary and ensure that such parking areas are treated with appropriate landscaping or structural features to allow a more aesthetic presentation to the entire district.
  - (8) Provide for the preservation of trees, outstanding natural topography and geologic features, and the prevention of soil erosion.
  - (9) Provide for a creative use of land and related physical development that allows orderly transition of land from rural to urban uses.

- (10) Provide for an efficient use of land, resulting in smaller networks of utilities and streets, thereby lowering housing costs.
  - (11) Provide for service alleys to allow safe and adequate access to structures in the district for purposes of refuse removal, emergency access and other public or private services.
  - (12) Provide for a development pattern consistent with the objectives of the Comprehensive Plan.
  - (13) Provide for special security needs of persons and property within such district as deemed necessary by the nature of the development.
  - (14) Provide for a more desirable environment than would be possible through the strict application of other provisions of the Town's zoning regulations.
  - (15) Promote community senior housing in a unique setting that is appropriate to the anticipated residents of each such community by utilizing homeowners' or condominium associations, deed restrictions and other regulatory procedures, where appropriate.
- C. Project size, location and ownership.
- (1) Land to be considered for PD-SR zoning must contain a minimum of 15 contiguous acres and may be located in any residential zoning district.
  - (2) The tract of land for a project may be owned, leased or controlled either by a single person, a corporation or by a group of individuals and/or corporations. An application must be filed by the owner or jointly by all the owners of property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- D. Procedures to establish a PD-SR District.
- (1) Establishment of PD-SR District. The Town Board may, on its own motion or in response to an application, amend the Zoning Map to establish a Planned Development-Senior Residential district. In reaching its decision, the Town Board shall consider this statement of purpose, objectives and general criteria set forth in this chapter, as well as the current Comprehensive Plan for the Town.
  - (2) Before the consideration of zoning of any property to a PD-SR District can take place by the Town Board, the owner, or his authorized agent, submit an application for rezoning to PD-SR to the Town Board. Such application shall include a conceptual site plan as described in Article XIII, Site Plan Regulations. The Town Board shall refer the conceptual site plan to the Planning Board, which shall review it in accordance with the site plan approval procedures established in Article XIII. The Planning Board shall submit a report of its findings to the Town Board.
  - (3) Upon receipt of a favorable report from the Planning Board covering the conceptual site plan, or upon its own determination subsequent to an unfavorable report, the Town Board shall set a date for and conduct the public hearings necessary for the purpose of considering PD-SR Districting for the applicant's plan in accordance with the procedures established in § 165-7, Amendments.
  - (4) Following the public hearing, the Town Board may establish the PD-SR District. PD-SR Districting shall be conditional upon securing of final site plan approval by the applicant in accordance with procedures set forth in Article XIII and compliance with all additional conditions and requirements as may be set forth by the Town Board in its resolution granting the PD-SR Districting.
  - (5) The Planning Board shall conduct a single review that will address the requirements of site plan review under the provisions of Article XIII, Site Plan Regulations, as well as those for the review of subdivisions under Town Subdivision Regulations,<sup>[1]</sup> subject to the following conditions:
    - (a) As directed by the Town Planning Board, the developer shall prepare sets of subdivision plats suitable for filing with the Office of the Monroe County Clerk, in addition to those drawings required for site plan review.

- (b) The developer may plat the entire development either as a subdivision or as a single property. Multiple phases of development, if any, shall be identified on the plat. The Planning Board may require that the final site plan/subdivision review for phases be approved and recorded individually.

[1] *Editor's Note: See Ch. 130, Subdivision of Land.*

E. Permitted uses.

- (1) Permitted residential uses. All residential types may be permitted as principal uses, including but not limited to single-family dwellings, twin home dwellings, townhouse dwelling units and multiple-residence buildings, provided that the residences are predominantly designed for persons age 55 or older.
- (2) Permitted public and community service uses.
  - (a) Recreation and open space uses which are scaled primarily to serve the residents of the PD-SR District.
  - (b) Indoor or outdoor recreational facilities for the private, noncommercial use of the residents of the PD-SR District.
  - (c) Community buildings and facilities owned and maintained by the Town.
- (3) Permitted commercial and service uses.
  - (a) Offices and clinics of New York State licensed health care professions, including but not limited to dentists, chiropractic, optical, physicians, pharmacists, veterinarians or other health care professions, excluding overnight occupancy, provided that there are not more than eight professionals per office or clinic.
  - (b) Outpatient medical laboratories.
- (4) Special permitted uses. The following uses may be permitted by the Zoning Board of Appeals according to the requirements of Article IX of this chapter:
  - (a) Hospitals, convalescent homes, homes for the aged, nursing homes or proprietary care facilities.
  - (b) Adult day care.
  - (c) Offices of accountants, real estate brokers, financial planners, or lawyers.
  - (d) A community center or clubhouse for the private, noncommercial use of the residents of the PD-SR District.
- (5) Permitted accessory uses to residential uses:
  - (a) Decks or porches, provided that each serves only a single dwelling unit.
  - (b) Courtyards, gazebos, tennis courts or swimming pools for the private, noncommercial use of the residents of the PD-SR District.
  - (c) Indoor or outdoor recreational facilities for the private, noncommercial use of the residents of the PD-SR District.
  - (d) Garages for the private, noncommercial use of the residents and to store vehicles and equipment used in property maintenance of the PD-SR District.
  - (e) One utility shed per dwelling unit for the private use of the individual household, provided that the structure does not exceed an area of 100 square feet and is located no further than 20 feet from an entrance to the residence to which it is an accessory use.
- (6) Permitted accessory uses to nonresidential uses.

- (a) Storage facilities incidental to the principal use, provided that all storage of materials and equipment is enclosed or otherwise secured from adverse weather.
- (b) Pharmacies, when included within a medical services building.

F. Requirements for residential uses in the Senior Residential (PD-SR) District.

(1) Dimensional requirements.

- (a) All single-family dwelling units within a PD-SR District shall have a living area, excluding the area of porches and auto garages, of not less than the following when computed using the outside dimensions of the dwelling unit:

- [1] One-story dwelling with no more than two bedrooms: a ground floor of 1,020 square feet.
- [2] One-story dwelling with more than two bedrooms: a ground floor of 1,120 square feet.
- [3] Split-level dwelling: 1,120 square feet of finished living area above ground.
- [4] Two-story dwelling: 1,300 square feet of finished living area total, including both floors.
- [5] Raised-ranch dwelling: 1,600 square feet of living area total, with at least 980 square feet of finished living area above ground.

(b) Townhouses, twin home dwellings and multiple-residence buildings.

- [1] All multiple-residential dwelling units within a PD-SR District shall have a living area computed on the outside dimensions of the dwelling unit based on the following criteria:

<b>Type of Unit</b>	<b>Minimum Unit Size (square feet)</b>
Studio <sup>9</sup>	500
One bedroom	650
Two bedrooms	800
Three or more bedrooms	800, plus 100 for each additional bedroom
Townhouse	950

NOTES:

<sup>9</sup> Not more than 25% of the total number of units provided shall be studio units.

- [2] No building shall contain more than eight dwelling units.
- [3] Each dwelling unit shall have its own separate full bathroom.
- [4] All multiple residences, twin home dwellings and townhouse developments shall provide safe and efficient pedestrian circulation and site lighting.
- [5] All multiple-residence buildings, twin home dwellings and townhouse structures shall be served by adequate water supply and sanitary sewage disposal facilities that are owned, operated and maintained by a competent entity. On-site water supply or wastewater disposal facilities intended to serve individual residential units shall not be permitted.
- [6] Each building shall be provided with suitable containers for the storage of recyclable materials and refuse collections. Such containers shall be screened from public view by use of fences or solid walls.
- [7] All multiple residences, twin home dwellings and townhouse developments shall have direct access from the common parking area(s) to a dedicated highway.
- [8] All twin home dwellings and townhouse developments shall provide two parking spaces for each dwelling unit. At least one parking space for each dwelling unit shall be enclosed.
- [9] All multiple residences shall provide 1.5 parking spaces for each dwelling unit. Each parking

space shall have a minimum width of nine feet and a minimum length of 18 feet. The Planning Board, at its own discretion, may reduce the required number of spaces upon receipt of sufficient supporting data from the developer. Such data shall clearly and factually state the actual parking requirements of the proposed multiple-residence building.  
[Amended 1-15-2013 by L.L. No. 1-2013]

[10] No multiple residence, twin home dwelling or townhouse development shall have more than two stories or be more than 35 feet in height. Spires, chimneys, cupolas and flagpoles are exempt from this limitation, as are antennas, provided that the antennas are visually integrated into the building lines.

[11] No room shall be used for living purposes if more than four feet of its vertical height is below grade.

[12] No multiple residence, twin home dwelling or townhouse building shall be less than 18 feet in width.

[13] No swimming pool shall be located within 40 feet of a multiple-residence or townhouse dwelling structure.

(2) Additional requirements for single-family dwellings, twin home dwellings and townhouse buildings are as follows. There shall be:

- (a) A minimum overhang of one foot on the roof on the front and rear of all homes.
- (b) A minimum of five inches of rake on the gable roof end.
- (c) A single-car garage with a minimum width of 14 feet and a minimum area of 280 square feet per dwelling unit, either attached or detached.
- (d) Two exit doors.
- (e) An area between the gutter and sidewalk that is paved the full width of the driveway.
- (f) No more than three single-family detached homes of substantially similar style located on three adjacent lots which front on the same street.
- (g) For single-family dwelling units, a tree planted for each parcel, except on a corner lot, which shall require two trees to be planted, one on each side of the lot facing the road.
- (h) Sidewalks installed on at least one side of all interior roadways to accommodate pedestrian circulation.

(3) The total density of residential development within the PD-SR District shall not exceed 10 dwelling units per acre. The calculation of such dwelling unit density shall not include areas designated as open space nor shall it include areas devoted to nonresidential uses. The areas used for the calculation of density shall be identified in the conceptual site plan.

G. Requirements for recreation, open space and public and community service uses.

- (1) Open space shall comprise at least 25% of the development area unless deemed inappropriate or impractical by the Planning Board in connection with the site plan approval. No permanent structures shall be allowed on land designated as "open space."
- (2) The total amount of land allocated for indoor recreational facilities, structures owned and maintained by the Town or other indoor community service facilities shall comprise not more than 10% of the entire PD-SR District, including space for off-street parking, unless more or less extensive use is deemed appropriate or advisable by the Planning Board in connection with the site plan approval as required herein.

H. Requirements for commercial and service uses, including specially permitted uses.

- (1) Permitted commercial and service uses shall be scaled primarily to serve the specific needs of the residents of the district and shall be designed and located so as to facilitate pedestrian as well as vehicular access from the residences within the district.
- (2) Space allocated for such commercial and service uses shall comprise not more than 10% of the entire PD-SR District, including space for off-street parking, unless more or less extensive use is deemed appropriate or advisable by the Planning Board in connection with the site plan approval as required herein.
- (3) Commercial and service uses within a PD-SR District shall be consolidated into a single area within the district.
- (4) Commercial and service uses within a PD-SR District shall adhere to the following requirements:
  - (a) Buildings utilized for approved nonresidential use activity within a PD-SR District shall be of architecture that is similar or complementary to the approved architectural scheme of the district.
  - (b) Site plan review and Planning Board approval shall be required for any additions and/or changes to structures, landscaping and signage related to a nonresidential use within a PD-SR District that are proposed subsequent to the approval of the overall site development plan by the Planning Board.
  - (c) Parking, loading, access, fencing and site requirements shall be as provided in Article **XVI** of this chapter.
  - (d) Signs shall be permitted as listed and further regulated in Article **XIV** of this chapter.
  - (e) Outside storage of waste materials shall be screened from view.
  - (f) Site lighting shall be shielded in such a way that the source light is not visible at the lot line.
  - (g) All customer parking areas shall be hard surfaced and buffered from any adjacent residential lot.
- (5) In recognition of the unique restrictions and limitations which impact nonresidential uses within a PD-SR District, various requirements which are otherwise imposed upon commercial use within the Town may be modified or waived by the Planning Board upon good cause shown, including but not limited to requirements regarding off-street parking.