

**Proposed Zoning Law Amendment  
April 2013**

**Remove the following:**

Section 229-93. Uses Permitted with a special exception use permit in the Major Arterial Zone.  
(A)(2). Multiple Family Dwellings.

**The following section replaces the current and existing Section 229-126. Multifamily developments:**

**Section 229-126. Multiple Family Residential Developments.**

Multiple Family Residential Developments will only be allowed in the Commercial, Restricted Business and Traditional Neighborhood Districts as described herein.

A. The purpose of the Multiple Family Residential Housing Special Exception Use Permit is to guide future development of multiple family housing developments within the Town of Clarence. Higher density housing in the form of multiple family housing shall not be considered an "as of right" use within any zoning classification.

B. The Town Board shall determine the placement of such Multiple Family Residential Housing based upon its design features, its potential impact upon the character of the community, and its fiscal impact upon the Town.

C. The intent of this Section is to provide design standards to ensure that multiple family residential developments are properly integrated into the character of the Town by providing for:

1. Preservation of valuable commercial property within the Town for development of commercial uses.
2. Preservation of Open Space.
3. Higher density residential development that is in harmony with the rural and suburban character and scenic qualities of the Town of Clarence.
4. Facilitation of interconnectivity between commercial uses and between multiple family and other residential uses, where appropriate.
5. Facilitation of adequate extensions of streets, walkways and utilities.

D. Multiple Family Residential Uses in the Commercial and Restricted Business Zones.

1. In order to preserve the long term viability of the Commercial and Restricted Business zoning classifications for commercial uses, provide a balance to the developing residential growth in the community, and avoid the concentration of multiple family residential units in a particular area of the Town, the maximum number of multiple family residential units that can

be approved on any parent parcel or that can be approved in a single project design approval shall be restricted as follows:

- a. Multiple Family Housing will only be allowed on properties within sewer districts as approved by the Town Board.
- b. Multiple Family Housing will only be allowed on properties that contain a minimum of 5 acres.
- b. The maximum density for multiple family uses shall be 8 units per acre.
- c. A minimum of 25% of the property shall be committed to commercial uses that are allowed within the Commercial and Restricted Business Zones, and inner connectivity with other residential and commercial uses where possible is encouraged.
- d. Multiple Family Housing shall be limited to a maximum of 2 stories for any building within such a project.
- e. Multiple Family Housing shall have a setback from the affronting roadway to preserve the open character of the Town. The required front yard setback area shall be enhanced with preservation of existing vegetation and installation of new landscaping to ensure an adequate visual buffer.
- f. Scale and design must be compatible with community features and all other standards, as identified for Commercial or Restricted Business districts in Sections 229-83 through 229-90.2 and Sections 229-75 through 229-82.2 of this Chapter.

2. Multiple family developments in a Commercial or Restricted Business Zoning District will require 30% of the project site to be preserved as permanent green space. Where an interconnection with other residential or commercial uses is provided, the amount of green space can be reduced to 20 percent.

3. Part or all of the required commercial component can be reserved as green space for later commercial development; this reserved green space for commercial use is in addition to the required overall project site green/open space as per lot coverage calculations.

4. Upon recommendation of the Planning Board, the Town Board will designate the area of the property that is to be reserved as green space at the time of Concept Plan Approval.

E. Multiple Family Residential Uses in the Traditional Neighborhood District (TND).

1. The maximum number of units within a Multiple Family Residential project within the TND shall be limited to 16 units.

2. The maximum density of Multiple Family Residential units within a project shall be limited to 8 units per acre.
3. Projects that involve only the development of Multiple Family Residential units, with no mixed use component, shall require a two (2) acre minimum lot size.
4. Mixed use projects on smaller lots will be allowed with a maximum residential density of 4 units per acre and with a minimum 25% commercial component.
5. Scale and design must be compatible with community features and all other standards, as identified within the TND Zoning District (Section 229-57 through 229-68 of this Chapter).

F. Exceptions.

1. Under special circumstances, the Town Board, upon recommendation of the Planning Board, may allow multiple family uses on unsewered lots of less than 5 acres within the Commercial and Restricted Business zones. These circumstances include:
  - a. The maximum lot coverage of a multiple family project shall be 70% of the parcel.
  - b. A minimum of 50% commercial use of the developable land shall be required (35% of the total lot).
  - c. The maximum on-site waste treatment allowance determination shall be consistent with regulatory agency and Town Engineer approvals, including residential and projected commercial waste. The maximum number of units that can be developed on an unsewered lot in the Commercial Zone shall be 4 units per acre in a mixed use format with a maximum total number of multiple family residential units capped at 16 units.

G. General Design Standards

1. All on-site traffic access roads shall be constructed to standards as approved by the Town Board. Curb cuts for proposed entrances or exits shall not be closer than 100 feet to any existing road intersection (70 feet within a TND).
2. Each phase of any multiple family residential development must meet the density requirements as herein established.
3. Parking shall be to the rear or side within any multiple family residential development.
4. Multiple family residential projects that adjoin a street shall have significant natural screening running the length of the right-of-way, parallel to the street, except for driveways.
5. All multiple family residential projects shall have an area or areas devoted for the recreational use of the residents. Such recreational component can be comprised of open space

and shall have a total area equal to at least 15% of the gross land area of the lot. This area shall be fully maintained by the owner of the property. Part or all of such space shall be in the form of developed recreation areas to be usable for recreational purposes. The 15% dedicated for such use may be counted as a part of the total green space requirement for such projects.

6. No principal building shall contain less than 1,000 square feet of usable floor space. Buildings used in whole or part for residential purposes, exclusive of accessory buildings and exclusive of porches, entries, garages and terraces, shall contain no less than 900 square feet of usable living space if a one-story building used as a one-family dwelling, nor less than 600 square feet of usable first floor living space if more than one story and that no such building shall contain less than 600 square feet of usable living space for each one-bedroom family unit or apartment; 720 square feet of usable living space for each two-bedroom family unit or apartment; and 1,000 square feet of usable living space for each three-bedroom family unit or apartment.

7. Any multiple family housing development that includes five or more units and that is situated, in whole or in part, within the Adequate Educational Facilities Overlay District, shall comply with the terms of Article XIVA of the Town Zoning Law.

DRAFT