

APPENDIX D  
AAR Zoning Regulations



A LOCAL LAW AMENDING LOCAL LAW NO. 2-1974 AS AMENDED  
CREATION OF THE AAR (Active Adult Residential) ZONING DISTRICT

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CLARKSTOWN as follows:

SECTION 1. AMEND SECTION 290-3 Definitions by adding the following:

“ACTIVE ADULT RESIDENTIAL COMMUNITY” – A building or buildings containing dwelling units specifically designed for and limited to residents aged 55 and older.

“ACTIVE ADULT”- For purposes of the AAR zoning district, the term shall mean an individual age 55 or older.

“ACTIVE ADULT HOUSEHOLD” – a household in which at least one member residing or proposing to reside in a reserved dwelling unit has attained the age of 55 years or more on the date that such household initially occupies the dwelling unit.

“AFFORDABLE UNITS” – shall mean units offered at a sales price at which Income Eligible individuals and households can qualify for the purchase, calculated on the basis on underwriting standards of mortgage financing available for the development. For rental units, Affordable Units shall mean units offered at a monthly rental price equal to or less than one-third of the monthly income of an Income Eligible individual.

“CLARKSTOWN RESIDENT” – a person who currently lives in the Town of Clarkstown, New York, with the intent to make the Town of Clarkstown his or her fixed, sole and permanent residence. An individual who lives in a house, a home, an apartment, a room or other similar place in the Town of Clarkstown continuously for at least three (3) years shall be considered "presumptive evidence" that he or she is a resident of the Town of Clarkstown.

“DENSITY BONUS” – for the purposes of the AAR zoning district, shall be equal to a percentage density increase over the otherwise allowable Maximum Residential Density.

“DENSITY BONUS HOUSING AGREEMENT” –a legally binding agreement between a developer and the Town of Clarkstown to ensure that the requirements of the AAR Zone are satisfied. The agreement shall establish, among other things, the number of Density Bonus Units, their size, location, terms and conditions of affordability, production schedule and restrictions on resale.

“DENSITY BONUS UNITS” –those residential units granted pursuant to special permit which otherwise exceed the Maximum Residential Density for the development site.

“FORMER CLARKSTOWN RESIDENT” – a person who met the definition of Clarkstown Resident within the past three years.

“INCOME ELIGIBLE” – For purposes of the AAR zoning district, the term shall mean those individuals and households with an income that does not exceed 80% of the Rockland County Median Income.

“MAXIMUM RESIDENTIAL DENSITY” –the maximum number of residential units permitted by the Town of Clarkstown Zoning Local Law at the time of application, based on the number of units that could be generated from a standard subdivision map, not including any Density Bonus Units which may be allowable under this chapter. For non-residential zones, the Maximum Residential Density shall be calculated by applying the zoning district of abutting residential parcels, and calculating a theoretical unit count based upon a standard subdivision map. For non-residential parcels that abut more than one residentially zoned parcel, the Maximum Residential Density shall be calculated by applying the zoning district of the residential parcel with the greatest percentage of property abutting the subject property.

“MULTI-UNIT COMPLEX” – a building containing three or more dwelling units, including units that are located one over the other.

“OPTIONAL MONETARY CONTRIBUTION” –a monetary contribution by the applicant to the Clarkstown Affordable Housing Trust Fund in lieu of providing Affordable Units in exchange for a Density Bonus.

“PATIO HOME - DETACHED” – a single-family dwelling on a separate lot with open space setbacks on three sides.

PATIO HOME – SEMI-ATTACHED” – a single-family dwelling on a separate lot having one party wall and one side yard.

“ROCKLAND COUNTY MEDIAN INCOME” –the Rockland County median income for a family of a certain size as determined annually by the United States Department of Housing and Urban Development.

SECTION 2. AMEND SECTION 290-5 Establishment of Districts by adding the following zoning district: “AAR- ACTIVE ADULT RESIDENCE”

SECTION 3. AMEND SECTION 290-6 Purpose of Districts by adding the following amendment:

1. AAR- The purpose and intent of the AAR zone is to provide housing to accommodate a range of independent living accommodations for active adults and to create housing or provide financial resources to assist income eligible active adults to obtain or retain housing. The Town of Clarkstown recognizes that our senior citizen population is largely comprised of individuals with limited or fixed incomes who, given present market conditions, find it increasingly difficult to acquire and/or maintain a single family home. The AAR zone is intended to require the provision of affordable housing as a portion of age-restricted housing development in the community, and to implement the affordable housing goals, policies and objectives set forth in the Town's Comprehensive Plan. The AAR Zone is intended to address a range of housing needs by encouraging a range of housing types, locations and sizes. This zone is intended for areas of the Town where local services necessary to support active adults are immediately available. It is the intent that clustering be considered for complexes within the zone so as to minimize the impact on the environment. A proposed active adult community must be compatible with the existing scale of development nearby and be consistent with the recommendations of the Housing Advisory Board report and the Town Development Plan as adopted by the Clarkstown Planning Board on August 16, 1966, and the Comprehensive Plan update as adopted by the Planning Board and Ad-Hoc Committee on June 30, 1999, and adopted by the Town Board on September 28, 1999. This local law is enacted in accordance with the provisions of §261-b and § 272-a of the Town Law of the State of New York.
2. The specific objectives of this zone are:
  - a. To provide affordable housing for those senior citizens living on fixed or limited incomes in order to give such residents the opportunity to remain in the community close to family and friends;
  - b. To provide appropriate sites for the development of such housing in locations convenient to social and medical facilities, retail shops, public transportation and other necessary services;
  - c. To provide, within the boundary of the development, appropriate social, recreation and other facilities which will contribute to the independence and meaningful activity of senior citizens;
  - d. To provide for the safety and convenience of residents through site design and housing unit design requirements which consider the special physical constraints of the elderly and the physical characteristics of the design site;
  - e. To regulate the nature and density of senior citizen housing developments, their site layout and design, and their relationship to adjoining uses, so as to provide ample outdoor living and open space for residents and to minimize detrimental effects on the surrounding neighborhood and environment.

SECTION 4. AMEND SECTION \_\_\_\_ by adding the following amendment

§290 - \_\_\_\_ - ACTIVE ADULT RESIDENCE ZONE

1. General Provisions.

- a. The AAR zone is a floating zone, unmapped at initial adoption, and created by amendment to the Town's zoning map through exercise of the Town Board of the procedures set forth in this zoning local law. The Town Board has full discretion regarding any request by petition to the Town Board for mapping a site as AAR, subject to the provisions of the zoning local law.
- b. Any parcel that may be designated as AAR must be proximate to public transportation, shopping, community and commercial services.
- c. Properties that are developed for multi-family use at the time of adoption of this amendment are not eligible for redevelopment in the AAR zone.
- d. All zones shall be eligible hosts for the floating zone except: R-160, R-80, R-40, MRS, RS, PED and M, where the uses provided herein are prohibited. Joint applications for a zone change and AAR designation are prohibited. Only non-residential parcels which abut residential districts that are eligible hosts for the floating zone are eligible for floating zone designation.
- e. The total aggregate number of units allowable in AAR zones established pursuant to this section shall be no more than 800, of which no more than 15% shall constitute three bedroom units. The Town Board may, by resolution passed by a super-majority vote after a public hearing, increase the total aggregate number of units allowable in AAR zones.
- f. Only parcels which are three (3) acres or larger in net lot area, after deduction of areas with development limitations as per Section 290-21 D, shall be eligible for AAR zone designation. Assemblage of properties or parcels not in the same ownership at the time of adoption of this Local Law so as to meet minimum acreage requirements is prohibited.

2. Application Procedure.

- a. Application. Application for the establishment of an Active Adult Residence Zone by amendment of the Clarkstown Zoning Local Law shall be made, in the form of a written petition, to the Town Board. Application shall be made by the owner(s) of the land(s) to be included in the district or by a person or persons possessing written contract or option rights to purchase the lands. In the event that an application is made by a person or persons holding rights to purchase the lands, the application shall be accompanied by a statement signed by all owners of such land indicating concurrence. Upon submission of a complete application, the Town Board may refer the application to the Planning Board for recommendation. The Town Board may schedule an informational workshop to discuss the proposal at any point before or during the application process.

- b. Application materials. The applicant shall submit a preliminary plan in sufficient quantity as determined by the Town. The preliminary plan, to be complete, shall consist, at a minimum, of the following:
- i. Metes and bounds description of the proposed district;
  - ii. A survey of the parcel prepared and certified by a licensed land surveyor
  - iii. A proposed preliminary plan, drawn to scale, showing existing conditions of the parcel, including:
    - 1. The name and address of the owner of record and applicant, if different.
    - 2. The name of the person or firm preparing the map.
    - 3. The date, North arrow and scale.
    - 4. The names, addresses and Tax Map parcel numbers of owners of all parcels within 500 feet of the subject property; also, mailing labels for all property owners of parcels within 500 feet of the subject parcel(s).
    - 5. The acreage of the parcel and the County Tax Map number.
    - 6. The boundaries of the parcel plotted to scale.
    - 7. The location and width of existing and proposed state, county or Town highways or streets and rights-of-way abutting or within 200 feet of the parcel.
    - 8. The location and outline of existing structures both on the parcel and within 100 feet of the property line.
    - 9. The location of any existing storm or sanitary sewers, culverts, waterlines, hydrants, catch basins, manholes, etc., as well as other underground or aboveground utilities within or adjacent to the parcel.
    - 10. The existing zoning and location of zoning boundaries.
    - 11. The location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body.
    - 12. The approximate boundaries of any areas subject to flooding or storm water overflows.
    - 13. The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property).
    - 14. Freestanding trees with a caliper d.b.h. of 10 inches or greater located within the parcel.
    - 15. Existing contours at an interval of five feet (or less) and extending no less than 50 feet onto adjoining property.

16. The identification of any other significant natural feature.
  17. The approximate location and dimensions of principal and accessory buildings on the site, their relationship to one another and to other structures in the vicinity, as well as the number of dwelling units by housing type and size, plus a calculation of the density, in dwelling units per acre allowed per current zoning regulations. Any request for a Density Bonus shall also be specifically set forth, with the proposed Density Bonus Units identified.
  18. The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas and proposed access to the site.
  19. The approximate location and nature of pedestrian circulation systems, open space and outdoor recreation areas on the site.
  20. The proposed source of water supply and method of delivery to the site.
  21. A general plan for the collection and disposal of sanitary wastes from the site.
  22. A general storm water management plan and how it is to be connected to the drainage systems of adjoining land. If retention or detention basins are proposed, ownership information and maintenance responsibilities shall be noted.
  23. A preliminary site grading plan at intervals of five feet or less.
  24. Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.
- iv. A vicinity map showing the proposed use in relation to adjoining uses: grocery stores, community facilities, social service facilities, post offices, public transportation, medical facilities, pharmacies, religious institutions and proximity to other Active Adult Residences.
  - v. Preliminary floor plans and building elevations.
  - vi. A description of any subsidy program relied on in development of the project and proposed rents or selling prices within a reasonable range.

- vii. A statement as to the percentage, type, number of bedrooms and the location of Affordable Units.

3. Initial review.

- a. In its review of the application, the Town Board may, in lieu of rejection of the application, suggest such changes in the preliminary plans as are found to be necessary or desirable to meet the requirements of this section, to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community. The Town Board may notify the applicant of such changes and may discuss the changes with the applicant. The suggestion of changes by the Town Board shall not constitute a waiver of its legislative discretion to reject or to deny the rezoning application. If it elects, the Town Board may delegate to the Planning Board, as part of its referral of the matter, this function of dialogue with the applicant on suggested modification to the preliminary plans.
- b. The applicant may submit revised preliminary plans incorporating the changes requested. If resubmission is not made within ninety (90) days of receipt of the Town Board's suggested changes, the application shall be deemed abandoned. Upon mutual consent of the Town Board and the applicant, the Town Board may extend the timeframe for resubmission for an additional ninety (90) days.
- c. Consistent with Section 290-33, the Town Board may refer the application to the Planning Board for its report and recommendation. The Planning Board shall make a recommendation on the application and shall report its findings to the Town Board on the merits of the preliminary plans unless the application is abandoned as provided in the preceding subsection. A favorable recommendation shall not constitute or imply an approval of any sort, nor shall it constitute a decision upon an action under the State Environmental Quality Review Act.

4. Environmental Review

- a. In order to minimize the potential environmental impact that could be associated with increased density, an applicant seeking a density bonus pursuant to Section 9 herein shall be required to show that the environmental impact of the proposed senior development will not be any greater than that of the as-of-right development under the existing zoning or that the applicant has incorporated appropriate mitigation measures into the project. In support of such a showing, the applicant may provide studies with respect to water supply, storm water management, traffic and energy consumption.

5. Criteria for rezoning to Active Adult Residence Zone. In making findings and in determining whether or not to recommend approval, the Town Board, or the Planning Board, as the case may be, shall consider, together with the intent and objectives of this article, and make written findings with respect to whether the proposed district and development meet the following criteria:
- a. The proposed location in relation to similar developments nearby, whether by age restriction, income or density;
  - b. Site suitability in relation to safety of vehicular access, availability of public transportation, pedestrian access to off-site locations for retail services, medical care, or recreation;
  - c. Anticipated marketability in relation to similar developments in the Town, neighborhood factors, potential for occupancy by Town residents;
  - d. Compatibility with the neighborhood in which the floating zone is proposed, potential for separation from nearby uses, and environmental factors
  - e. The site shall be served by both public water and public sanitary sewer facilities, and said facilities shall be adequate to accommodate the additional demand placed upon them by the proposed development.
  - f. The site shall be well-drained, and storm water generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding.
  - g. The site shall be located in an area suitable for residential purposes and shall be reasonably free of objectionable conditions, such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses and other environmental constraints.
  - h. The site should be located within reasonable proximity to public transportation service, or, in the alternative, shuttle bus or other transportation service shall be available to the site.
  - i. The site shall be located such that access to the site can be obtained from a public street which meets current engineering standards of the Town with respect to roadway width and alignment, and acceptable sight distances can be developed at the site entry/exit and at intersections in the vicinity of the site.
  - j. The architectural style of the proposed development, exterior materials, finish and color shall be consistent with existing community and neighborhood character.
  - k. The site shall include appropriate amenities, such as recreational facilities, game rooms, meeting rooms, lounges and exercise rooms.
  - l. The development of the site shall not produce undue adverse effects on the surrounding neighborhood.
  - m. The extent to which quality affordable housing is made available to senior citizens, and whether the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.

6. Town Board review.
  - a. Upon receipt of a recommendation from the Planning Board, the Town Board may schedule and hold a public hearing. Alternatively, the Town Board may reject the application.
  - b. Following completion of the public hearing, the Town Board may act to approve, approve with modification or conditions, or disapprove the rezoning application in the exercise of its sole legislative discretion. Approval shall result in amendment of the Zoning Map established by this chapter.
  - c. As a condition to approval, the Town Board shall, pursuant to Town Law Section 261-b(3)(d) and NYCRR Section 617.13, require the applicant to pay a fee to recover a proportionate share of the Town's cost, as lead agency, expended for the preparation of the generic environmental impact statement in connection with this local law. Such charge shall be added to any site-specific charge made pursuant to the provisions of Section 8-0109 of the Environmental Conservation Law.
  
7. Limitations on Occupancy.
  - a. The occupancy of Active Adult Residential Communities shall be limited to:
    - i. Active Adults;
    - ii. Active Adult Households;
    - iii. an unrelated caregiver under the age of 55 if it is established that the presence of such a person is essential for the physical care of an Active Adult.
  - b. Persons under the age of 18 shall not be permitted to be permanent residents of dwelling units. For the purposes of this Section, a permanent resident shall mean any person who resides within the dwelling for more than three consecutive weeks, or has listed the residence as a dwelling for any purpose whatsoever, including but not limited to, enrollment in public or private schools.
  - c. Notwithstanding the foregoing, each Active Adult Residential Community may set aside one dwelling unit to be occupied by a superintendent or building manager, to which the limitations on occupancy set forth above shall not apply.
  
8. Time limit on validity of rezoning. Any rezoning permitted by this article shall be null and void and the zoning of the parcel shall revert back to its original zoning classification by a ministerial redesignation on the official Zoning Map by the Department of Environmental Control, when directed by the Town Board, unless actual construction, pursuant to a valid building permit, is commenced within two years from the date of final site plan approval.

9. Incentive Density Bonus. In granting an application for rezoning to an Active Adult Residence Zone, the Town Board may, in its discretion, grant up to the following maximum Density Bonuses:
- a. In R-22, R-15 and R-10 zones, the maximum Density Bonus is equal to 100% of the Maximum Residential Density, provided that 20% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units.
  - b. In MF-1, MF-2 and MF-3 zones, the maximum Density Bonus is equal to 20% of the Maximum Residential Density, provided that 25% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units.
  - c. For non-residential zones, the Maximum Residential Density shall be calculated by applying the zoning district of abutting residential parcels, and calculating a theoretical unit count based upon a standard subdivision map. For non-residential parcels that abut more than one residentially zoned parcel, the Maximum Residential Density shall be calculated by applying the zoning district of the residential parcel with the greatest percentage of property abutting the subject property. For non-residential zones abutting R-22, R-15 and R-10 zones, the maximum Density Bonus is equal to 100% of the Maximum Residential Density, provided that 20% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units. For non-residential zones abutting MF-1, MF-2 and MF-3 zones, the maximum Density Bonus is equal to 20% of the Maximum Residential Density, provided that 25% of the additional units permitted as a result of the Density Bonus shall constitute Affordable Units.
  - d. The Town Board may, in its discretion, grant less than the maximum Density Bonus with a corresponding pro-rata reduction in the number of required Affordable Units. For example, on an R-22, R-15, or R-10 residentially zoned parcel, the Town Board could grant a 50% Density Bonus and require that 10% of the additional units permitted as a result of the Density Bonus be Affordable Units. The Density Bonus shall be established on a case by case basis by the Town Board using comparisons of traffic, impervious surface, proposed numbers of affordable units, variety of housing types and any other development related factors the Town Board deems to be relevant, including, but not limited to, the surrounding residential zones.
  - e. The Town Board shall have the discretion to grant an additional Density Bonus of one unit for each additional Affordable Unit provided over the minimum required Affordable Units, up to a maximum of 15% over and above that provided for in Sections 9(a) and (b) above.
  - f. Active Adults applying for Affordable Units shall be selected on a first-come, first-served system utilizing the following categories of priority, in

order of preference. Within each category, priority shall be based on longevity of residence:

- i. Clarkstown Residents;
- ii. Parents and Children of Clarkstown Residents;
- iii. Former Clarkstown Residents;
- iv. Income Eligible Rockland County Residents;
- v. All others.

g. Affordable Units shall be dispersed throughout the complex when feasible. Upon a convincing showing that dispersing the units throughout the complex is not feasible, the Town Board may, in its discretion, allow the construction of the Affordable Units at another location on the parcel. Upon a convincing showing that the construction of Affordable Units is not feasible on-site, the Town Board may, in its discretion, allow the applicant to make an Optional Monetary Contribution in lieu of Affordable Units. The Optional Monetary Contribution shall be based upon the number of Affordable Units that should have been constructed according to the following schedule:

- i. Studio = \$40,000 per unit
- ii. One Bedroom = \$75,000 per unit
- iii. Two Bedroom = \$125,000 per unit
- iv. Three Bedroom = \$155,000 per unit

h. Affordable Units shall be indistinguishable in character and construction from other units with regards to size, standard fixtures and appliances, and amenities, and have the same rights and responsibilities of any other unit in the development, excepting the specific provisions of this Section. The ratio of studio, one bedroom, two bedroom and three bedroom Affordable Units shall be equal to the ratio for market rate units.

10. Establishment of the Town of Clarkstown Affordable Housing Trust Fund. Pursuant to the authority granted by Town Law §261-b, the Town hereby establishes an Affordable Housing Trust Fund, the purposes of which shall include:
- a. Funding of costs to be incurred by the Town in the administration and enforcement of the affordable housing program [established within this section] and including such activities with respect to affordable units established under this chapter, as well as funding of such future affordable housing programs as the Town may otherwise establish by legislation, order, or resolution;
  - b. Defraying consulting fee expenses incurred, or to be incurred, by the Town in the establishment of such affordable housing programs;
  - c. Defraying the cost of improvements to municipal infrastructure, including but not limited to roads, water, sewer, and drainage improvements, to the

extent such capital expenditures are incurred in order to promote the development of affordable housing;

- d. The deposit of payments proffered by project sponsors in mitigation, where deemed suitable and appropriate by the Town, of any private residential development proposal's failure to provide affordable housing; and
- e. Any other purpose authorized by state or local law in connection with the expansion or improvement of affordable housing opportunities within the Town, including but not limited to establishment, to the extent authorized by law, of a program of grants or loans to not-for-profit or for-profit entities.
- f. The Affordable Housing Trust Fund may be employed for deposit of the proceeds of public grants or loans to the Town of Clarkstown to promote affordable housing opportunities, administration and/or enforcement, as well as to accept private monetary contributions to the Town for that donative purpose or for purposes of voluntarily mitigating the potential socioeconomic and environmental impacts of not providing affordable housing in residential development proposals of significant scale and dimension, particularly where, through the device of rezoning or otherwise, the developer seeks to procure increased density of development by means other than pursuit of the affordable housing incentives set forth in this section.

11. Restriction on Sale and Subsequent Resale and Rental.

- a. Every purchaser or renter of an Affordable Unit shall certify, on a form prescribed by the Town, that such unit is the primary place of residence. Purchasers of affordable dwelling units shall not be permitted to lease said units to other parties, this being enforced by a deed restriction. No developer shall sell or rent any unit without first obtaining such verified certificate from the purchaser.
- b. The landowner and developer shall file a declaration at the time of subdivision or site plan approval identifying the units which are Affordable Units, and restricting their future sales price and rental price under the provisions of this Section. The declaration shall include a provision requiring that every deed for an Affordable Unit shall include the following paragraph to inform all future sellers and buyers or renters that this unit is an Affordable Unit subject to the provisions of this Section:

“This dwelling has for use by low/moderate income families pursuant to a special program under the Town of Clarkstown zoning local law. Its future sale (including resale) or rent must be to persons who qualify with the income requirements and at a price in accordance with the program. The Town of Clarkstown shall have a right of first refusal to approve or disapprove the subsequent sale or rental of this dwelling based upon the income of the proposed purchaser.”

- c. Affordable Units constructed or offered for sale in the AAR zone may be sold only after one year following the date of original sale. The sale price shall not exceed a price that equals the original purchase price plus the increase in the cost of living for the region as determined by the United States Department of Labors' consumer price index between the date of original purchase and the date of resale, plus a fair market value for improvements made to the unit.
  - d. The Town Board may, as a condition to approval of an application, require the applicant to contract with a qualified agency to administer, maintain and oversee Affordable Units.
  
- 12. Additional Requirements
  - a. Dwelling units shall be air-conditioned with individual thermostatic controls for heating and air-conditioning;
  - b. All dwelling units shall incorporate design features to the maximum extent practical which insure the safety and convenience of the residents, including, but not limited to, elevators, provision of grab-bars, non-scalding faucets, water impervious non-slip floors, flush thresholds and wheelchair accessible doorways.
  - c. Provisions for washers and dryers to be installed in individual dwelling units unless this provision is deemed impractical by the Planning Board.
  - d. If pets are permitted, specific pet walking areas designated and located so as to prevent nuisance and annoyance or health hazards to the residents and/or abutting property shall be provided.
  
- 13. Site Plans and Approvals.
  - a. The Planning Board shall review and conduct a public hearing on all applications for development in the AAR district in accordance with the provisions of this Chapter.
  - b. The Planning Board shall refer the site plan to the Architecture and Landscape Commission for recommendations prior to approval.
  - c. For all developments including Detached and Semi-Attached Patio Homes and Multi-Unit Complexes, the applicant shall set aside park and usable open space or may be required to pay a fee, as an alternative to reservation of land, as per §246-12(C).
  - d. Where not modified by this local law, all other conditions of the site plan approval and/or subdivision regulations of the Town shall apply, including but not limited to Chapter 246 and Chapter 254.
  
- 14. Severability. Should any section, paragraph, sentence, clause, word or provision of this chapter be declared void, invalid or unenforceable, for any reason, such decision shall not affect the remaining provisions of this chapter.

15. Effective Date. This local law shall become effective immediately upon filing with the Secretary of State.

SECTION 5. AMEND SECTION 290-20 Additional Bulk Regulations by adding the following paragraph:

G. Additional Regulations in AAR Districts shall be as follows:

(1) For Both Multi-Unit Complexes and Detached or Semi-Attached Patio Homes:

- (a) Minimum overall net lot area shall be 3 acres or 130,680 square feet.
- (b) Maximum density permitted as per § \_\_\_\_\_.
- (c) Maximum land coverage shall be seventy-five percent (75%). Pervious pavers, such as grasscrete, shall be used where possible, to minimize land coverage.
- (d) Minimum Front Lot Line for overall site shall be three-hundred (300) feet along a public road.
- (e) Maximum Floor Area Ratio shall be 1.00 (100%).
- (f) No stacking of cars permitted, except for one car parked in driveway in front of an enclosed garage.
- (g) Retaining walls. Height of retaining walls shall not exceed 4 feet. Distance between any two retaining walls shall not be less than the height of the retaining wall higher in elevation.
- (h) Distance between buildings. The distance between any two principal buildings shall not be less than the height of the tallest of the two buildings.
- (f) Bedrooms. No more than 3 bedrooms per unit.
- (g) Landscaping. A 20-foot landscaping buffer shall be provided along all lot lines to buffer the higher density use from adjacent uses.

(2) For Multi-Unit Complexes:

- (a) Required Yards. (This refers to the distance to exterior property lines of the overall sites.) Setbacks shall be required as follows: where any required yard

abuts any existing or proposed street, the yard shall be measured from the designated street line.

1. Front Yard – equal to or more than the height of the building
2. Side Yard equal to or more than the height of the building
3. Total both Side Yards – equal to or more than the sum of the front and side yard setbacks
4. Rear Yard - equal to or more than the height of the building

(b) Height. Maximum building height shall not exceed forty-five (45) feet or be greater than three (3) stories.

(c) No more than fifty (50) units shall be constructed within any single building. Buildings with multiple units and common entrances shall be connected by an enclosed walkway.

(d) Parking. 1.5 parking spaces per unit, plus 0.5 parking spaces per unit for visitor parking and community area. Parking areas of more than 50 spaces shall be divided into subareas of approximately 25 spaces with landscaping between subareas

(e) Canopies overhanging entrances shall have sufficient clearance for buses and paratransit vehicles.

(f) Patios and deck extensions shall be included as part of the yard requirements so as to avoid intrusions to the adjacent property.

(3) For Detached or Semi-Attached Patio Homes:

(a) Required Yards. (This refers to the distance to exterior property lines of the overall sites.) Setbacks shall be required as follows: (where any required yard abuts any existing or proposed street, the yard shall be measured from the designated street line

1. Front Yard – equal to or more than the height of the building
2. Side Yard equal to or more than the height of the building
3. Total both Side Yards – equal to or more than the sum of the front and side yard setbacks
4. Rear Yard - equal to or more than the height of the building

(b) Height. Maximum building height shall not exceed twenty-five feet.

(c) Parking. 2 parking spaces per unit, plus 0.5 parking spaces per unit for visitor parking and community area. Parking areas of more than 50 spaces shall be

divided into subareas of approximately 25 spaces with landscaping between subareas.

(d) Minimum and maximum square footage. Units shall be between 1,400 and 2,500 square feet.

(e) The first 400 square feet of an unenclosed roof front porch and garages shall not be counted towards maximum area or FAR.