

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Clay

FILED
STATE RECORDS

OCT 29 2012

Local Law No. 4 of the year 2012

DEPARTMENT OF STATE

A local law to amend CHAPTER 230 entitled "ZONING," by repealing the present
(Insert Title)
§320-26F. Cluster development and adding a new §230-26F. Cluster
development to the code of the Town of Clay.

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Clay as follows:

SEE ATTACHED LOCAL LAW

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 12 of the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the Town Board on October 1, 2012, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

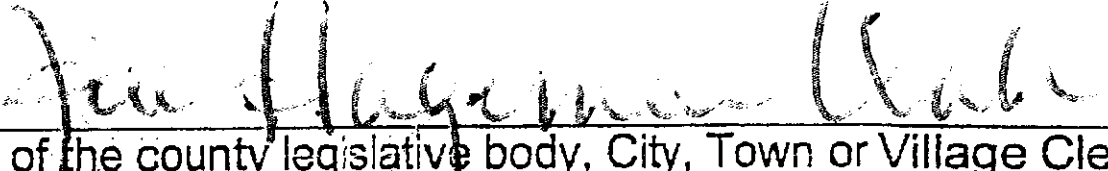
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Jill Hageman-Clark, Town Clerk

Date: October 23, 2012

(Seal)

LOCAL LAW NO. 4 OF THE YEAR 2012

TOWN OF CLAY

LOCAL LAW NO. 4 OF THE YEAR 2012 TO AMEND CHAPTER 230 entitled 'ZONING', by repealing the present § 230-26F. Cluster development and adding a new § 230-26F. Cluster development to the Code of the Town of Clay

IT IS ENACTED by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. Amendment of **CHAPTER 230** entitled 'ZONING', by repealing the present § 230-26F. Cluster development and adding a new § 230-26F. Cluster development to the Code of the Town of Clay.

The purpose of this local law is to repeal the present § 230-26F. Cluster development and add a new § 230-26F. Cluster development in order to conform with recent changes in the NYS Stormwater Management Design Manual and other requirements

August 20th, 2012 called public hearing for proposed local law for September 17th, 2012 commencing at 7:56 P.M.,

Notice of public hearing published in the Post Standard on September 7th, 2012.

Public hearing held and completed September 17th, 2012.

Local Law was approved at the October 1st, 2012 Town Board Meeting.

Local Law sent to Dept. of State on _____.

Received letter from Dept. of State, local law filed on _____.

F. Cluster development.

- (1) **Intent.** The purpose of a cluster development is to promote subdivision development which offers variety in lot size, site configuration, reduced stormwater impacts, and affordable options in response to topography and natural features. This alternative shall result in design and development which promotes the most appropriate use of the land, facilitates the adequate and economical provision of streets and utilities and preserves the natural and scenic qualities of open land.

Recent changes in the *NYS Stormwater Management Design Manual* have increased the desirability of clustering to reduce impervious cover, preserve additional open space, and protect water resources.

(2) **Definitions.**

- (a) **CLUSTER DEVELOPMENT-** Shall mean a subdivision plat or plats, approved pursuant to this article, in which the applicable zoning code or local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines, and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open lands.
- (b) **PRELIMINARY PLAT CLUSTER APPLICATION-** A cluster application shall consist of a 'Preliminary Plat Application'; clustered density calculation, and the fee for the same. Said Preliminary Plat Application shall be submitted only after a pre-application review with the Town Board is held.
- (c) **PRE-APPLICATION REVIEW-** This step begins with a dialogue between the applicant and the Town; and it does not commit the Town Board to accept a clustering application.

(3) **Authorization Required.**

- (a) Following the Pre-Application Review, a cluster application shall be submitted and a public meeting at the Town Board shall be required.
- (b) The Town Board shall consider the proposal and vote to accept, modify or reject the clustering proposal. If the Town Board accepts or modifies the clustering proposal, it shall prepare a written resolution indicating its findings and its willingness to entertain a cluster development. It shall also authorize the Planning Board to continue with the Preliminary Plat Cluster Application. It may instruct the Planning Board of specific conditions that shall be attached to the project. The resolution shall include a copy of the accepted written graphic plans, any SEQRA-related materials, and other relevant information.

- (c) The Town Board may authorize the Planning Board, on a case-by-case basis, pursuant to Town Law § 276, 277, and 278 and pursuant to *Chapter 200, Subdivision of Land* of the Town of Clay Code, to vary the zoning requirements as to lot size, lot width and setback requirements in connection with a proposed subdivision plat, subject to the standards and procedures contained herein. Such variations shall result in cluster developments, still maintaining its original zoning designation.
 - (d) Unless otherwise stated in their resolution, Town Board authorizations for cluster development shall be valid for one year from the adoption date of such resolution to obtain preliminary approval.
- (4) **Procedure.** Application for a cluster development procedure shall be submitted to the Planning Board and acted on in the same manner as required for subdivision plans as set forth in Chapter 200, Subdivision of Land, of the Code of the Town of Clay. The proposed development shall be subject to review at a public hearing or hearings pursuant to Chapter 200 of the Town of Clay Code.
- (5) **Applicability.** This authorization shall be applicable to the following residential zone districts:
 - RA-100 Residential/Agricultural
 - R-40 One-Family Residential
 - R-15 One-Family Residential
- (6) **Minimum cluster site area.** To be eligible for clustering, a site shall have a minimum of 20 acres in the specified residential zones.
- (7) **Minimum lot size.** Residential building lots shall not be reduced on the proposed clustered site to be less than the zone district having the next lesser lot size required by the Zoning Code (for example, R-40 to R-15).
- (8) **Limit on setback reductions.** This authorization shall not allow the reduction of setbacks to zero feet that may result in attached single-family structures or multiple-family dwellings.
- (9) **Clustered density calculation.** The density calculation shall be based on the total approvable number of lots conforming to the conventional requirements and after deducting those areas that would not normally be included with such approvable lots. Deducted areas include but are not limited to:
 - (a) Residential: roads, designated floodplain areas, wetlands, ponds, streams, and stormwater detention areas.

- (10) **Minimum open space.** There shall be a minimum of 20% of preserved open space and/or natural features resulting from each clustered site, after the deductions indicated in this section.
- (a) The developer will propose the specific areas to be retained as open space, subject to the approval of the Planning Board. The preserved open space shall be used for purposes such as: preserving important features, providing passive recreational opportunities, or preserving views.
 - (b) The preserved open space resulting from the proposed clustering is separate from and in addition to any lands required pursuant to the park and recreation requirements of this code.
 - (c) The Planning Board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands. The Town Board may require that such conditions shall be approved by the Town Board before the plat may be approved for filing.
- (11) **Restriction and recording of preserved open lands.** Open space created by the use of cluster development shall be clearly labeled on the final plat as to its shape, use, ownership, management, method of preservation and the rights to such land, if any, of the property owners of the subdivision and the general public. The final plat should clearly identify that the open space is permanently reserved for open space purposes and shall not be platted for building lots. It shall also clearly indicate any other legal instruments, such as conservation easements or deed restrictions, employed to implement the preservation of open space.
- (12) **Modification of Town cluster criteria.** The Town Board, upon request or upon its own initiative, may modify the cluster criteria by finding that the proposed cluster development is reasonable for the site and meets the intent of this section.

SECTION 2. Effective Date

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