

ZONING
Appendix A-1

Appendix A-1
Planned Development Area (PDA)¹
[Amended 3-5-1986 by L.L. No. 2-1986; 2-21-1989 by L.L. No. 1-1989]

Section 1. Intent.

- A. The purpose of a planned development area is to 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-1 is primarily related to achieving innovations in residential 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 so that the conservation and more effective use of limited land can be achieved.
- B. It is also recognized that certain types of nonresidential development are beneficial to the Village and would not contravene the long range General Plan objectives 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.
- C. This Appendix A-1 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 preregulation, regulatory rigidity and uniformity which may be adverse to the objectives of land development contained in the planned development concept. Further, this Appendix A-1 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 are hereby replaced by an approval process in which an approved development plan becomes the basis for continuing land use controls.

Section 2. Objectives.

In order to carry out the purpose of this Appendix A-1, a planned development area 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.

¹Editor's Note: At the request of the Village, this Appendix A-1 contains the text of former Section 401, which section was deleted by L.L. No. 2-1993. See § 145-67, Planned development areas.

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- 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 intensive to less intensive uses.
- 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 General Plan.
- H. A more desirable environment than would be possible through the strict application of other sections of this chapter.

Section 3. General considerations.

- A. Location. A planned development area is permitted in any basic district, on lots 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 promote the long-range objectives of the General Plan, will contribute to the quality of the proposed development for the area and will 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 are to be designed expressly for the service and convenience of the residents and their guests. Commercial development shall in no case exceed one percent (1%) of the total land area of the PDA.
- 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 disapprove of a PDA proposal which would improve or upgrade infrastructure systems too out of step with planned changes, and would thus impose undue pressures on adjoining or intervening properties.

Section 4. Preliminary proposal.

- A. Any applicant wishing approval for a planned development area must submit his or her request to the Planning Board, with a copy to the Board of Trustees at the same time, in the form of a preliminary proposal, which must include:
 - (1) A sketch development plan showing existing and proposed land use and the approximate location of proposed buildings and other land uses, existing topographic characteristics, approximate location of streets and easements and existing land uses immediately adjacent to the proposed PDA.

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- (2) A written explanation of the character and purpose of the planned development including the type and density of any housing proposed, the water and sewage system proposed, a general statement of proposed financing and an indication of the expected timetable for development.
- (3) An environmental review may be required.
- B. The preliminary proposal shall be accompanied by a fee of two hundred fifty dollars (\$250.).

Section 5. Developer's conference.

Within forty-five (45) days after the submission date of the complete preliminary proposal the Planning Board must schedule a conference with the applicant to review the proposed planned development. The applicant 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 developer's conference, the time and place of the conference and such additional information as shall be required by the Planning Board. Such notice shall be mailed no less than five (5) days prior to the developer's conference. Proof of such mailing shall be filed with the Planning Board prior to the holding of the developer's conference. If said proposal seems to be in accordance with general planning objectives for the area, and the objectives of this Appendix A-1, the Planning Board and applicant must jointly consider the conditions and specifications under which the proposal may be approved. After such conference if the applicant wishes to proceed with the planned development he must submit to the Planning Board a written statement of intent to comply with the conditions and specifications as established. If agreement on conditions cannot be reached the Planning Board may, at that time, recommend to the Board of Trustees that the proposal not be approved. Such recommendation must include a detailed explanation of the basis for the Planning Board's decision.

Section 6. Approval of the statement of intent.

Upon receipt of the applicant's statement of his or her intention to comply with the established conditions, the Planning Board must, within thirty (30) days, forward to the Board of Trustees its recommendation to approve the development and establish the PDA, such approval report to include:

- A. A statement as to the effect of the proposed PDA on the objectives of the General Plan and the character of the neighborhood.
- B. A statement of the conditions and covenants which the applicant will abide by in developing the proposed planned development.
- C. The applicant's statement of intent to comply with the required conditions.
- D. A recommendation on the amount and type of performance guaranty which the developer should provide.

Section 7. Approval of the planned development area.

Within forty-five (45) days after receipt of the Planning Board's recommendation to approve or disapprove the proposed PDA, the Board of Trustees must hold a public hearing. The applicant shall send written notice of such public hearing by mail to all owners of

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Village property contiguous to the boundaries of the property under consideration. Such notice shall state the nature of the relief sought, the time and place of the public hearing and such additional information as shall be required by the Board of Trustees. Such notice shall be mailed no less than five (5) days prior to the scheduled public hearing. Proof of such mailing shall be filed with the Board of Trustees prior to the holding of the public hearing. In addition thereto, the Board of Trustees shall refer the proposal to the Tompkins County Planning Department in accordance with §§ 239-l and 239-m of Article 12-B of the General Municipal Law. Within ten (10) days after such public hearing the Board of Trustees must approve conditionally or disapprove the proposed PDA. Conditional approval is for a period of one (1) year and is subject to acceptance of the final development plan by the Board of Trustees. When conditional approval is granted the location of the PDA must be noted on the Zoning Map.²

Section 8. Final development plan.

Upon receiving conditional approval by the Board of Trustees the applicant must 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) Written statements including any staging of construction being considered and a timetable for beginning and completing construction of each stage.
 - (3) Any additional drawings or statements which may be required by the Planning Board in making its review.
 - (4) A restatement of any and all conditions and covenants which the applicant will abide by in developing the proposed planned development 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 must be filed by the Planning Board with the Village Clerk and the Zoning Officer. The Board of Trustees must then review said plan and, upon approval and upon all conditions and covenants imposed, authorize the Zoning Officer to issue a Special Permit which authorizes the applicant to proceed with the planned development.

Section 9. Review.

- A. One (1) year from the date of the conditional approval by the Board of Trustees the proposed planned development must be subject to review by the Planning Board. If a final development plan has not been submitted, or substantial progress made toward eventual completion of the project, the Planning Board may recommend to the Board of Trustees that conditional approval be withdrawn or,

²Editor's Note: The Zoning Map is located at the end of this chapter.

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with good cause, extended for an additional year. In any event, the planned development must be subject to annual review by the Planning Board and action by the Board of Trustees until it is completed in accordance with the final development plan or an approved modification of said final development plan.

- B. If conditional approval of the planned development is withdrawn by action of the Board of Trustees, the land use regulations applicable to the area prior to approval of said planned development shall apply.

Section 10. Control of planned development.

After Board of Trustee approval of 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 said Planning Board and approved by the Board of Trustees. Major changes such as increased density or reduction of open space are subject to the same review and approval procedure as applied to the original application.

Section 11. Certificate of compliance.³

Upon completion of the PDA or any stage of it approved by the Planning Board, the Zoning Officer may issue a certificate of compliance in accordance with § 145-57G of this chapter.

Section 12. Subdivision of a planned development area.

All sections of a subdivided PDA are to be controlled by the final development plan. The provisions of Section 10 of this Appendix A-1 governing changes in the final development plan will apply even though subdivision has occurred. The owners or lessees of a subdivided PDA may jointly or separately make application under this chapter for an amendment to the final development plan.

Section 13. Site plan review in subdivision control.

If part of a planned development proposal involves the subdivision of land into smaller parcels for sale to individual owners, the site plan review required by this Appendix A-1 suffices for Planning Board review under the Village Subdivision Regulations. In such cases the developer must prepare a subdivision plat suitable for filing with the Tompkins County Clerk in addition to the required PDA drawings. Final site plan approval under this Appendix A-1 constitutes final plat approval under the Village Subdivision Regulations and the plat must be filed with the County Clerk in the manner prescribed by said Village Subdivision Regulations.

³Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.