

# CITIZENS GUIDE TO PLANNING, ZONING, AND LAND USE 1



Prepared by the Town of Clarence  
Planning and Zoning Department

The purpose of the Citizen's Guide to is to explain Land Use, Planning, and Zoning in the Town of Clarence, New York, in an understandable and non technical manner. The Planning and Zoning Department serves the community by providing current and long-range planning activities as well as administration of all local land use laws. Planning is essential to ensure the Town maintains a balance of economic growth, protection of natural resources and sustainability in a manner that preserves existing character in the Town of Clarence.



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## GOALS IDENTIFIED BY 2025 MASTER PLAN

- Preserve and protect the open space character of the Town.
- Maintain and promote the historic character of the Town.
- Continue to evaluate and upgrade public service infrastructure.
- Maintain the Town's strong recreation program and park facilities.
- Maintain a collaborative relationship with all school districts within the Town.
- Provide consistent enforcement of land use regulations.
- Adopt an orderly and balanced growth plan.
- Coordinate efforts on a regional basis.
- Connectivity
- Smart Growth

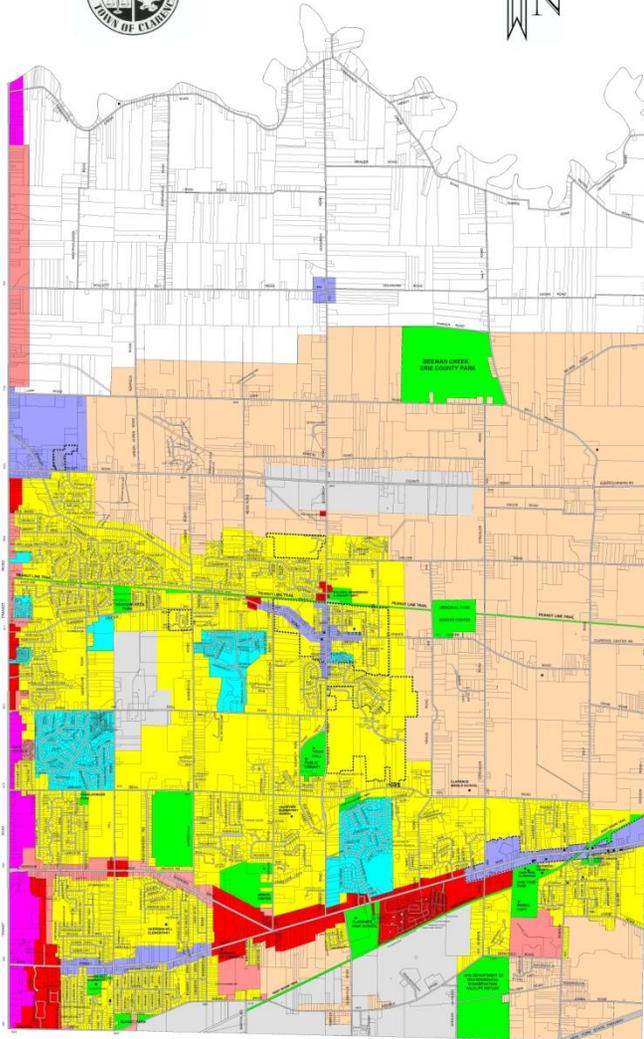
\*Master Plan 2025 still under review

*“The community has stated that it wants to remain a semi rural small town. It wants to protect existing farmland and open spaces instead of allowing addition cookie cutter subdivisions. It wishes to preserve existing historical structures and build at a village scale with neighborhood parks and sidewalks.”*

*“There are no Taj Majal’s proposed in this plan or any other grand public works project that have made other places unique in their built environment. However, this plan does create uniqueness for Clarence and sets out to achieve what our residents want, a Clarence that is more livable, walkable, social, and a great place to do business.”*

*-Preface 2015 Master Plan*

**TOWN OF CLARENCE**  
 ERIE COUNTY NEW YORK  
 OFFICIAL ZONING MAP  
 2013



- LEGEND**
- Industrial Business Park
  - Major Arterial
  - Commercial
  - Restricted Business
  - Traditional Neighborhood
  - Residential Single-Family
  - Agricultural-Rural Residential
  - Community Facility
  - Agricultural-Floodzone
  - Clarence Hollow Overlay
  - Clarence Center Overlay
  - Open Space Design Development Overlay
  - ★ Locally Designated Historic Landmark
  - Planned Unit Residential Development (repealed)

### What is the purpose of zoning?

The Town of Clarence Zoning Law is established for the purpose of promoting the public health, safety and welfare, and the most appropriate use for which the land in each district may be adapted; for conserving the value of buildings; and for enhancing the value of land throughout the Town.

Town Code is available online at [www.clarence.ny.us](http://www.clarence.ny.us)  
 Chapter 229: Zoning

### What are the Town's Zones?

Currently the town of Clarence includes four different zoning districts which specify residential, commercial, mixed use, and industrial. The specific zoning uses in the Town of Clarence are Traditional Neighborhood District (TND), Residential Single Family, Agricultural-Rural Residential, Industrial Business Park, Major Arterial, Commercial, Restricted Business, Community Facility, and Agriculture-Flood zone.

### Are there ever zoning exceptions?

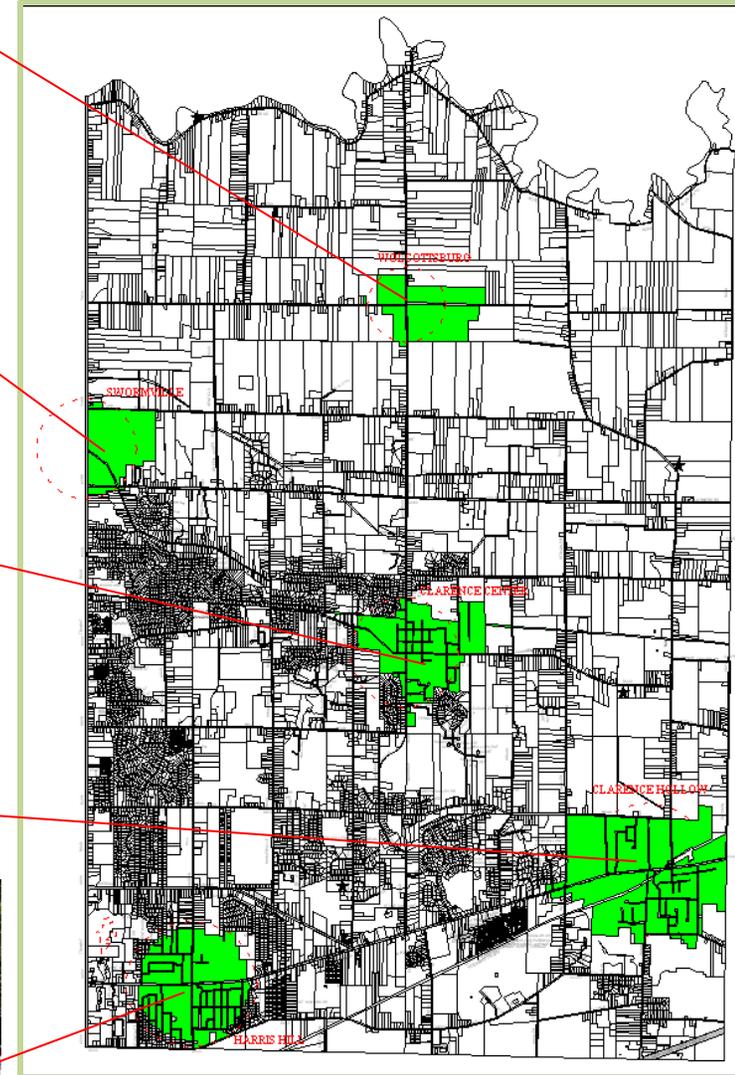
The Zoning Board of Appeals, as established by the Town of Clarence, shall hear and decide appeals and requests for variances. Examples of variances would be if a resident wishes to use their property in a residential zone for a funeral home he would apply for a use variance. If the resident wishes to build an extension on their house, and it would violate a side yard setback restriction they would apply for an area variance.

## What are TND's?

Traditional Neighborhood District (TND) zoning encourages small commercial developments and professional offices with higher-density residential uses. The Town of Clarence consists of five hamlets across the town, each with unique community character. The five hamlets are The Hollow, Harris Hill, Clarence Center, Swornville, and Wolcottsburg.

## What is the purpose of TND's?

- A. Provide incentives to encourage the adaptive reuse of existing structures.
- B. Allow and encourage a mixture of uses and mixed-use structures.
- C. Accomplish and continue a sense of community.
- D. Provide a walkable, pedestrian-friendly environment.
- E. Respect and preserve unique natural features within the district.
- F. Provide design regulations that encourage compatible building arrangements, bulk, form, character and landscaping to establish a livable, harmonious and diverse environment.
- G. Discourage the demolition of existing structures that possess significant historic or other essential elements that contributes to the character of the district.
- H. Create a small-town, historic-style business district that limits large scale out-of-character commercial developments.



## What is the purpose of single family residential zoning?

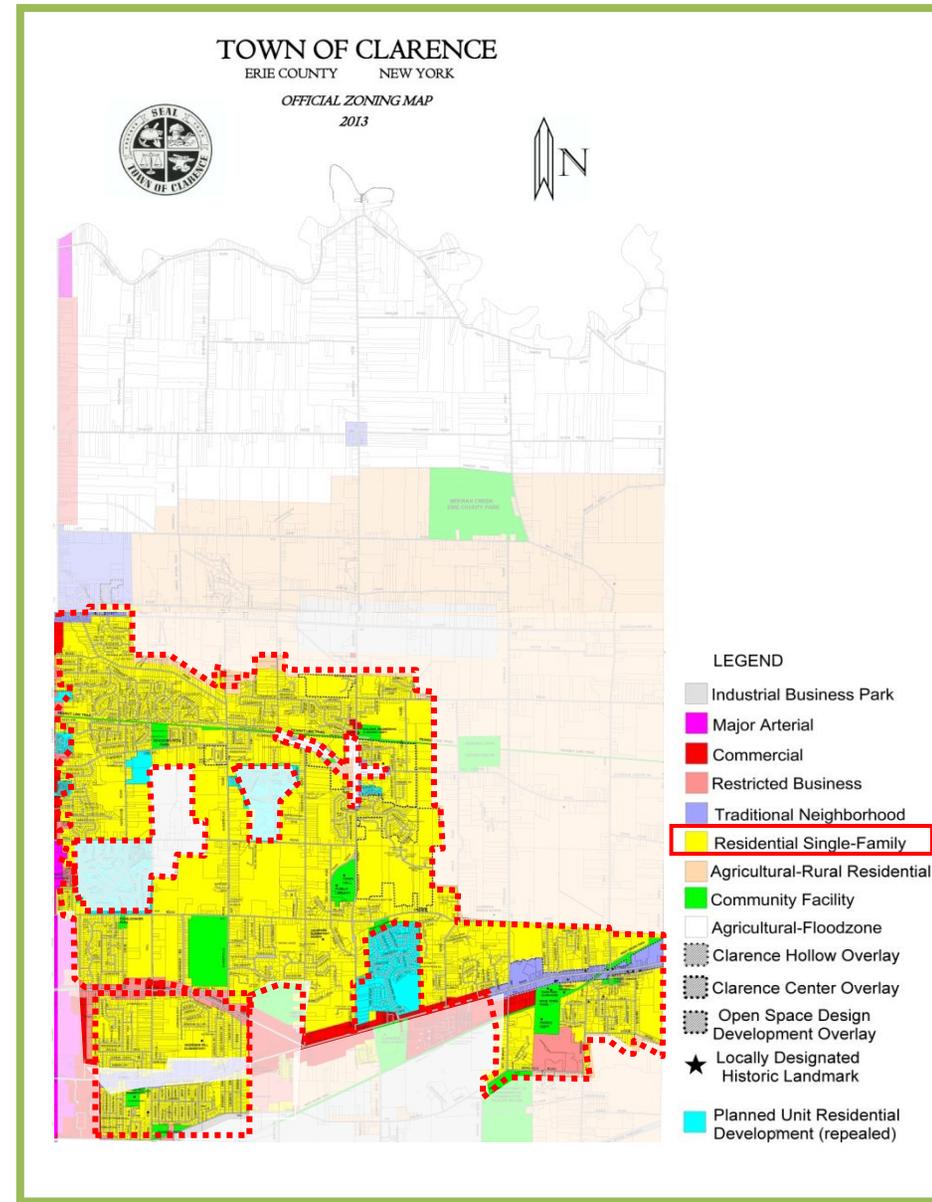
- A. The Residential Single-Family District is designed to promote the health, safety, and general welfare of the Town's neighborhoods as well as providing for their expansion along the same traditional lines with which they were established.
- B. It is anticipated that these regulations will ensure that new development is consistent with the adopted Comprehensive Plan.
- C. The Residential Single-Family District is envisioned to contain any future large-scale developments and future sewer districts with large areas of open space preservation to maintain a more open suburban character.

## What uses are permitted in single family residential zones?

Single family dwellings; home occupations; churches under 10,000 square feet; parks; playgrounds; schools; public service facilities; pre-existing agricultural operations; public utility facilities.

## What uses are allowed with special exception use permits?

Expanded home occupations; telecommunication towers; bed and breakfast inns; and secondary living units.



## What is the purpose of agricultural-rural residential zoning?

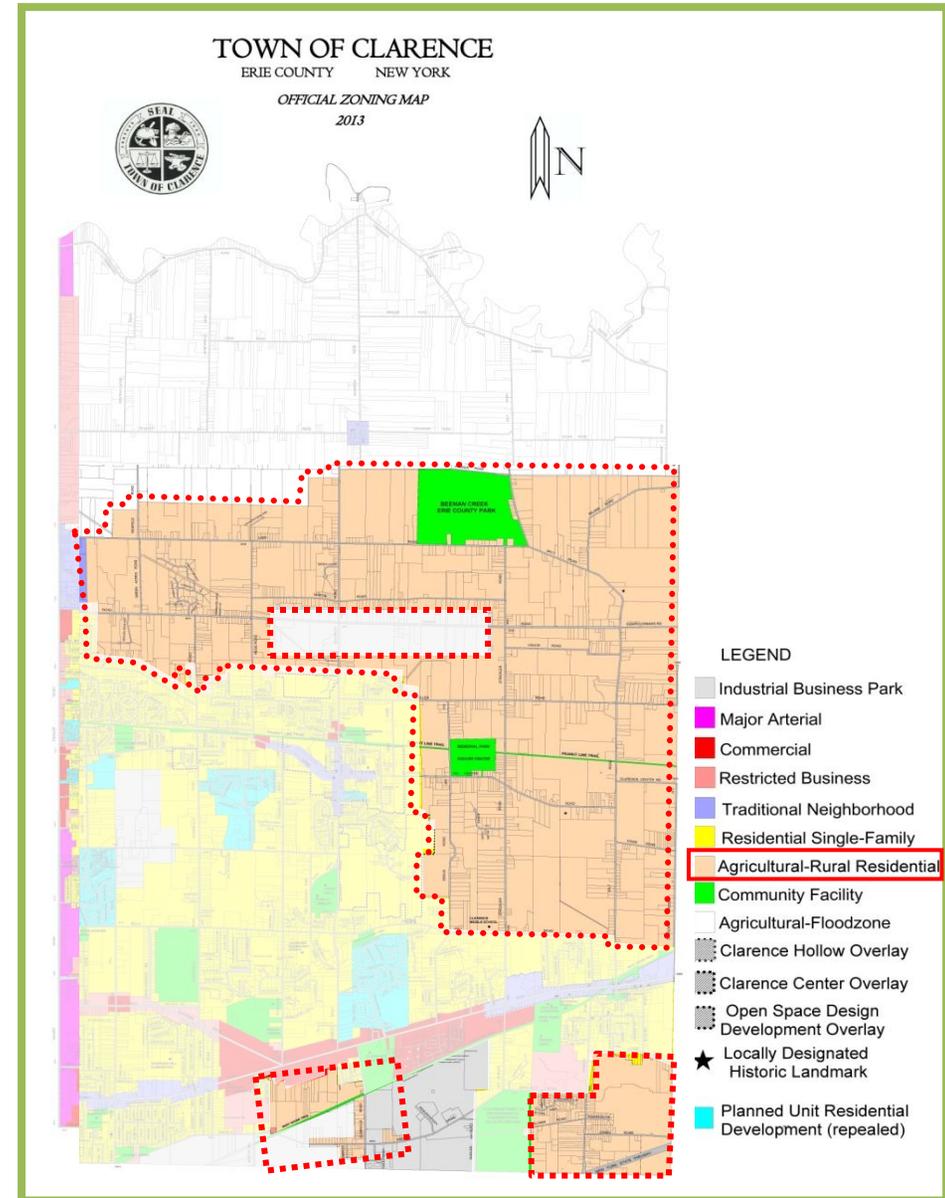
Lot size and density is primarily determined by access to public or community water and sewer infrastructure. The intent of this district is to maintain a rural boundary, preserving agricultural, open space, and forested areas on the perimeter of Clarence in order to transition from vacant or idle land to rural residential uses consistent with the planned growth objectives of the Town.

## What uses are permitted in agricultural-rural residential zones?

Customary agricultural operations; greenhouses; nurseries; single-family dwellings; home occupations churches under 10,000 square feet; golf courses; parks; playgrounds; schools; riding academies; cemeteries; public utility facilities.

## What uses are allowed with special exception use permits?

Expanded home occupations; bed and breakfast inns; turf farming; rooming or boarding houses; telecommunication towers; excavations; beauty salons; secondary living units.



## What is the purpose of agricultural-flood zoning?

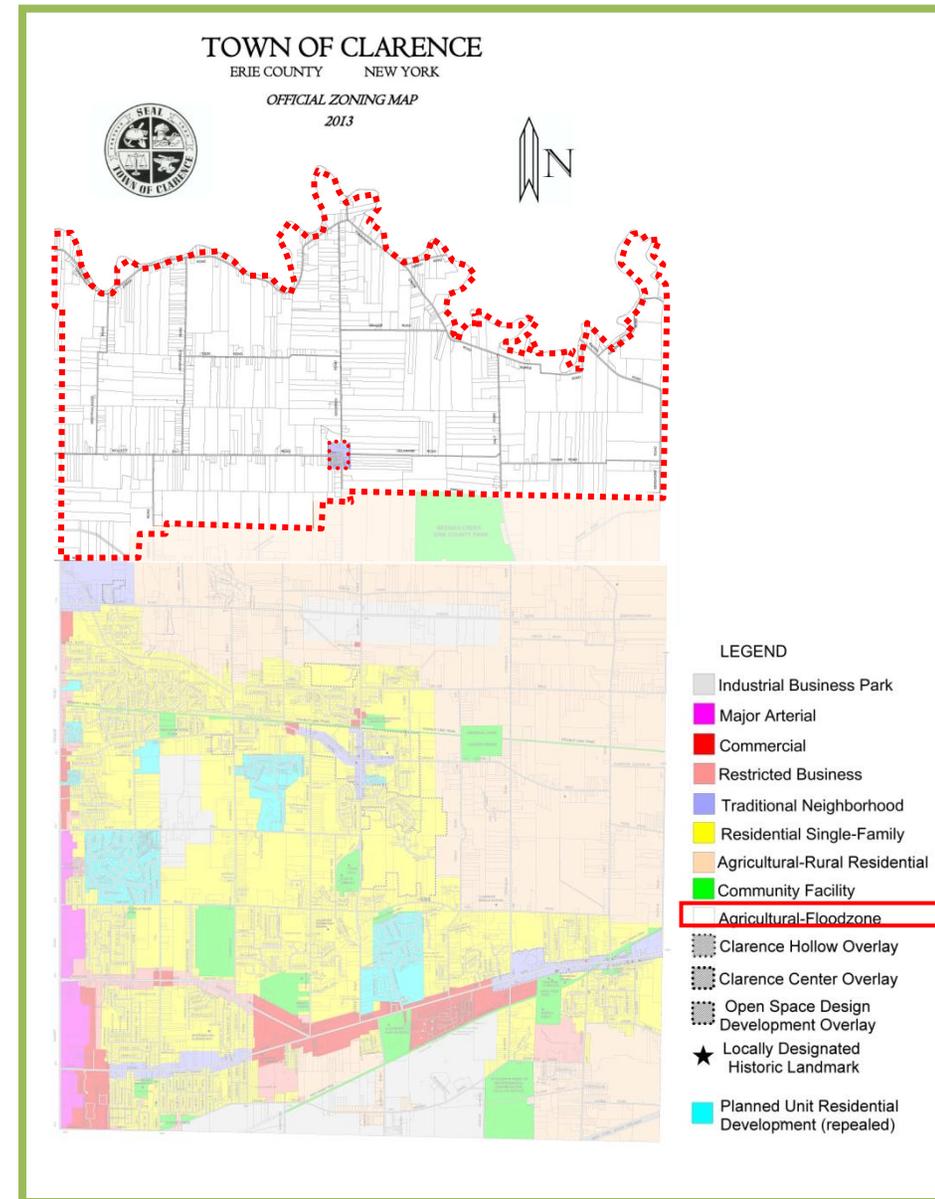
Agricultural zoning districts are intended to accommodate primarily agricultural operations and associated low-density residential development. Lot size and density is primarily determined by soil quality and the location of the Black Creek Density Floodway (BCDF). The intent of this district is to maintain a rural boundary, preserving agricultural and forested areas of Clarence.

## What uses are permitted in agricultural-flood zones?

Customary agricultural operations; greenhouses; nurseries; single-family dwellings; two family dwellings; home occupations; churches under 10,000 square feet; golf courses; parks; playgrounds; schools; riding academies; cemeteries; public utility facilities.

## What uses are allowed with special exception use permits?

Expanded home occupations; bed and breakfast inns; turf farming; rooming or boarding houses; telecommunication towers; excavations; beauty salons; secondary living units.



## What is the purpose of industrial business park zoning?

- A. The purpose of this zoning district classification is to direct and encourage the growth of light manufacturing and assembly operations in appropriate areas of the Town. The Town must have areas available for business development and expansions in order to provide a balanced tax base for future growth.
- B. The intent of these provisions is to facilitate convenient access, minimize traffic congestion, and reduce visual clutter within this district.

## Where are the Town's Industrial Business Park Zones?

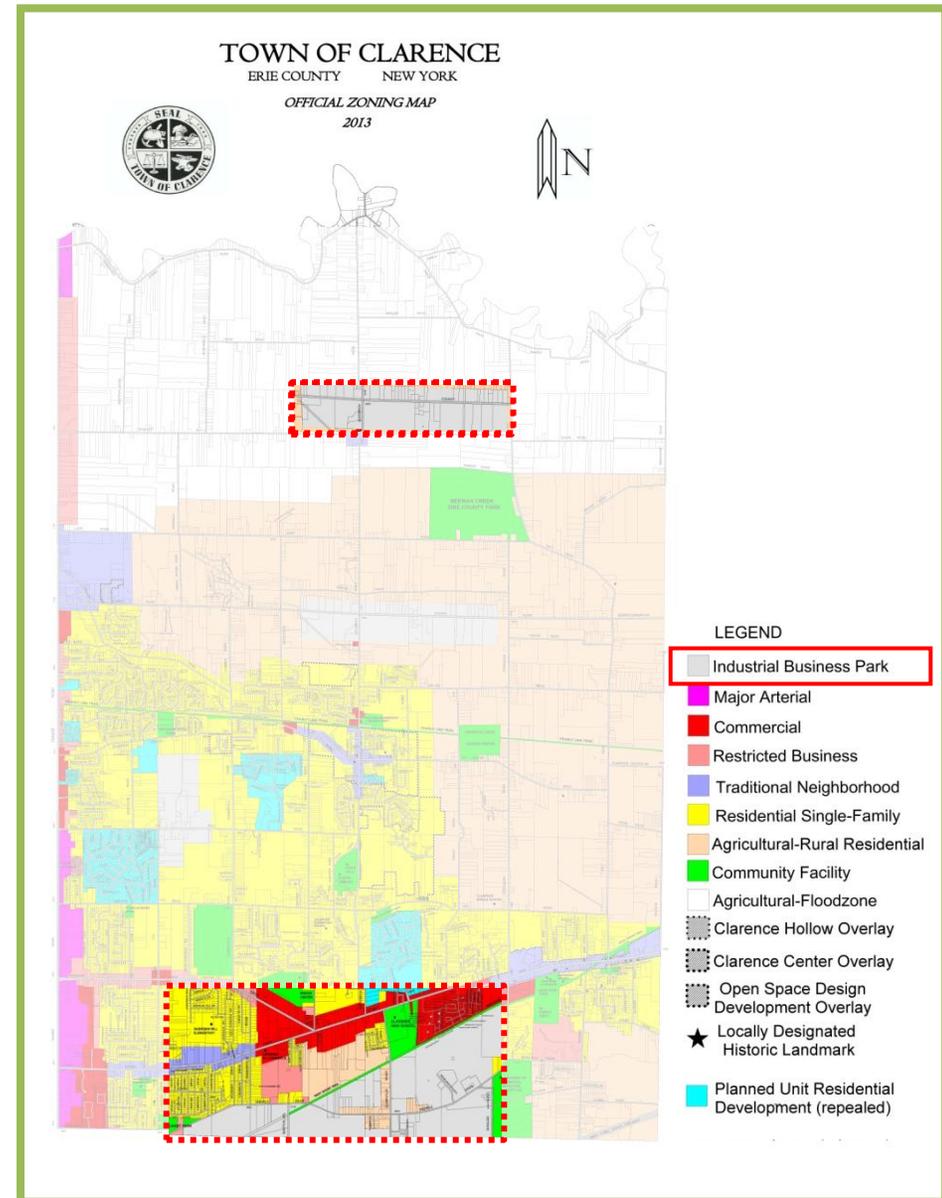
Industrial Business Parks are located in three general areas of Town. They are located along Roll Road at Harris Hill Road; County Road between Heise and Strickler Roads; and Wehrle Drive between Harris Hill and Shisler Roads.

## What uses are permitted in industrial business park zones?

Commercial uses, excluding any residential uses; Light manufacturing; Permitted in-fill uses in existing structures; Telecommunication towers; Landscape supply operations; Public utility facilities; Community facilities; Assembly operations; Mini storage/personal storage facilities; Lumberyard; Research and development operations; Warehousing.

## What uses are allowed with special exception use permits?

Adult entrainment uses; excavations including quarry; sand pit; gravel pit; topsoil stripping; fuel storage and supply operations; automotive service stations.



## What is the purpose of commercial zoning?

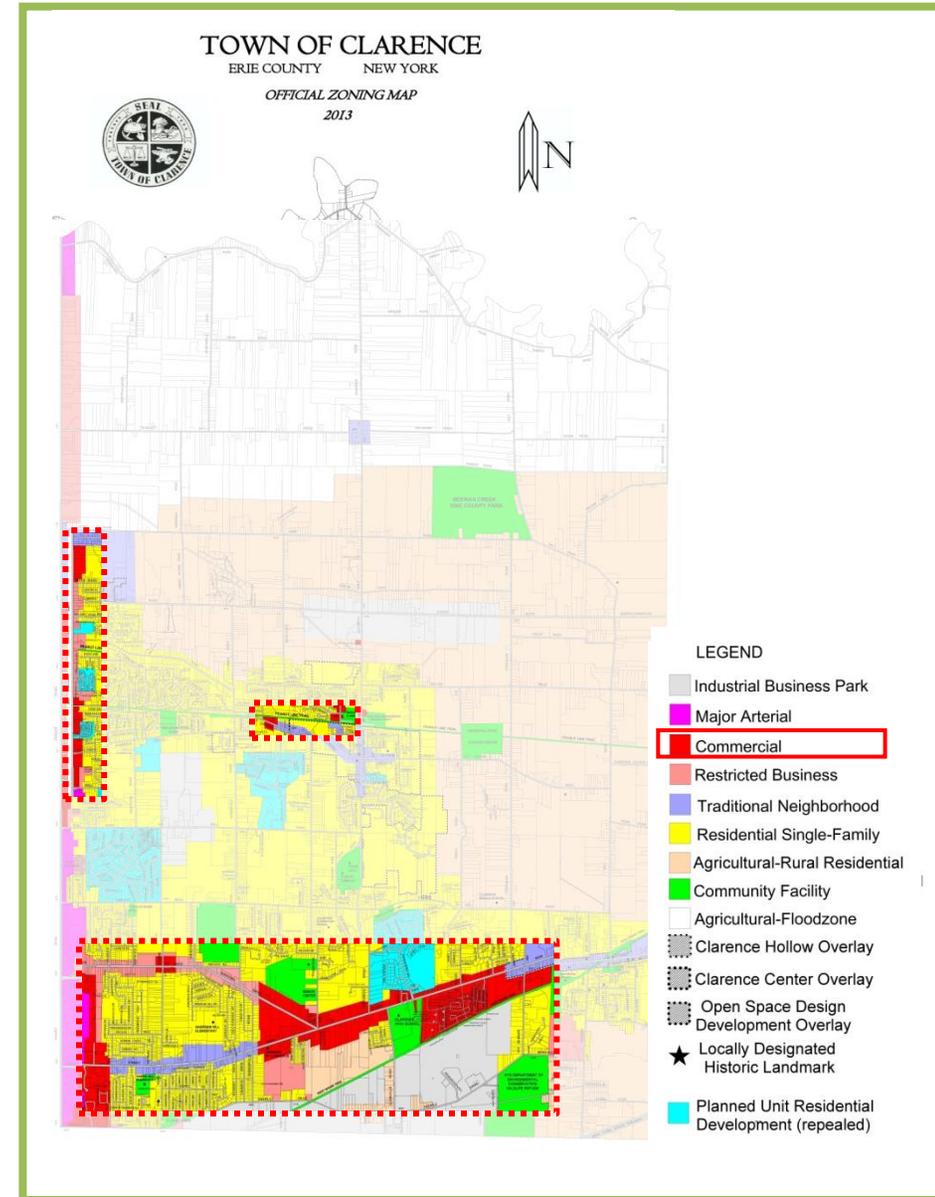
The Commercial Zone shall encourage a mix of uses, improved walkability, connectivity with adjoining uses and an overall enhancement of neighborhood appeal.

## What uses are permitted in commercial zones?

Two-family homes, Professional offices, Funeral homes, Convention facilities, Retail sales activities, Personal service shops, craft shops, antique shops Retail nursery or greenhouse, Trade or industrial school, Small animal hospital/veterinary clinic, Dry cleaners/commercial laundry, Printing shops, Community facilities, Permitted in-fill uses in existing structures, Medical offices, Nursing homes, dependent-living facilities, Motels, hotels, Grocery store/convenience store, Retail nursery or greenhouse, Restaurants, Banks/financial institutions, Plumbing, heating, electrical shops, Day-care centers/nursery schools, Public utility facilities.

## What uses are allowed with special exception use permits?

Any permitted use that involves a facility in excess of 30,000 square feet or any of the following list of uses: Automotive sales, automotive equipment and implement sales, trailer sales, Shopping plaza, Drive-in/drive-through facilities, Gasoline service station, Multiple-family dwelling units, Lumber/building supply companies, Business/Commercial parks, Car wash, Automotive service station, commercial garage, Light manufacturing operations, Manufactured housing park, Telecommunications towers, Parking facilities, Theaters, assembly halls, bowling alleys, and all similar public recreation uses, Indoor storage of hazardous materials.



## What is the purpose of restricted business zoning?

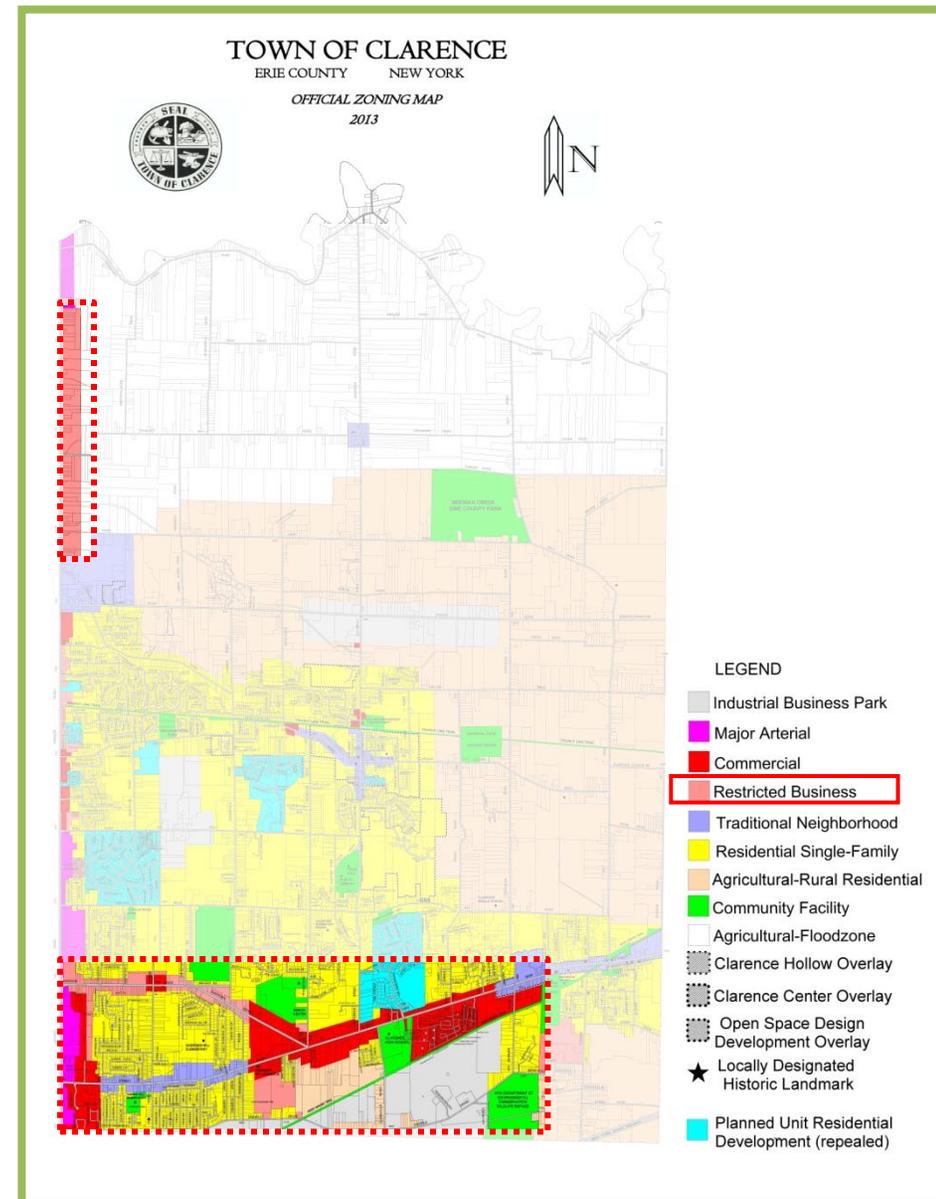
The intent of this district is to allow for the continued and future use, expansion, and new development of professional offices and similar less intensive business uses. The regulations are designed to be more compatible with residential areas of the Town and are intended to be less traffic-generating than retail businesses. Professional office development is encouraged along the Sheridan Drive corridor, northern Transit Road, and small sections of Wehrle Drive and Bergtold Road. As most of the restricted business districts are located outside of areas serviced by public sewers, designs should reflect a more open character.

## What uses are permitted in restricted business zones?

The following list of uses are allowed as vested rights in structures measuring up to 10,000 square feet in area or a cumulative total of 30,000 square feet of building area on an individual property: Single-family homes, Professional offices, Nursing homes, Bed-and-breakfasts, Home occupations, Day-care centers, Two-family homes, Mortuary/funeral homes, Medical clinics, Community facilities, Public utility facilities, Beauty salons.

## What uses are allowed with special exception use permits?

Any permitted use that involves a structure in excess of 10,000 square feet or a cumulative total of 30,000 square feet of building area on an individual property and the following list of uses: Telecommunications towers (Chapter 173 of the Code of the Town of Clarence), Multiple-family dwellings, Bank or financial institution.



## What is the purpose of major arterial zoning?

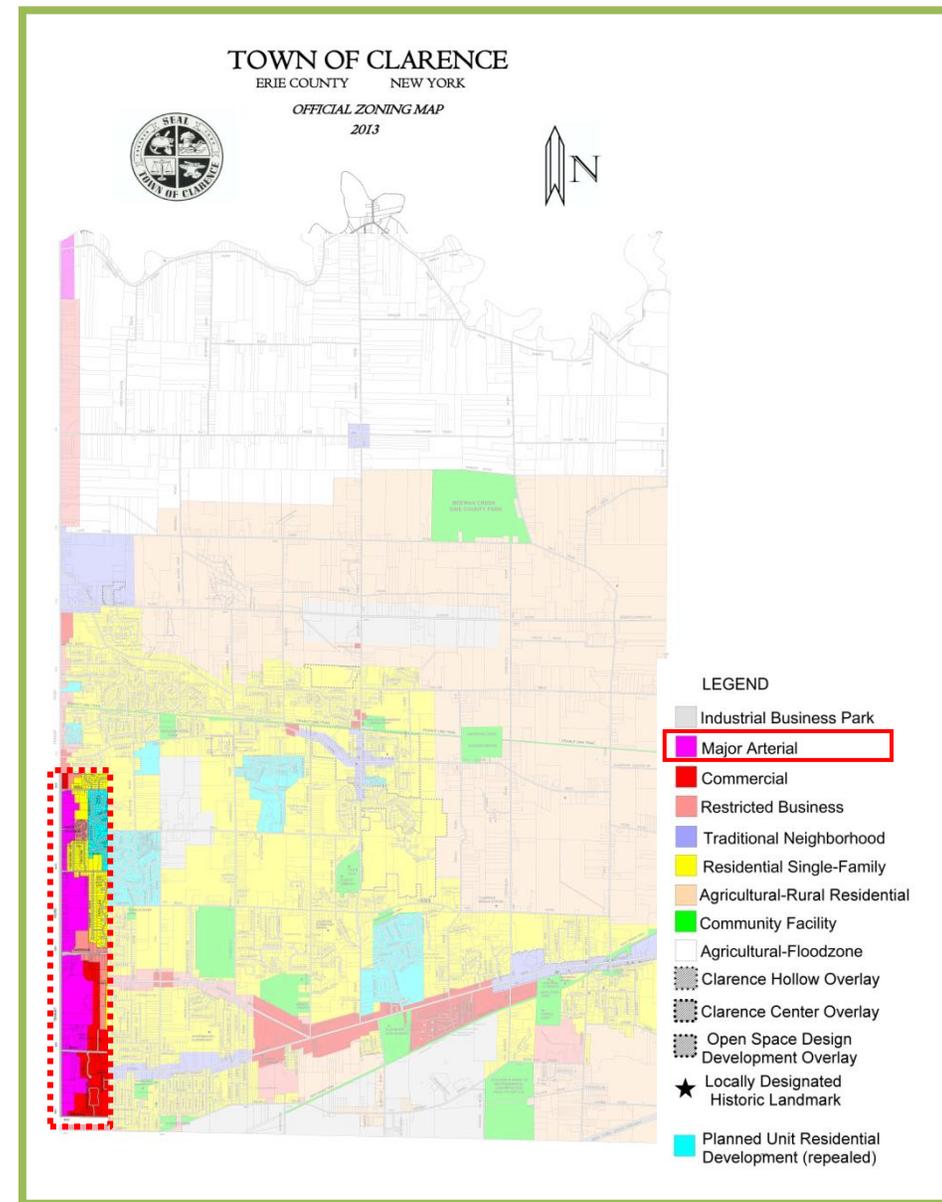
The intent of these provisions is to encourage commercial enterprise in an area of Town that can adequately provide for a high volume of automobile traffic and to facilitate convenient access, minimize traffic congestion, reduce vehicle conflict points, and reduce visual clutter for those commercial uses. Major Arterial District includes all those areas along Transit Road (NYS Route 78) from Wehrle Drive to Swormville.

## What uses are permitted in major arterial zone?

The following list of uses are allowed as vested rights in facilities measuring up to 50,000 square feet in area: Shopping center or plaza, Permitted in-fill uses in existing structures, Hotels and motels, Banks and financial institutions, Funeral homes, Theaters and public assembly, Public recreational facilities, Retail sales activities, Nonprofit institutions of charitable, religious, cultural or civic purposes, Heating, plumbing and electrical shops, Convention facilities, Restaurants, Professional, medical, executive offices, Dry cleaners/commercial laundry, Printing shops, Bowling alley, Public utility facilities, Personal service shops, craft shops, antique shops, Day-care centers and nursery schools.

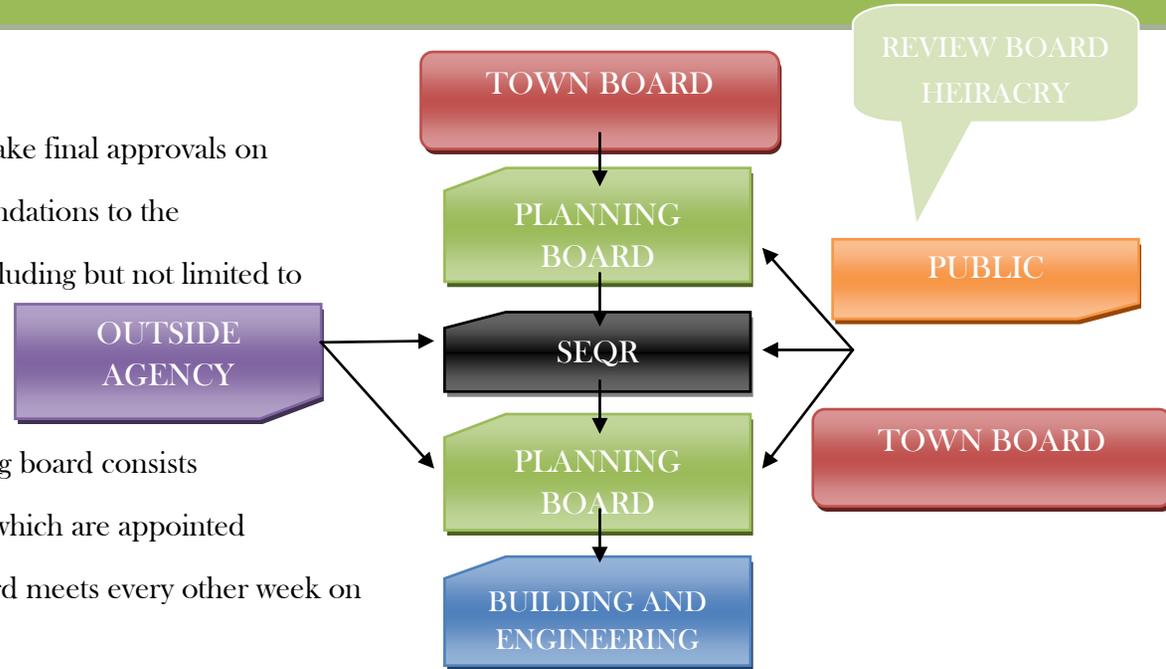
## What uses are allowed with special exception use permits?

Any permitted use that involves a facility in excess of 50,000 square feet and the following list of uses: Motor vehicle, equipment and implement sales and service, Multiple-family dwellings, Commercial garages/gasoline service stations, Telecommunications towers (Chapter 173 of the Code of the Town of Clarence), Light manufacturing operations, Lumber and building supply operations, Drive-in/drive-through facilities, Drive-in theaters, Parking facilities, Car washes.



## Planning Board

A Planning Board is established to review projects and make final approvals on site plan reviews and changes in use; and make recommendations to the Town Board on matters referred by the Town Board, including but not limited to temporary conditional permits, special exception use permits, open space design and incentive lot subdivisions, and long-range planning and land use issues. The planning board consists of seven members and one alternative member, three of which are appointed as planning board executive members. The planning board meets every other week on Wednesday night at the Town Hall.

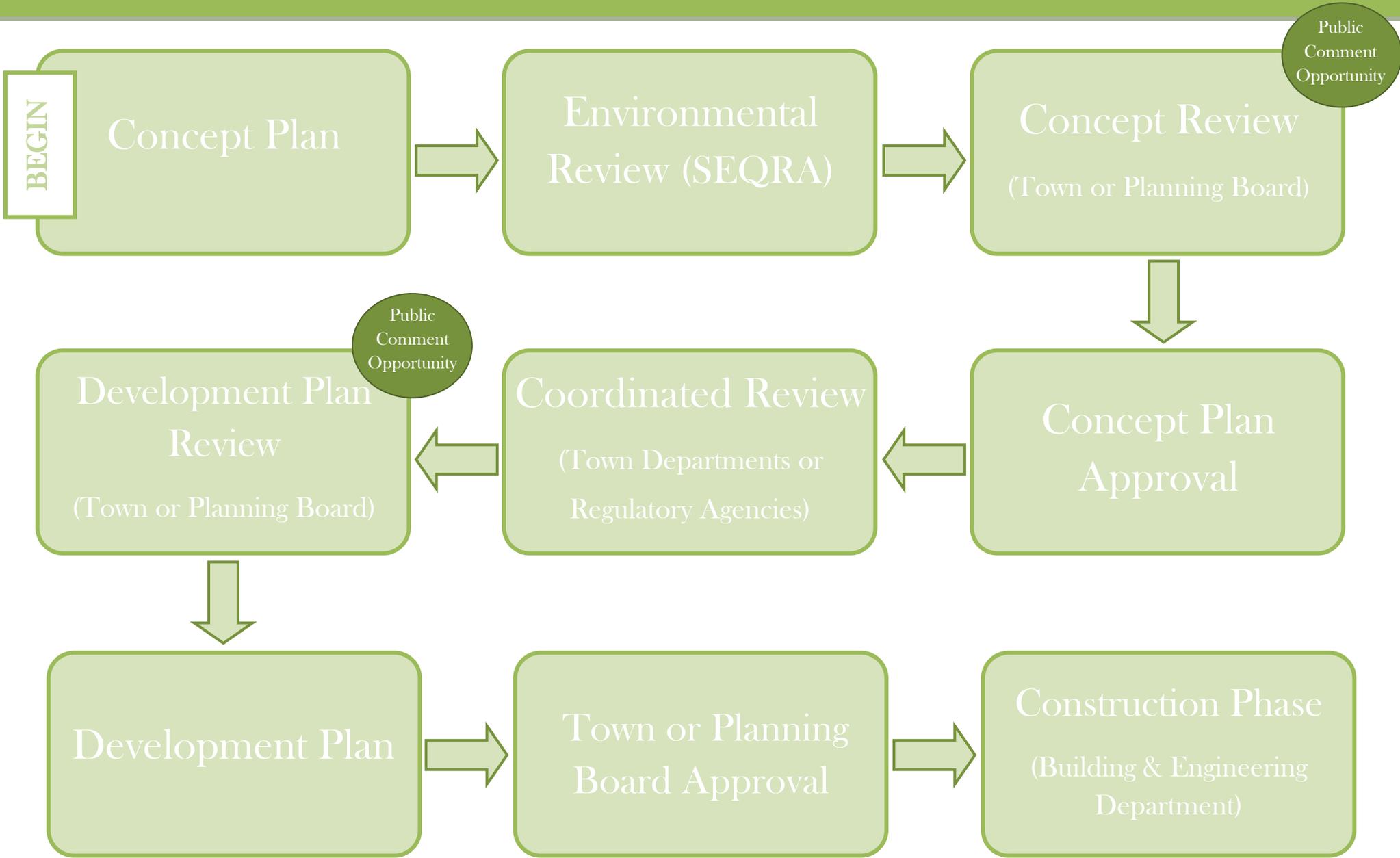


## Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) shall have the authority to hear and decide appeals from any order, decision, determination or interpretation made pursuant to or regarding these regulations. The Zoning Board of Appeals shall have the authority to hear and decide applications for variances from the requirements of these regulations. The ZBA consists of five members and one alternative member appointed by the town board. ZBA public meetings are held the second Tuesday night of every month at the Town Hall.

## Town Calendar

All Town meeting dates and times can be found on the interactive calendar located at the Town's homepage. [www.clarence.ny.us](http://www.clarence.ny.us)



## What is a subdivision?

A subdivision is a parcel of land that is split into a cluster of parcels, and sold off. A minor subdivision is defined as a development that is four or less units, with existing infrastructure in place. A major subdivision is defined as a development that is five or more units, and requires additional infrastructure (street/water/sewer).

## What are the requirements in subdivisions?

Each zoning area requires different regulations for minimum lot area (ex: Single Family residential with public sewers= .459 acres), lot coverage (single family residential with public sewers 18% for one story 13% for two stories), lot width, front yard setback, minimum side and rear yard, and building height.

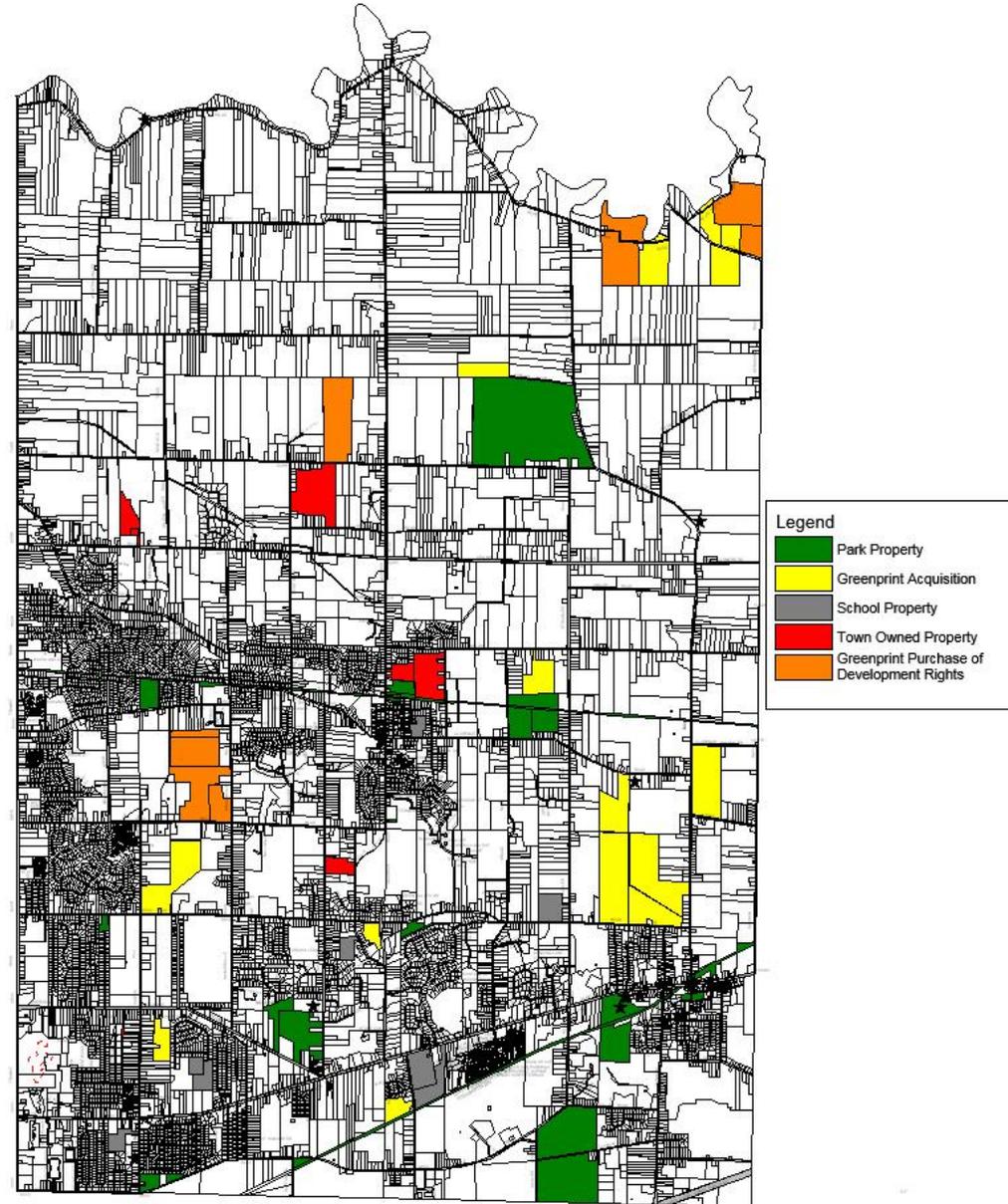
## What does the Town review in a major subdivision?

Subdivision applications follow the same development process (page 13). (1) To review application requirements (available in the Planning and Zoning Department).(2) To identify any potential area of environmental concern.(3) To discuss preliminary design of the project.(4) To set a possible timetable for review. (5) To review Town policies concerning development.

## What does the applicant submit?

Applicant follows the Subdivision Checklist provided by the Planning and Zoning office, which goes through the same development process (page 14) as all projects. The subdivision checklist includes concept plan sketches, an environmental assessment form (EAF), followed by development plans after concept approval.





### What is the Greenprint program?

In 2002, Town of Clarence voters approved bond funds of \$12.5 million for the Greenprint program. Greenprint properties are protected in two ways, the town can purchase the land or the town can purchase the development rights and place a conservation easement on the land. A conservation easement is a legal agreement that limits future development of the land to protect conservation values such as scenic views, wildlife habitats, or farmland.

### What is the purpose of the Greenprint program?

To preserve and protect ecologically significant landscapes, valuable agricultural resources, aesthetic beauty and the rural character of the town, while maintaining a stable tax base and managing growth.

### How much land is dedicated to the Greenprint program so far?

The Greenprint program (yellow and orange on map) is 1,405 acres of the towns 33,920 total square acres equaling 4.1% of the total land. The town's total owned land (all identified properties on map) equals 2,460.9 acres, 7.3% of total land.

These numbers continue to grow as the Town continues this program.

FINAL REPORT  
CLARENCE HOLLOW IMPROVEMENTS STUDY



September 2003



## Hollow Improvement Study (2003)

The Hollow Improvement Study looks to upgrade the streetscape through the Hollow, improving the functionality and the aesthetics of the area. The Clarence Hollow Improvements Study consists of three interrelated elements. The first is a Streetscape Improvement Concept Plan, The second component includes two new zoning classifications; one to establish a Traditional Neighborhood District (TND) for the hamlets in the Town, and one that outlines design standards specific to Clarence Hollow, The final component sets forth a hamlet revitalization strategy for the Clarence Hollow area to help maintain the vitality of the business district.

## Transit Road Corridor Study (2004)

The Towns of Amherst and Clarence and the NYSDOT recognized that planned, orderly land development in conjunction with coordinated road improvements would help minimize traffic congestion, improve safety and maximize the use of limited infrastructure resources. This cooperative planning effort is an objective of a comprehensively designed corridor that preserves and enhances safe and efficient transit for motorists and pedestrians, which will ultimately encourage continued economic development in the future.

## Demographic Analysis 2000-2010 (2013)

The Town of Clarence Demographic Analysis studied census data from 2000 and 2010 to see how and where the town has grown over 10 years, and where future growth may come. The data study focused on demographics such as total population, age, race, and gender. It also looked at housing data such as Households, Housing Density, Owner Occupied Housing Units, Renter Occupied Housing Units, Household and Family Size, Median Income. The study also also looked at data on commuting to work, focking on who was coming into the town who was leaving the town, and who stayed for work.

Town of Clarence  
Demographic Analysis  
2000-2010



Prepared by the Town of Clarence  
Planning and Zoning Department  
July 2013

**Q. Where is the Planning and Zoning office located?**

A. Clarence Town Hall: One Town Place, Clarence, NY 14031

**Q. How do I view documents on file and plans?**

A. All files and project plans are available to the public in the Planning and Zoning office.

**Q. How do I find out the zoning of my property?**

A. To see the zoning of a property, the Official Zoning Map is located under the ‘Maps’ tab on the Planning and Zoning Website or by simply calling the office at 741-8933.

**Q. Do I need a permit for installing a fence on my property?**

A. Yes. Before a fence shall be erected, an application must be obtained for the Planning and Zoning Office. The completed application must be accompanied by a survey showing the location of the fence in relation to all other structures and buildings and in relation to all streets, lot property lines, and yards.

**Q. What are the current fees for permits?**

- A. Change In Use.....\$25
- Fence Permit.....\$10
- Sign Permit:
  - Permanent.....\$1 per square foot
  - Temporary.....\$50
- Special Exception Use Permit.....\$100
- Temporary Conditional Permit:
  - New.....\$100
  - Renewal.....\$50
- Variance Request.....\$50
- Fireworks Display Permit.....\$25
- Pond Bond.....\$250
- Pond Permit.....\$100

**Q. How can I pay for a permit?**

A. Permits can be paid for with cash, check, and credit card through the Town Clerk’s Office. Acceptable forms of credit cards are MasterCard, Visa, and Discover. Checks can be made out to the Town of Clarence.