

## **SECTION 14. PUD – PLANNED UNIT DEVELOPMENT**

### **1. Purpose:**

The purpose of the Planned Unit Development (PUD) District is to promote more creative and innovative design of mid-to-large scale developments than is permissible under traditional zoning regulations, while promoting conservation of open space and efficient use of land, resources, public services and infrastructure, consistent with the goals and objectives of the Comprehensive Plan.

### **4. Objectives:**

In order to realize the purpose of this section, a Planned Unit Development shall achieve the following objectives:

- A. Innovation in land use variety and design, in the layout and types of new structures and in their integration with existing structures;
- B. Increased efficiency in the use of land, energy, community services, transportation and utility networks;
- C. Preservation of natural resources, trees, natural topographic and ecological features;
- D. More usable open space and recreation areas;
- E. Provision of a variety of housing opportunities and improved residential environments and/or enhanced business and employment opportunities;
- F. A development pattern in harmony with the existing community and the goals and objectives of the Comprehensive Plan.

### **3. General Requirements**

- A. **Permitted Uses.** Uses within an area designated as a Planned Unit Development District are to be determined by the provisions of this section as well as the conditions of the approval of each Planned Unit Development project.
  - 1. Mixed-use planned developments shall include a variety of residential, commercial, business and recreational uses. Housing types may include single family homes, duplexes, townhouses, condominiums and apartments. Commercial uses may include retail and service establishments that complement the other PUD uses, high technology, assembly, professional offices and commercial recreation.
  - 2. Commercial planned developments shall include commercial and business uses of a variety of types, such as research and development facilities, high technology

assembly, professional offices, commercial recreation facilities, and retail and service establishments that complement the other commercial uses.

3. Senior citizen planned developments may incorporate a variety of housing types and may provide a continuum of care from independent living to continuing care communities. Occupancy shall be limited to senior citizens and their spouses.
- B. **Minimum Area.** The minimum area for a planned unit development zone designation shall be no less than 20 contiguous acres of land.
  - C. **Setbacks.** A minimum 50' setback must be provided from the outer boundaries of the planned unit development to any structure. The Town Board may determine that a larger setback is required.
  - D. **Ownership.** The tract of land under application for consideration as a planned unit development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or their agent(s) of all property included in the project. In the case of multiple ownership the approved plan shall be binding upon all property owners, and such owners shall provide written certification of such binding agreements.
  - E. **Location.** The planned unit development may be applicable to any area of the Town where the applicant can demonstrate the characteristics of the area will meet the purpose and objectives of this section.
  - F. **Density.** Because land is used more efficiently in a planned unit development, improved environmental quality can be produced with greater density than is usually permitted in traditional zoning districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity or dwelling unit density shall be thoroughly documented, including all facts, opinions and judgments justifying the selection.

G. **Open Space Requirements**

1. Common open space totaling not less than 30% of the total Planned Unit Development District shall be provided in perpetuity. Of this amount, at least half shall be useable space for active or passive community recreation. The entire tract shall be considered in determining the required amount of open space.
2. The following facilities or improvements may be located on open space land: stormwater systems, common septic and water systems, bike paths, walking trails and other common community recreation facilities which do not involve buildings, such as tennis courts, swimming pools and playgrounds. Parking areas, roads, and other impervious surfaces, shall not be included in the open space calculation.

3. The proposed development design shall strictly minimize disturbance of environmentally sensitive areas.
  5. A recreation fee in lieu of land may be imposed to accommodate the foreseeable recreational needs of the residents of the proposed development, should the Planning Board determine that the open space lands set aside will not provide adequately for their recreational needs.
  6. The preferred way of protecting open space is for the applicant to provide deed covenants and restrictions acceptable to the Town Attorney. Conservation easements will also be considered if transferred to a conservation organization or a homeowners' association. However, regardless of how open space is permanently preserved, it is required that the Town be granted third party enforcement rights to enforce the terms of all restrictions, easements or other legally binding instruments providing for open space. Such provisions shall include that the Town shall be entitled to reimbursement for all costs, expenses and attorneys' fees incurred in connection with such enforcement, to be collected from the party against whom enforcement is sought.
  7. Unless otherwise agreed to by the Town Board, the cost and responsibility for maintaining common open space and facilities shall be borne by the homeowners' association, conservation organization or private owner(s). The Town Board shall have the authority to require a bond or other security measure to ensure proper maintenance of open space and facilities located on the PUD parcel.
- H. **Building Design Standards.** All buildings shall be an integral part of the layout and design of the entire development. Individual buildings shall generally be related to each other in design, massing, materials, placement, and connections so as to create a visually and physically integrated development.
- I. **Landscaping Design Standards.** The development shall have a coordinated landscape design for the entire site. Wherever possible, existing trees shall be conserved and integrated into the overall landscape design. Landscaping shall include shrubs, ground cover and street trees. Street trees shall be provided along all streets and pedestrian walkways. Parking lots shall be landscaped and screened.
- J. **Circulation Design Standards.** Roads, pedestrian walkways and/or sidewalks shall be designed as an integral part of the overall site design and shall be connected to the sidewalk network if it exists.

#### 4. Procedure:

Planned Unit Development provides a flexible mechanism by which different land uses within an area are planned, reviewed and developed as a unit. The formation of a PUD district is a change in zone and is to be accomplished by the Town Board through legislative action as provided in this Local Law and under State law. The procedure for obtaining a change in zoning district to a Planned Unit Development District shall be as follows:

**A. Application.** The owner of the land (or agent thereof) shall apply in writing to the Town Board for a change in zoning district to a Planned Unit Development District. At a minimum, the application for creation of a PUD District shall include:

1. A Project Narrative that includes an analysis of how the proposed development meets the purpose and objectives of a Planned Unit Development District as described in this section. The project narrative must also address the potential impacts of the project on adjacent properties, the immediate neighborhood and the Town in general (traffic generation, aesthetics, property values, population, schools, community services, utilities, etc.)

2. A Preliminary Development Plan that shows:

a. Survey showing existing features of the property, including contours at five foot (5') intervals, buildings, structures, trees larger than six inch (6") DBH (diameter at breast height), groves or groupings of trees or shrubs, street utilities, rights-of-way and land use.

b. Vicinity map showing property lines and land use and ownership within one thousand (1,000) feet of the site, drawn to a scale of one inch equals five hundred (500) feet or larger.

c. Proposed site plan showing building locations, land use, open space, traffic circulation, parking, pedestrian walks, landscaping and utilities.

d. Proposed construction sequence for buildings, parking, utilities and landscaping.

e. Preliminary architectural drawings for buildings, elevations, and summary of building type, floor area, number of stories and material.

f. Preliminary engineering plans, including street improvements, drainage systems and utilities.

3. Supplementary documentation including:

a. A site analysis diagram to include such information as soils analysis; location of significant vegetation, water bodies and wetlands; desirable and objectionable views and vistas; sources of noise, odors and other objectionable emissions; existing buildings and structures; existing rights-of-way and easements; and location of existing utilities and infrastructure.

b. Analysis of other building projects under construction or planned within the project area, and their effect on the proposed project.

c. A circulation and traffic analysis to include trip generation analysis, internal circulation, ingress and egress points, sight distance and traffic control measures,

existing and planned parking, availability of public transportation, impact on level of service of existing highways and proposed on-site and off-site improvements.

- d. If the development is to be staged, a clear plan of how the staging is to proceed. In any case, the preliminary development plan shall show the complete project.
- e. Evidence demonstrating the competence of the applicant to carry out the plan, both physically and financially.

4. A completed Full Environmental Assessment Form, Part 1 and adequate supplemental information for a SEQR determination to be made.

**B. Town Board Review.** The Town Board will review the application, and shall forward the application, preliminary development plan, supplementary information and environmental assessment form to the Town Planning Board for review and recommendation.

**C. Planning Board Review.** The Planning Board shall review the application with the owner to determine if it meets the purpose and objectives of a Planned Unit Development and the standards of this chapter. The Planning Board may require changes to the preliminary development plan that are deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the Town. The Planning Board shall consider the following in its review of the proposed Planned Unit Development:

1. If the proposal conforms to the goals and objectives of the Town's Comprehensive Plan.
2. If the proposed development meets the purpose and objectives of a Planned Unit Development as described in this section.
3. The need for the proposed land use in the proposed location.
4. The existing character of the neighborhood in which the uses will be located.
5. The pedestrian circulation and open space in relation to structures.
6. The traffic circulation features within the site and the amount, location and access to automobile parking areas; and the impact of the proposal on existing transportation systems.
7. The adequacy of the proposed public/private utilities, including water supply, sewage treatment and stormwater drainage facilities.
8. The height and bulk of buildings and their relation to other structures in the vicinity.

9. The proposed location, type and size of display signs, driveways and/or loading zones and landscaping.
10. The adequacy of existing public services to support the proposed development.
11. The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general
12. Such other matters as the Planning Board may consider pertinent.

**D. Planning Board Findings.** Upon completion of its review the Planning Board shall prepare and submit a report to the Town Board, recommending either adoption, adoption with modification, or rejection of the requested rezoning and stating the reasons for such recommendation. The Planning Board may recommend adoption of a Planned Unit Development District provided that:

1. The uses proposed are compatible with surrounding uses, and will have a beneficial effect on the community, which could not be achieved under another zoning district.
2. The proposed zoning change is in conformance with the purpose and objectives of a Planned Unit Development, and with the general intent of this Zoning Law and the Comprehensive Plan.
3. Existing and proposed streets are suitable and adequate to carry anticipated traffic within, and in the vicinity of the proposed development.
4. Existing and proposed utilities are adequate for the proposed development.
5. Each phase of the proposed development, as it is intended to be built, contains the required utilities, parking, open space, recreational facilities and landscaping necessary for creating and sustaining a desirable and stable environment.

**E. County Planning Board Review.** In accordance with §239-M of General Municipal Law, the Town Board shall forward a full statement of the proposed zoning amendment for the Planned Unit Development District to the County Planning Board for review if required. The full statement shall include the Application, Preliminary Development Plan, Full Environmental Assessment Form, and all supplementary documentation.

**F. Public Hearing.** Following receipt and review of the Planning Board report and recommendations, the Town Board shall conduct a public hearing on the proposed zoning amendment for the Planned Unit Development. Notice of public hearing shall be published in a newspaper of general circulation at least ten (10) calendar days in advance of the hearing. The proposed zoning amendment and preliminary plan should be made available for public review at the office of the Town Clerk. In addition, the applicant shall be required to mail notice of the public hearing to all landowners whose property is located within five hundred (500) feet of the Planned Unit Development at least two (2)

weeks prior to the date of said hearing. Notification shall be made by regular U.S. Mail, and proof of such mailing shall be present to the Board at the public hearing.

- G. Town Board Action.** Upon completion of the SEQR process, the Town Board shall act to adopt, adopt with modifications or reject the requested zoning amendment. If the County Planning Board's recommendation is to disapprove the proposal or for substantial modification thereof, the Town Board shall not act contrary to such recommendation, except by vote of a super-majority of the members thereof, and after adoption of a resolution fully setting forth the reason for such contrary action.
- H. Zoning Map Amendment.** If the Town Board approves the Planned Unit Development District, the Zoning Map shall be so notated. The Town Board may attach to its zoning approval any additional conditions or requirements it feels are necessary to fully protect the public health, safety and welfare of the community. Such conditions and requirements may include but are not limited to density and intensity of land use, mixture of land uses, visual and acoustical screening, schedule of construction and occupancy, pedestrian and vehicular circulation systems, parking and snow removal, recreation and open space, protection of natural and/or historical features.
- I. Site Plan Approval.** The law adopted by the Town Board will specify the owner's obligation to secure site plan and/or subdivision approval from the Planning Board. Within six (6) months of the Town Board approval of the Zoning Map amendment and Preliminary Development Plan, the applicant shall file for Site Plan Review in accordance with the procedures of Article VI of this Zoning Law. The Planning Board shall examine the site plans for substantial compliance with the Preliminary Development Plan and any conditions or modifications requested by the Town Board. The Planning Board may approve, deny, or approve with conditions the Site Plan Application.
- J. Changes in Site Plans following Zoning Map Amendment.**
1. Minor changes. Inconsequential changes in location, siting, and height of buildings and structures may be authorized by the Planning Board if required by engineering or other unforeseen circumstances.
  2. Other changes. Any amendments to the use of property, any rearrangement of lots, blocks and building tracts, any changes in common open spaces and all other changes to the Preliminary Development Plan must be approved by the Town Board and Planning Board.
- K. Timely Commencement of Project.** If after two (2) years from the date of approval of a Planned Unit Development District site work and construction has not begun, the approval given under the terms of this article is revoked and the land returned to the classification which it held prior to any action consummated pursuant to the provisions of this article. However, the applicant may, for valid reasons, request an extension of time from the Town Board.

- L. Phased Construction of Planned Development.** The applicant may phase construction of the planned development over a period of up to five years. The plan must be specific with regard to phasing and timetable. Further, the construction and provisions of all the common open spaces and public and recreation facilities, which are shown on the final site plan, must proceed at the same rate as the construction of dwelling units. The Zoning/Code Enforcement Officer shall examine the rate of construction and may revoke the building permit and recommend to the Town Board revocation of the Planned Development Amendment, if he finds that the rate of construction of dwelling units is greater than the rate at which common open space has been provided.
- M. Fees.** The applicant shall reimburse the Town for all engineering, legal and other professional fees incurred in review of the development project. The Town Board shall require payment by the applicant of an amount equal to the estimated cost of such professional fees to be held in escrow by the Town, which estimated cost shall be paid prior to the Town incurring any professional costs. At the conclusion of the review, any excess funds in the escrow account will be promptly refunded to the applicant.