

§ 310-5.4 Environmental constraints affecting permitted development yield/density.

This section shall apply to the subdivision of land into two or more residential building lots, the development of lots for duplex developments, manufactured home developments, PUD and PRD developments, townhouse developments, multiple residences, multifamily residential uses or nonresidential uses requiring site plan or special use permit approval. For purposes of calculating development yield/density, the following areas shall be subtracted from the gross acreage of a parcel to establish the **maximum** development yield/density:

A. Delineated wetlands (applicable prior to development). One hundred percent of that portion of a lot subject to the following shall not be counted as part of any **maximum** development yield/density requirement: freshwater wetlands regulated by the Army Corps of Engineers; streams; and that portion of any freshwater wetland designated by the New York State Department of Environmental Conservation. No construction shall be permitted within the limits of the freshwater wetland or stream without appropriate federal or state permits.

B. Floodplains. Fifty percent of any land contained within the one-hundred-year floodplain as designated on Federal Emergency Management Agency maps shall not be counted as part of any **maximum** development yield/density requirement. Any construction within the one-hundred-year floodplain shall follow FEMA guidelines.

C. Steep slopes (applicable prior to development).

(1) Not more than 50% of the land area of that portion of each lot may be counted as part of any **maximum** development yield/density if subject to the following:

- (a) For residentially zoned properties, slopes over 20%.
- (b) For nonresidential zoned properties, slopes over 15%.

(2) No construction shall be permitted on that portion of a lot with a slope in excess of 35%.