

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231

(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.

XXXXXX  
County  
XXXXXX  
City of  
Town  
XXXXXX  
Village

CLAY

FILED  
STATE RECORDS

MAR 30 2010

DEPARTMENT OF STATE

Local Law No. 1 of the year 2010

A local law Amending CHAPTER 230 entitled "ZONING", Section 230-13, by adding a new paragraph ~~K.~~ entitled ~~R-SR Senior Residence District~~ and amending Section 230-11 C. **Terms Defined** to add and amend definitions for such classification to the Code of the Town of Clay.

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

XXXXXX  
County  
XXXXXX  
City of  
Town  
XXXXXX  
Village

Clay

as follows:

SEE LOCAL LAW ATTACHED HERETO

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(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. 1 of 2010 of  
the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the  
Town Board on March 1st, 2010, in accordance with the applicable  
(Name of Legislative body)  
provisions of law.

**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  
(Elective Chief Executive Officer\*)  
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.)**

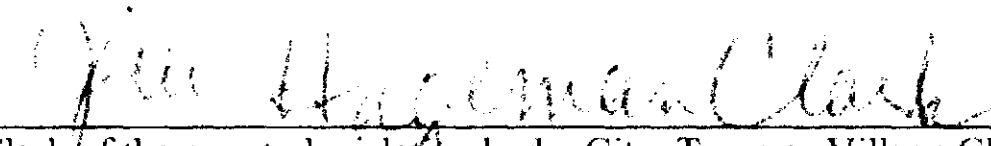
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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.

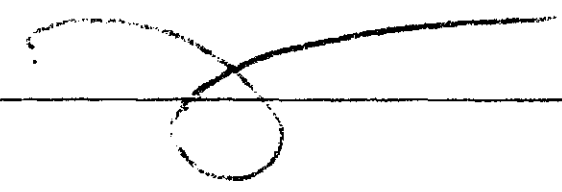
  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
**JILL HAGEMAN-CLARK, TOWN CLERK**  
Date: **March 18th, 2010**

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
Signature  
**ROBERT M. GERMAIN, TOWN ATTORNEY**  
Title

~~XXXX~~  
~~XXXX~~ of Town of Clay  
~~XXXXX~~  
~~XXXXXX~~

Date: **March 18th, 2010**

# **LOCAL LAW NO. 1 OF THE YEAR 2010 TOWN OF CLAY**

**LOCAL LAW NO. 1 OF THE YEAR 2010** Amending **CHAPTER 230** entitled “**ZONING**”, **Section 230-13**, by adding a new paragraph **K.** entitled **R-SR Senior Residence District** and amending **Section 230-11** to add and amend definitions for such classification to the Code of the Town of Clay.

The purpose of this local law is to create a zone which accommodates persons who are age 62 and above with particular living needs and to amend Section 230-11 by adding and amending definitions relating to Senior Residence District to the Code of the Town of Clay.

December 7th, 2009 public hearing called for **January 4th, 2010** at 7:38 P.M. local time.  
January 4th, 2010, public hearing opened and adjourned to **January 20th, 2010** local time.  
January 20th, 2010, opened public hearing and adjourned to **February 1st, 2010 at 7:35 P.M.**, local time.  
February 1st, 2010, request for revision to add Paragraph (2) Recording Requirements.  
February 25th, 2010 revision to Board members decision pending **03-01-10**.  
March 1st, 2010, Town Board passed resolution approving **Local Law No. 1 of the Year 2010**.  
To Dept of State March \_\_\_\_\_, 2010  
Filed with Dept. of State\_\_\_\_\_

**K. R-SR Senior Residence District.**

- (1) **Intent.** Due to the growth of the Senior Citizen population in the Town it is the intent to create a zone, which accommodates persons who are age 62 and above particular living needs, as opposed to the population at large. These districts will differ from traditional residential districts in terms of allowing mixed land uses; small office and retail support services, handicapped, social, recreational and medical facilities orientated to this age group and specialized parking requirements. They may be for citizens with lower incomes or built as market rate housing, or a mixture of both. It is intended to allow both single family and multifamily units within the same zone. Such development shall occur on sites served by both public water and sewers.
- (2) **Recording Requirement:** In order to provide adequate notice to tenants, the public and subsequent owners of the property regarding the applicable age restriction and other Town rules, related to this ordinance the filing of an approved covenant or other notice in the office of the County Clerk in the property chain of title shall be required prior to the issuance of a building permit. The form and content of a proposed covenant or notice shall be approved by the Town prior to a final determination. The applicant/owner must provide the Town with proof of recording in the form of a filing receipt prior to obtaining a building permit.
- (3) **Uses allowed:**
- (a) Office of Planning and Development issuing a building permit:
    - [1] None.
  - (b) Planning Board site plan approval:
    - [1] Senior housing development.
    - [2] Senior citizen facility.
    - [3] Affordable senior citizen facility.
    - [4] Senior community center.
    - [5] Nursing home/Senior Assisted-living facility, (no more than 30% of the total dwelling units shall be for any combination of these purposes).
    - [6] Senior day-care facility.
    - [7] Senior independent-living facility.
  - (c) Planning Board special permit approval:
    - [1] Religious institution.
    - [2] Senior support services less than 2000 sq. ft. per usage. (Restaurants not to exceed 1200 square feet, total senior support services not to exceed 10% of the total habitable sq. ft.)
  - (d) ZBA special permit approval and optional advisory referral to the Planning Board:
    - [1] Home occupation.
  - (e) Town Board special permit approval and optional advisory referral to the Planning Board:
    - [1] Senior support services greater than 2000 sq. ft. and less than 3500 sq. ft. per usage (together with (c)[2] above not to exceed 10% of the total habitable sq. ft.)

**(4) Cross-reference to other commonly used regulations; see sections noted:**

- (a) Definitions: see Article II.
- (b) Accessory uses and structures: see § 230-20A.
- (c) Lot: structure dimensional exemptions: see § 230-20B.
- (d) Parking: see § 230-21
- (e) Signs: see § 230-22.
- (f) Utility substation: see § 230-27.
- (g) Highway Overlay Zone: see § 230-19.
- (h) Animals, pets: see § 230-20A.

**(5) R-SR residential lot and structure dimensional requirements.**

- (a) Lot: Each project shall have a minimum of 5 buildable acres and 100 feet road frontage.

**(b) One-Family Detached Dwelling (Maximum 50% of project area)****[1] Lot.**

- [a] Area, minimum: 6000 square feet.
- [b] Width, minimum: 70 feet.
- [c] Depth, minimum: n/a.
- [d] Coverage (impervious surfaces), maximum: 75%.

**[2] Principal structure and attached accessory structures.**

- [e] Front yard minimum: 20 feet.
- [f] Side yard minimum: 10 feet each side.
- [g] Rear yard minimum: 20 feet.
- [h] Maximum height: 20 feet/1 story.

**[3] Accessory structures, detached. (Limited to 100 sq. ft.)**

- [a] Front yard minimum: existing principal structure front line.
- [b] Side yard setback: 10 feet each side.
- [c] Rear yard setback: 20 feet.
- [d] Maximum height: 12 feet.

**(c) Multiple-Family Dwelling****[1] Lot.**

- [a] Dwelling units per acre: 15 maximum.
- [b] Coverage (impervious surfaces), maximum 75%

**[2] Principal structure and attached accessory structures. (No habitable space below grade/ground surface, structures must have peaked roof.)**

- [a] Front yard minimum setback: 35 feet.
- [b] Side yard minimum: 40 feet each side.
- [c] Rear yard minimum: 40 feet.
- [d] Maximum height: 35 feet
- [e] Minimum distance between buildings: 40 feet.

- [3] Accessory structures, detached.
  - [a] Front yard minimum: existing principal structure front line.
  - [b] Side yard setback: 40 feet each side.
  - [c] Rear yard setback: 40 feet.
  - [d] Maximum height: 15 feet.

(d) **Nonresidential/Senior support services**

- [1] Lot.
  - [a] Area, minimum: based on project minimums.
  - [b] Width, minimum: based on project minimums.
  - [c] Depth, minimum (feet): n/a.
- [2] Principal structure and attached accessory structures. (Basements to be used for utilities/storage only)
  - [a] Front yard minimum: 35 feet.
  - [b] Side yard minimum: 40 feet each side.
  - [c] Rear yard minimum: 40 feet.
  - [d] Maximum height (feet): 30 feet.
- [3] Accessory structures, detached.
  - [a] Front yard minimum: existing principal structure front building line.
  - [b] Side yard minimum: 40 feet each side.
  - [c] Rear yard minimum: 40 feet.
  - [d] Maximum height: 15 feet.

**5. R-SR supplemental district design standards.**

- (a) Perimeter landscape strip (Nonresidential/Senior Support Services Only): 25 feet
- (b) Lot and structure design, scale, and materials: subject to site plan review.
- (c) Multiple buildings on one lot. More than one principal land use and/or principal structure is permitted in this district, subject, if applicable, to subdivision review and to site plan review for each lot development.

**C. Terms defined. (Add following)**

**AFFORDABLE SENIOR CITIZEN FACILITY-** A residential dwelling unit made available for sale or rent such that the shelter portion of the housing cost is below the market price of such units.

**SENIOR ASSISTED-LIVING FACILITY -** A building, portion of building or a group of buildings that provide dwellings in a residential environment where individual cooking facilities are limited to microwave ovens, and/or cook tops, with assistance available by way of common meals, housekeeping and personal services. Occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility.

**C. Terms defined. (Add following)**

**SENIOR CITIZEN FACILITY** - A facility intended to provide for specialized housing for persons of 62 years of age or older including senior independent-living facilities, Senior congregate-living facilities, senior assisted-living facilities and senior-day-care facilities.

**SENIOR COMMUNITY CENTER** - A building under the direct control of the ownership/management of rented units and/or a community association of homeowners and used as a place of assembly for religious, social, recreational or educational programs and meetings of the residents of the Senior District.

**SENIOR DAY-CARE FACILITY** - A facility with limited operating hours where specialized care giving and supervision are provided for three or more adults, away from their own homes for less than 24 hours per day, and who have difficulties with one or more essential activities of daily living.

**SENIOR HOUSING DEVELOPMENT** - A building or group of buildings that contain any combination of two or more senior citizen facilities, one-family dwelling, multiple-family dwelling, and senior support services; intended specifically for persons 62 years of age or older.

**SENIOR INDEPENDENT-LIVING FACILITY** - A building or portion of a building or a group of buildings containing dwelling units with full kitchens specially designed for use and occupancy by the elderly which may have common amenities but no common dining room and whose occupancy is restricted to persons 62 years of age or older or couples one of whose member is 62 years of age or older.

**SENIOR SUPPORT SERVICES** - Senior support services may include limited retail, restaurant, medical and personal services. Such support services shall be intended for use by residents of the senior district, and are allowable by Special Permit only.

**DAY-CARE CENTER** - A land use in which care and supervision of (at least three or more) minors (children) or dependent adults is provided on a daily or regularly programmed basis outside of their place of residence. Care for each person is for less than a period of 24 hours and may occur during any part of a day. Examples of activities which are day-care facilities under this code include: nursery schools, preschool programs, after-school programs or day-care centers.

**NURSING HOME** - An establishment where elderly, sick, invalid, infirm or convalescent persons are housed or lodged, furnished with meals and long-term nursing care and rehabilitation for hire.

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