

**Amendment to §75-28(D)(3), adding certain language to the first sentence thereof so that it reads as follows:**

Hotel, resort hotel, ~~resort-lodge, resort-~~ or ranch (other than such resort or related uses proposed for or within an approved PRSP Site pursuant to subsection (17) herein), restaurant, bar or nightclub, skating rink, theater, concert hall, commercial recreation use and spa.

**Amendment to §75-28(D), adding the following new sub-section thereunder.**

**(17) Planned Resort Special Permit (PRSP).**

- (a) Purpose and Intent. A fundamental aspect of Rosendale's historic and future success is its resort uses. The nature of resorts and uses associated therewith have changed dramatically, as have the techniques and regulatory schemes governing municipal planning for such uses. In order to meet these changing needs and provide for the continued success of this use within the Town while also maintaining municipal control over such uses, the Town Board finds it necessary and appropriate for the public health, safety and welfare, to establish special permit regulations governing the development or redevelopment of such uses in certain zoning districts.
- (b) Establishment of PRSP. The Planned Resort Special Permit (PRSP) is hereby established.
- (c) Eligibility for PRSP Consideration.
  - [1] The minimum property size shall be 750 acres; and
  - [2] A hotel/spa/resort shall be the primary principal permitted use; and
  - [3] The site shall be (i) currently improved with an operating hotel or resort or, (ii) have been used as a resort or hotel within the ten year period immediately preceding the date of the application, or (iii) be deemed by the Planning Board, to be an appropriate PRSP Site.
  - [4] The development shall be serviced or have the potential to be serviced by a community, on-site, water supply, and municipal or private sewage treatment facility,
- (d) General Criteria and Special Permit Standards for Design of PRSP Site. In order to carry out the intent of this section, the application for a PRSP shall meet the following general criteria, which shall supersede the Design

Standards set forth in Article VI of this Code, and which shall act as the standards to be considered in determining whether to grant the PRSP Special Permit:

- [1] Creative site design and development planning of a quality that will result in a more desirable environment through improved functional relationships between buildings and uses.
- [2] To the extent practical and feasible, preservation and integration of historically significant structures and sites into viable adaptive reuses, and utilization of already impacted areas of the site, where feasible or practicable.
- [3] Preservation of healthy specimen trees, outstanding natural topography and geologic features where practicable, while preventing soil erosion and uncontrolled surface water drainage.
- [4] Efficient use of land and development and redevelopment of already impacted areas of the PRSP Site.
- [5] Provision of a mix of permitted principal and accessory uses as set forth in these regulations. To facilitate the satisfaction of this criterion, there may be more than one principal permitted use within a PRSP permitted site.
- [6] Private internal roads to standards satisfactory to the Planning Board with safe and viable access for residents and guests and emergency service providers to all proposed uses.
- [7] Wastewater Treatment: A municipal or private wastewater treatment facility shall be provided.
- [8] Potable Water Supply: A community water supply system developed in conformance with New York State Health Department requirements shall be provided.
- [9] Provision of suitable screening and landscape buffers from public roads.

(e) Permitted Uses

In order to ensure compliance with §75-28(D)(17)(c)[2] herein, the following Principal Permitted Uses *must* be included in a PRSP Plan:

[1] Hotel/Resort rooms and suites within a single building or multiple buildings. A minimum of 10 acres of the PRSP Plan shall be allocated to this use ("Hotel Acreage").

[2] Recreational and spa amenities supportive of the resort as a seasonal or year round distinction. Such amenities shall include both indoor and outdoor recreational and/or health related facilities.

(f) The following Principal Uses are *permitted in a* PRSP program:

[1] Single family dwellings.

[2] Two family dwellings.

[3] Multi-family dwellings.

[4] Attached, semi-attached or detached multiple dwellings

[5] Any other residential use or housing/dwelling type approved by the Planning Board.

[6] Buildings and structures for the common recreational or social use, education, wellness and enjoyment of guests or residents of the PRSP community, or designed for the provision of services to the guests or residents of the community.

[7] Buildings or structures necessary for the provision of on-site utilities to the PRSP Site.

[8] Retail or commercial uses including restaurants, bars, gift shops, convenience stores, bank services, and personal services, serving the guests or residents of the PRSP community.

[9] Park and recreational areas.

[10] Community buildings and activity spaces.

[11] Entry gate, security, valet and concierge stations.

(g) Permitted Accessory Uses. Any uses customary, incidental or subordinate to a principally permitted use within the PRSP Plan including, but not limited to, boating, swimming, agricultural, equestrian, and winter sports facilities accessory uses.

(h) Maximum density.

- [1] All density calculations shall be determined on the basis of "PRSP Net Acreage" as defined herein. The determination of "PRSP Net Acreage" shall be determined by deducting the Hotel Acreage from the gross acreage of the PRSP Site, and then further deducting the following natural features or other restrictions:
  - [a] Town, New York State DEC, and ACOE regulated wetlands;
  - [b] Slopes in excess of 30%;
  - [c] FEMA mapped 100-year flood plain;
  - [d] Areas in which development is prohibited by existing public or private restrictive covenants, deed restrictions, or conservation easements in place at the time of the application, except that where a particular use or structure is proposed within these areas which is not prohibited by said covenants, restrictions or easements, nothing herein shall require the deduction of such areas from the gross acreage.
- [2] The maximum number of residential dwelling units of any type in the aggregate (exclusive of the hotel/resort/spa use) shall not exceed 1 unit per PRSP Net Acre.
- [3] The maximum square footage of any single retail, service, or commercial use (not an amenity) shall not exceed 5,000 square feet and the aggregate maximum density of all retail, service, or commercial uses shall not exceed 20,000 square feet.
- [4] Minimum open space. At least forty percent (40%) of the Gross Area of the PRSP Site shall be dedicated as permanent open space as a condition of any PRSP approval. Lands already designated as permanent open space or in conservation easement at the time of the application may be included in satisfying this criterion.

(i) Disposition of Common Property.

- [1] Common property in a PRSP Site may consist of lands the enjoyment of which are shared by the individual lot owners and/or occupants and guests of the PRSP Site.

[2] When common property exists, a condition of approval shall be the establishment of regulations binding the owners of any property in the PRSP Site to the perpetual improvement, operation and maintenance of such common property following procedures approved by the New York State Attorney General.

(j) Signage. Any signage proposed for the PRSP Site must be approved in connection with the special permit approval, by the Planning Board, which shall have the discretion to approve such internal and entry signage as to it seems appropriate and in keeping with the nature of the PRSP Development and the community.

(k) Application and Review. Reference is made herein to sections of this Code regarding sketch plan, preliminary subdivision plan, final subdivision plan, and site plan approval. Notwithstanding any reference thereto, wherever there shall be any conflict between the provisions of this section, as amended, and any other section of this Code, the provisions of this section shall prevail.

[1] PRSP Concept Plan Review.

[a] A PRSP Concept Plan shall be submitted which is approximately to scale, though it need not be to the precision of an engineered drawing, and shall include the following information, in form and detail sufficient to enable the reviewers to understand and comment upon the general nature and scope of the applicant's proposal:

[i] A site location map placing the site in the context of the local road system within the Town borders.

[ii] A map depicting significant neighboring land uses and existing zoning district boundaries.

[iii] The most current available topographic map of the property indicating the general nature and location of any wetlands, special groundwater protection areas, special wildlife habitat areas, slopes over 20%.

[iv] The location of the various uses proposed within the PRSP Site.

[v] The proposed interior open space system.

- [vi] Proposed transportation, stormwater management, water supply, and sewage disposal systems.
- [vii] Estimate of the school population and allocation to school districts.
- [viii] Architectural rendering of the key component(s) of the proposed project.
- [ix] Evidence that the applicant is competent to carry out the financial and physical development within the scope of the proposed project.
- [x] A long environmental assessment form (EAF).

[b] Unless alternative procedures or requirements are set forth herein, the review of the PRSP Concept Plan and the Planning Board action on same shall be subject to the provisions of §60-7(B)-(D), §60-9, and §60-19 of this Code regarding Sketch Plan Review and §75-40((C)(3)(a)-(e) of this Code regarding pre-submission procedures for Site Plan Review.

[2] Preliminary PRSP Plan Approval.

[a] Unless alternative procedures or requirements are set forth herein, the review of the Preliminary PRSP Plan and the Planning Board action on same shall be subject to the provisions of §60-10, §60-11, §60-18, and §60-20 of this Code regarding Preliminary Plat submission, review and approval.

[b] Preliminary PRSP approval shall be granted contemporaneously with Preliminary Plat and Preliminary Site Plan approval.

[3] Final PRSP Approval.

[a] Unless alternative procedures or requirements are set forth herein, the review of the Final PRSP Plan and the Planning Board action on same shall be subject to the provisions of §60-12, §60-13, §60-18, and §60-21 of this Code regarding Final Plat submission, review and approval, and §75-40(B),(C), and (E) of this Code regarding Site Plan Review.

[b] Final PRSP Plan approval shall be granted contemporaneously with Final Plat and Final Site Plan approval.

(l) Request for changes in PRSP Plan.

- [1] If, after Final PRSP approval, the applicant proposes changes to the PRSP Plan, the applicant shall present the proposed changes to the Planning Board. Within 62 days of submission of the proposed changed plan, the Planning Board shall determine with written findings, whether or not the proposed modifications to the district plan represent material changes in the development plan, program, densities, uses, or impacts.
- [2] If the Planning Board determines that the proposed changes are not material, the Planning Board may approve the modified PRSP Plan by amendment of the resolution of approval.
- [3] If the Planning Board finds that the proposed are material, the applicant must then, in order to proceed with the modified plan, submit such proposed PRSP Plan subject to the same application requirements and review procedure as set forth herein, with the review and determinations of the Planning Board limited to the scope of the material or significant modifications and/or changed conditions identified in the Planning Board's findings.