

ZONING

149 Attachment 16

Town of Moreau

**Bluebird Trace and Harrison Quarry PUD
[Added 2-26-2014 by Ord. No. 1-2014]**

Section I. This local law shall be known as Local Law No. 1 of 2014 of the Town of Moreau amending Chapter 149 "Zoning" of the Code of the Town of Moreau to provide for the creation of a Planned Unit Development District known as "Bluebird Trace and Harrison Quarry PUD."

Section II. Chapter 149 "Zoning" of the Code of the Town of Moreau and the official Zoning Map of the Town of Moreau are hereby amended to change the existing zoning of the lands where Bluebird Trace and Harrison Quarry PUD are located and hereinafter described, from the M-1 Zoning District to a Planned Unit Development District.

Section III. The area of Bluebird Trace and Harrison Quarry PUD consists of approximately 25.4 +/- acres and is more particularly bounded and described as set forth in Appendix A (legal description) annexed hereto and incorporated herein.¹ Bluebird Trace and Harrison Quarry PUD is bordered on the north by Harrison Avenue, bordered on the south and east by Bluebird Road, bordered on the east and west by Niagara Mohawk Power Company Land, and bordered on the west by Perkins Storage Units.

Section IV.

A. Description of allowed uses by type and lot location:

Allowed Uses	Lot Number
29 four-unit apartment buildings	1
One three-story 70-unit senior apartment building	2 and 3

Each unit within the senior apartment building to be located on Lots 2 and 3 must be leased to and occupied by at least one senior citizen who is 55 years of age or older and who resides therein ("Senior Tenant/Occupier"). In the event the Senior Tenant/Occupier is not physically capable of residing in the unit as evidenced by a statement from a licensed physician, any other person(s) who has been lawfully residing in the unit with the Senior Tenant/Occupier at the time of the death or disability of the Senior Tenant/Occupier may continue to reside in the unit with permission of the Senior Tenant/Occupier or his/her legal representative for so long as the Senior Tenant/Occupier is the named tenant on the lease for the unit and the unit shall not be otherwise occupied by any other person. The residency restrictions set forth above must appear on the site plan Mylar for Bluebird Trace and Harrison Quarry PUD and in deed restrictions to run with the land on Lots 2 and 3 and shall be included in all lease agreements. All restrictions herein shall be enforceable by the owner, developer or landlord of Lots 2 and 3 and the Town of Moreau.

¹ Editor's Note: Appendix A is on file in the Town offices.

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- B. The undeveloped dedicated open space of Bluebird Trace and Harrison Quarry PUD shall comprise approximately 18 acres. Maintenance and upkeep of the common areas/open space will be provided by the Developer as identified during site plan review.
- C. Bulk, area and parking requirements.
 - 1. The minimum building setbacks for all buildings within Bluebird Trace and Harrison Quarry PUD are as follows:

Front setback:	50 feet
Side setback:	12 feet
Rear setback:	30 feet

Building height restriction for all buildings: 38 feet, measured as set forth in § 149-5 of this Code.
 - 2. Vehicle parking for this project is as presented:
 - 103 parking spaces assigned to the senior apartment building
 - 235 parking spaces assigned to the 29 four-unit apartment buildings
 - 3. There shall be no vehicle parking allowed in the National Grid right-of-way without the written permission of National Grid or its successors.
 - 4. The seventy-unit senior apartment building to be located on Lots 2 and 3 shall have a maximum of two bedrooms each.

Section V. Public water and public sewer.

Bluebird Trace and Harrison Quarry PUD is located within the boundaries of Town of Moreau Water District No. 1, Extension No. 2. The developer will be required to connect the buildings within Bluebird Trace and Harrison Quarry PUD to Water District No. 1, Extension No. 2. The developer must obtain the necessary approvals to extend the sewer district to Bluebird Trace and Harrison Quarry PUD, and if approvals are given, install the necessary sewer infrastructure and connect all of the buildings of Bluebird Trace and Harrison Quarry PUD to the sewer infrastructure within the sewer district.

Section VI. Severability.

In the event any term or provision of this local law is deemed void or unenforceable, the remainder of this local law and the application of such provision, other than to the extent it is held invalid, will not be invalid or affected thereby.

Section IX. Effective date.

This local law shall take effect immediately upon filing in the office of the Secretary of State.