

**TOWN OF CHAUTAUQUA
LOCAL LAW NO. 2 FOR THE YEAR 2025**

**AMENDING THE ZONING CODE TO PERMIT LIMITED COMMERCIAL SPACE IN
MIXED-USE BUILDINGS IN PUD DISTRICTS**

SECTION 1. AUTHORITY

This local law is promulgated pursuant to the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(10);
2. New York Statute of Local Governments, §10(1) and (7);
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);
4. New York Town Law §130(11)(peace, good order and safety), (15)(promotion of public welfare);
and
5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(general powers).

SECTION 2. PURPOSE AND INTENT

The purpose of this Local Law is to amend § 143-21 of the Zoning Code of the Town of Chautauqua to allow limited commercial uses within mixed-use buildings in Planned Unit Development (PUD) Districts, consistent with the Town's comprehensive planning goals.

SECTION 3. AMENDMENT TO §143-21

Section 143-21(A) of the Zoning Code of the Town of Chautauqua is hereby amended to read as follows (new language in bold):

§ 143-21. Permitted uses; definitions; standards and application procedure.

A. Permitted uses in a PUD. Permitted uses in a PUD shall be as follows:

- (1) Any dwelling use or related structure permitted and as regulated in the R and/or R-L Districts.
- (2) Any other variety of residential development or residential structure and ancillary land use as approved under this article, notwithstanding the requirements of R and/or R-L Districts that are still in keeping with the overall comprehensive planning of development within the Town as set forth in §143-2 of this chapter.
- (3) Commercial space including retail uses, restaurants, and office space if such commercial space is located in a mixed-use building that includes upper floor residential units, so long as such commercial space does not exceed 15,000 square feet in total. Additionally, the commercial space shall not include any drive-through facilities.**

SECTION 4. SEVERABILITY

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.