

# VILLAGE OF LANSING CODE

## Appendix A-2 Planned Development Area (PDA) [Added 3-1-2010 by L.L. No. 3-2010]

### Section 1. Purpose and Intent.

- A. The purpose and intent of a Planned Development Area (PDA), also known as a Planned Unit Development (PUD), as authorized by Section 7-703-a of the New York State Village Law, is to (i) provide for residential, commercial, industrial or other land uses, or a mix thereof, in which economies of scale, creative architectural or planning concepts and open space preservation may be achieved by a developer in furtherance of the Village Comprehensive Plan and this Chapter 145, and (ii) introduce a degree of flexibility in conventional land use and design regulations which will encourage development in an imaginative and innovative way while through the process of review, discussion and law change, ensuring efficient investment in public improvements, a more suitable environment and protection of community interest. This Appendix A-2 is primarily related to achieving innovations in residential development and mixed development so that the demand for housing at all economic levels can be met by greater variety in type, design and siting of dwelling units and nonresidential facilities and so that the conservation and more effective use of limited land can be achieved.
- B. It is recognized that certain types of nonresidential development are beneficial to the Village and would not contravene the long range Comprehensive Plan and the objectives of this Chapter 145 if they adhere to certain predetermined performance and design conditions. The planned development is to be used to enable these nonresidential developments to occur even though they may not be specifically permitted by §§ 145-36 through 145-50 of this Chapter 145.
- C. This Appendix A-2 further recognizes that, while the standard land use control function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulation of land use in the Village, these controls represent a type of pre-regulation, regulatory rigidity and uniformity which may be adverse to the objectives of land development contained in the planned development concept. Further, this Appendix A-2 recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the application of this concept.
- D. Therefore, the planned development concept is deemed appropriate in any basic district within the Village. The set of conventional land use activities and area specifications set forth elsewhere in this Chapter 145 are hereby replaced by a re-zoning process in which an agreed upon development plan becomes the basis for continuing land use controls within a specifically defined area.

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**Section 2. Objectives.**

In order to carry out the purpose and intent of this Appendix A-2, a PDA must achieve the following objectives:

- A. A maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing), types of housing, lot sizes and community facilities available to existing and potential Village residents at all economic levels.
- B. More usable open space and recreation areas.
- C. More convenience and flexibility in the location of any nonresidential facilities.
- D. The preservation of trees, drainageways, outstanding natural topography and geological features and prevention of soil erosion.
- E. A creative use of land and related physical development which allows an orderly transition of land from non-residential uses to residential uses; such transition must have a physical buffer area which (i) is at least 25 feet in depth, (ii) extend the full length of any non-residential use, and (iii) is wholly within the area of the non-residential use.
- F. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing and community costs.
- G. A development pattern in harmony with the long range objectives of the Comprehensive Plan.
- H. A more desirable environment than would be possible through the strict application of other sections of this Chapter 145.

**Section 3. General considerations.**

- A. Location. A PDA is permitted in any basic district on any lot or lots in the aggregate being more than five (5) acres.
- B. Permitted land uses. All residential land uses are permitted in a PDA, and any nonresidential land uses will be permitted if the developer can demonstrate that such uses will (i) promote the long-range objectives of the Village Comprehensive Plan and this Chapter 145, (ii) contribute to the quality of the proposed development for the area, and (iii) lead to the direct or indirect enhancement of the surrounding neighborhood in terms of open space, vehicular and pedestrian traffic movement, community operating costs, landscaping, preservation of natural features and an improved living environment.
- C. Density. A proposed PDA may include an increase in residential density of up to twenty-five percent (25%) over the maximum density achievable through application of the minimum lot size dimension of the underlying basic district(s).
- D. Commercial development. The development aspects of a PDA shall demonstrate that the combination of commercial activity with a residential development in the area will (i) result in a more efficient use of land and (ii) benefit both the residential and commercial developments of the PDA and the Village as a whole.

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- E. Infrastructure. A proposed PDA will be evaluated, in part, against existing and planned capacity of infrastructure systems - roads, water, sewer, energy, etc. While the Village encourages developers to propose infrastructure improvement and upgrading at their own cost, the Village also reserves the right to not proceed with a PDA proposal which would improve or upgrade infrastructure systems within a specifically defined area too out of step with currently planned land use changes, and would thus impose undue pressures on adjoining or intervening properties and/or infrastructure.

### **Section 4. Preliminary proposal.**

- A. Any developer proposing a PDA shall submit his or her written request to the Board of Trustees, with a copy to the Planning Board at the same time, in the form of a preliminary proposal, which must include:
- (1) A sketch development plan showing existing and proposed land uses, the approximate locations of proposed buildings and other improvements, existing and/or proposed buffers, existing and proposed open spaces, existing topographic characteristics, the approximate location of current and proposed streets and easements, any property proposed to be dedicated to the Village, and the existing land uses immediately adjacent to the proposed PDA.
  - (2) A written description and explanation of the character and purpose of the proposed PDA, including the type and density of any residential and non-residential development proposed; estimated building sizes and heights; estimated parking space requirements; proposed vehicular ingress and egress locations; proposed water and sewage systems and infrastructure; a general statement of proposed financing of the project; an indication of the expected timetable and phasing for development; the manner in which phasing of the development will be controlled so that simultaneous development of different project elements will be in reasonable proportion to one another; and the proposed amount and type of performance guaranty and/or financial security to be provided by the developer.
  - (3) Preliminary information regarding environmental issues likely to be addressed in the environmental review of the PDA, which environmental review will be required for all PDA proposals, together with a preliminarily prepared Part 1 of a Full Environmental Assessment Form in accordance with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA).
  - (4) A written description of proposed permitted uses within the PDA (and any related requirements therefor), proposed lot sizes, proposed lot setbacks, proposed lot coverage restrictions and other proposed dimensional and zoning district type regulations.
  - (5) A written statement and explanation as to the differences between the proposed PDA and what would otherwise be permitted to be

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developed in the proposed PDA under the current provisions of this Chapter 145, and why the proposed PDA would be of benefit to the Village as a whole.

- B. Upon receipt of a preliminary proposal for a proposed PDA, the Board of Trustees shall review such proposal (jointly and/or in consultation with the Planning Board if the Board of Trustees deems it appropriate and/or necessary) to determine if it wishes to proceed further with the consideration of the proposed PDA. If the Board of Trustees determines that further consideration is appropriate, the proposed PDA shall be referred by the Board of Trustees to the Planning Board for more in depth review and consideration and for the purpose of the Planning Board providing the Board of Trustees with its input and possible recommendations. Such in depth review and consideration shall include the Planning Board's authority to require submission of supplemental information and materials by the developer to complete the preliminary proposal.

**Section 5. Developer's conference.**

Within forty-five (45) days after the Planning Board has determined at a duly held meeting that a complete preliminary proposal has been properly submitted together with a fee of two hundred fifty dollars (\$250.00), the Planning Board shall hold a developer's conference with the developer to review the proposed PDA. The Village shall send written notice by mail to all owners of Village property contiguous to the boundaries of the property under consideration. Such notice shall state the nature of the proposed PDA and developer's conference, the time and place of the conference and such additional information as shall be deemed appropriate by the Planning Board. In addition thereto, the Village Planning Board shall publish a legal notice providing that such developer's conference shall also serve as a public information session with respect to the proposed PDA, which notice shall likewise state the time and place of the conference and the same additional information as provided in the notice to the contiguous property owners. Such notice to the contiguous property owners shall be mailed no less than ten (10) days prior to the developer's conference, and publication of the Village Planning Board's legal notice shall likewise be published no less than ten (10) days prior to the developer's conference. If it is determined following the developer's conference and any additional review and deliberation undertaken by the Planning Board that the preliminary proposal seems to be in accordance with general planning objectives for the area and the intent and objectives of this Appendix A-2, the Planning Board and developer shall thereupon jointly consider the conditions and specifications under which the Planning Board might recommend further action by the Board of Trustees, which conditions and specifications shall be reduced to writing by the Planning Board.

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### Section 6. Further action by the Planning Board.

- A. If after the developer's conference and the further deliberation by the Planning Board agreement cannot be reached as to conditions and specifications under which the Planning Board might recommend further action by the Board of Trustees, the Planning Board shall within thirty (30) days thereafter recommend to the Board of Trustees that no further action on the proposed PDA be taken. Such recommendation shall include a summary of the Planning Board's findings with respect to its determination.
- B. If, after the developer's conference, the further deliberation by the Planning Board, and the establishment of conditions and specifications under which the Planning Board might recommend further action by the Board of Trustees, the developer wishes to proceed with the PDA proposal, the developer shall submit to the Planning Board a written statement of intent to comply with the conditions and specifications as established. In such case, upon receipt and acceptance by the Planning Board (at a duly held meeting) of the developer's written statement of intention, the Planning Board shall, within thirty (30) days thereafter, forward to the Board of Trustees its recommendation (i) to proceed further with consideration of the proposed PDA in accordance with the developer's statement of intent and (ii) to consider such legislative/zoning action as the Board of Trustees may deem appropriate to establish the proposed PDA. Such recommendation shall include:
- (1) A statement as to the effect of the proposed PDA on (i) the objectives of the Comprehensive Plan and this Chapter 145 and (ii) the character of the neighborhood.
  - (2) A statement of the conditions, specifications and requirements upon which agreement has been reached with the developer and which the developer will be obligated to abide by in developing the proposed PDA.
  - (3) The developer's statement of intent to comply with the required conditions and requirements.
  - (4) The amount and type of performance guaranty and/or financial security which the Planning Board believes developer should be obligated to provide.
  - (5) Such other information and/or materials that the Planning Board determines will be helpful to the Board of Trustees in its deliberations as to the proposed PDA and whatever legislative/zoning action the Board of Trustees may undertake, including, but not limited to, information and/or materials relevant to the environmental review of the proposed PDA.

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**Section 7. Further action by the Board of Trustees.**

- A. If, after it receives and reviews the recommendation(s) provided by the Planning Board in accordance with Section 6 above, the Board of Trustees determines that it does not wish to continue with the consideration of the proposed PDA, the Board of Trustees shall have no obligation to take any further action with respect to the proposed PDA. If, after it receives and reviews the recommendation(s) provided by the Planning Board in accordance with Section 6 above, the Board of Trustees determines that it does wish to continue the consideration of the proposed PDA and legislative/zoning action deemed appropriate and/or necessary to establish the proposed PDA, the Board of Trustees shall proceed as provided below.
- B. An environmental review will be required with respect to the consideration of any proposed PDA and any legislative/zoning action related thereto, such review to be taken (i) in accordance with the applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and the implementing regulations codified in Section 617 of Title 6 of the New York Code of Rules and Regulations (SEQRA); or (ii) in the event that the proposed action is deemed for any reason to be exempt under SEQRA, in accordance with any other environmental review required under this Chapter 145, such review being for the purpose of determining whether the proposed action will have any significant adverse environmental impacts. Part 1 of a Full Environmental Assessment Form shall be submitted by the developer unless otherwise directed by the Board of Trustees. In the discretion of the Board of Trustees, a public hearing may be held with respect to the environmental review.
- C. Within forty-five (45) days after the required environmental review is completed, the Board of Trustees shall hold a public hearing on the proposed PDA. Such notice shall state the nature of the proposed PDA, the time and place of the public hearing and such additional information as shall be deemed appropriate by the Board of Trustees. Such notice shall be published at least ten (10) days prior to the scheduled hearing. The Village shall also send written notice of such public hearing to all owners of Village property contiguous to the boundaries of the property under consideration. Such notice shall be mailed no less than ten (10) days prior to the scheduled public hearing. In addition thereto, the Board of Trustees shall, prior to the scheduled public hearing, refer the proposed PDA to the Tompkins County Planning Department and any other required parties in accordance with §§ 239-l, 239-m and 239-n and 239-nn of Article 12-B of the General Municipal Law.
- D. Within forty-five (45) days after such public hearing the Board of Trustees shall either (i) conditionally authorize the developer to prepare a final development plan as provided below, or (ii) determine that it does not wish to proceed further with respect to the proposed PDA and any legislative/zoning to establish the proposed PDA. Conditional authorization shall be for a period of one (1) year and shall be subject to

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- acceptance of the final PDA development plan by the Board of Trustees. When conditional authorization is granted, (i) the location of the PDA and its conditional authorization shall be noted on the Zoning Map, (ii) any and all relevant conditions, covenants and specifications of such conditional authorization shall be set forth in this Chapter 145, and (iii) the conditionally authorized permitted uses within the PDA (and any related requirements therefor), lot sizes, lot setbacks, lot coverage restrictions and other dimensional and zoning district type regulations shall be set forth in this Chapter 145.
- E. Notwithstanding anything to the contrary in this Appendix A-2, and because the authorization of a PDA is deemed to be a legislative/zoning action, (i) the determinations of the Board of Trustees hereunder as to whether or not such action should be taken are entirely discretionary; (ii) like all other legislative/zoning actions, the Board of Trustees has no legal or other obligations to grant authority for a proposed PDA; and (iii) at any time prior to the final development plan of a proposed PDA being accepted, the Board of Trustees can determine that it does not wish to continue in its consideration of a proposed PDA.

### **Section 8. Final development plan.**

Upon receiving conditional authorization by the Board of Trustees the developer shall prepare a final development plan for submission to the Planning Board.

- A. The final development plan must include:
- (1) Drawings showing the final location of any streets and plot lines, the location of all buildings and land use areas to be conveyed, dedicated or reserved for parks or open space, a clear indication of the appearance of proposed structures and the materials to be used, and a landscaping and tree planting plan.
  - (2) A written description of the permitted uses within the PDA (and any related requirements therefor), proposed lot sizes, proposed lot setbacks, proposed lot coverage restrictions and other proposed dimensional and zoning district type regulations.
  - (3) Written statements including any staging of construction being considered and a timetable for beginning and completing construction of each phase of the PDA; the staging plan shall be designed to insure that (i) phasing of the development will be controlled so that simultaneous development of different project elements will be in reasonable proportion to one another and (ii) all future residents/occupants of the PDA will have adequate services and facilities as such phased development proceeds.
  - (4) Any additional drawings, plans, statements, information and other documents which may be required by the Planning Board in making its review.

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- (5) A restatement of any and all conditions and covenants which the developer will abide by in developing the proposed PDA, and an acknowledgment and agreement to comply with all such conditions and covenants.
- B. The final development plan shall be accompanied by a fee of two hundred fifty dollars (\$250.).
- C. A written recommendation concerning the final development plan shall be filed by the Planning Board with the Village Clerk, the Village Zoning Officer and the Board of Trustees. Upon its review of the Planning Board recommendation and the final development plan, and upon its confirmation that (i) all conditions and covenants imposed have been fully and properly agreed upon and (ii) the final development plan is consistent with the conditionally authorized final plan, the Board of Trustees may grant its final authorization of the final development plan. Thereupon, (i) the notations and additions to this Chapter 145 and the Zoning Map as to the prior conditional authorization (as provided for in Section 7D above) shall be revised to reflect final authorization of the PDA and (ii) the Zoning Officer and any other involved Federal, State and local agencies shall be authorized to proceed as necessary with the review and issuance, if approved, of any and all required permits, consents and other authorizations for the developer to proceed with the final development plan.
- D. If a final development plan has not been submitted as required to the Planning Board within one (1) year from the date of the conditional authorization by the Board of Trustees, the Planning Board may recommend to the Board of Trustees that conditional authorization be withdrawn or, with good cause, extended for an additional year.
- E. If conditional authorization of the PDA is withdrawn by action of the Board of Trustees or the Board of Trustees does not authorize the final development plan, the notations and additions to this Chapter 145 and the Zoning Map as to the prior conditional authorization (as provided for in Section 7D above) shall be removed and the land use regulations applicable to the area prior to the conditional authorization of the PDA shall apply.

**Section 9. Review.**

The PDA shall be subject to annual review by the Planning Board and action by the Board of Trustees as to the level of progress made toward completion of the project in accordance with the final development plan or an authorized modification of said final development plan.

**Section 10. Control of PDA.**

After Board of Trustees' authorization for a final development plan for a PDA, minor changes, extensions or alterations in said development may be made only after they have been reviewed by the Planning Board and further authorized by the Board of Trustees. Major changes such as increased density or reduction of open space are subject to the same review and authorization procedure as applied to the original PDA proposal.

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### **Section 11. Certificate of compliance.**

Upon completion of the PDA or any stage of it authorized by the Planning Board, the Zoning Officer may issue a certificate of compliance in accordance with § 145-57G of this Chapter 145 and/or such other certification as to confirm the completion of the work involved.

### **Section 12. Subdivision of a PDA.**

All sections of a subdivided PDA are to be controlled by the final development plan. The provisions of Section 10 of this Appendix A-2 governing changes in the final development plan will apply even though subdivision has occurred. The owners or lessees of any portion of a subdivided PDA may jointly or separately make application under this Chapter 145 for an amendment to the final development plan.

### **Section 13. Site plan review in subdivision control.**

If part of a PDA proposal involves the subdivision of land into smaller parcels for sale or lease to individual owners, the PDA review required by this Appendix A-2 suffices for Planning Board review under the Village Subdivision Regulations. In such cases the developer shall prepare a subdivision plat suitable for filing with the Tompkins County Clerk in addition to the required PDA drawings. Final development plan authorization under this Appendix A-2 constitutes final plat approval under the Village Subdivision Regulations and the plat shall be filed with the County Clerk in the manner prescribed by said Village Subdivision Regulations.

### **Section 14. Payment of fees and expenses; escrowed funds.**

In addition to the fees payable as provided above, the developer shall also be responsible for payment of the following:

- A. additional fees calculated in the same manner as provided for pursuant to subsections (1) through and including (6) of § 145-57 of this Chapter 145, and all escrow requirements related thereto; and
- B. if a subdivision of land is involved, additional fees calculated in the same manner as provided for pursuant to § 125-18 of Chapter 125 (Subdivision of Land) of the Village Code, and all escrow requirements related thereto; provided, however, that any duplication of such additional fees under the foregoing sections and subsections of this Chapter 145 and such Chapter 125 shall be adjusted and/or eliminated by the Zoning Officer.