

**§ 280-289. Special regulations for townhouses.**

In addition to other regulations for townhouses contained in this chapter, the following special regulations shall apply to townhouse development in the Town of Hamburg.

- A. Group length. A grouping of townhouses shall not exceed 160 feet in length.
- B. Unit size. No townhouse shall be smaller than 750 square feet, and the average size of townhouses in any group shall be a minimum of 1,000 square feet.
- C. Height. The maximum height for any townhouse shall be 2 1/2 stories, not to exceed 35 feet.
- D. Minimum development area. There shall be no minimum size of site for development, except as may be required by the Planning Board pursuant to site plan review.
- E. Lot area for each unit. No townhouse lot shall contain an area of less than 2,000 square feet, and the average size for a group of townhouse lots shall not be less than 2,200 square feet. Each townhouse shall have its foundation on its individual lot, except where the townhouse units are separated by a common wall, in which event the foundation may be installed equidistant on each side of the lot line for the length of a party wall and its extension along the offset of the townhouses on abutting lots.
- F. Minimum yards:
  - (1) Front yard: 35 feet.
  - (2) Side yard requirement. A minimum side yard of 10 feet shall be provided between the end of a group of townhouses and an interior side lot line, and 35 feet shall be provided between the end of such group and a public or private street, such thirty-five-foot setback to be unencumbered by walls, fences or other structures or buildings. A spacing of 20 feet shall be provided between each group of townhouses, and an additional 10 feet shall be required for each driveway provided between such groups. Such separation between such groups shall be unencumbered by walls or other structures or other obstructions which will prevent emergency vehicular access between such groups.
  - (3) Rear yard: no rear yard shall have a depth of less than 20 feet.
- G. Street frontage. Each townhouse lot must have a clear, direct frontage on a public street or to accessways complying with private street requirements.
- H. Utilities and services. Each townhouse shall be independently served by separate heating, air-conditioning, sewer, water, electricity, gas or other facility and utility services wherever such utilities and services are provided, and no townhouse shall be in any way dependent upon such services or utility lines located within another unit or on or in another townhouse or townhouse site, except as may be installed in public easements. All townhouses must be connected to public water-and sewer lines, and all electrical and telephone lines in a townhouse development site shall be placed underground. Proper and adequate access for fire-fighting purposes and access to service areas to provide garbage and waste collection and for any other necessary services shall be provided.
- I. Parking. A minimum of two off-street parking spaces shall be provided for each townhouse.

Such parking spaces may be provided on the lot of the townhouse or in a commonly owned and maintained off-street parking facility, provided that no parking space shall be more than 150 feet, by the most direct pedestrian route, from the door of the townhouse it is intended to serve. Where on-site parking space is provided in the front yard area, it shall be limited to two parking spaces, and the balance of the front yard area shall be landscaped. Each townhouse site must provide its own off-street parking area and driveway thereto where on-site off-street parking is to be provided.

- J. Street right-of-way and improvements. The right-of-way width of public streets and private streets, where permitted by the Town Board, serving a group of townhouses and the improvements therein shall conform to all applicable minimum Town of Hamburg standards and requirements for such streets.
- K. Walls, fences and buffering. All patio outdoor living areas on each townhouse lot shall be enclosed by a wall, fence or dense hedge affording complete screening. In the plat review process, the Planning Board may modify this requirement as to type and extent of such enclosure on any townhouse lot while assuring the intent of such enclosure to provide adequate outdoor privacy on each townhouse lot. Where provided, such wall, fence or dense hedge shall be six feet in height with a life expectancy of not less than 20 years. All walls or fences erected pursuant to this provision shall be solid structures which afford visual privacy. A walled-in patio may include a roof. All rear yard areas used for service shall be completely screened from view from the street and from adjoining lots by walls, fencing or dense landscaping.
- L. Patios and service areas. There shall be provided on each townhouse lot at least 250 square feet of patio living area, exclusive of parking and service areas.
- M. Recreation space. There shall be provided on the site of each townhouse development an area or areas devoted to the joint or common recreational use by the residents thereof. Such recreation space shall consist of not less than 500 square feet of space per dwelling unit. Each such recreation space shall be developed for passive and active purposes and shall include the facilities normally attendant thereto. [These private recreational lands are not in lieu of the subdivision code requirements of public recreation land requirements \(see Chapter 230 Subdivision of Land\).](#)
- N. Accessory buildings. No accessory building shall be permitted in unwallled or unfenced areas or areas lacking a dense hedge on sites containing a townhouse and, where located within an area so enclosed, shall not extend above the height of such enclosure.
- O. Site plan specifications.
  - (1) As part of the supplementary data required for Planning Board review of a proposed townhouse development, a scaled and dimensioned site plan of the development, a typical tentative plan showing front elevations of proposed townhouses and typical tentative floor plans of proposed townhouses, prepared by a licensed architect, shall be submitted to the Planning Board. If the subdivision plat for townhouse development receives final approval by the Planning Board, the townhouse development shall be in accordance with such approval plan.
  - (2) The site plan shall include but shall not be limited to the location of buildings in relation to property and lot lines: off-street parking spaces and bays; patio and service areas,

including garbage disposal areas; landscaping; walls or fences; public streets; driveways; all common facilities; open space and walkways; and utilities, showing the same underground where such is required. In addition, the lot size, the percentage of building ground coverage and open space, the square footage of each townhouse and its patio living area, the density, etc., shall be included as data on such plan.

- (3) If, after final approval of a plan, a substantial change therein is desired, such request for such change may be filed with the Planning Board, which shall consider such requested change pursuant to its procedures for amendment to an approved plat.