

Article XIV- Planned Unit Developments

§ 100 Purpose

Provision for the Planned Unit Development (PUD) District is included herein to permit the establishment of areas in which diverse uses may be brought together in a unified plan of development; this would include a mixture of commercial, office, residential and retail uses. This flexibility will lead to more creative design of development than what is currently allowed in the conventional zoning districts.

The PUD is further intended to promote:

- a. the most appropriate use of the land;
- b. a more efficient and economical arrangement of streets, utilities, buildings and open space;
- c. the utilization of topography and other natural features to the best advantage of both aesthetic and conservation practices;
- d. integration of all aspects all into one cohesive and compatible unit.

In Planned Development Districts, land and buildings may be used for any lawful purposes as determined by the Town Board subject to the following limitations and procedures.

§ 101 Uses

No uses, buildings or structures shall be allowed which are not in accordance with the Planned Unit Development approved scheme and the ~~Region's~~ **Town's** Comprehensive Plan.

§ 102 Location

The Planned Unit Development District shall be applicable to any area of the Town of Dunkirk where the applicant can demonstrate that the characteristics of the development will satisfy the intent and objectives of this Article.

Where a Planned Unit Development is deemed appropriate, the rezoning of land to a Planned Unit Development District will replace all uses and dimensional specifications contained elsewhere in this Chapter.

§ 103 Minimum Area

Planned Unit Developments shall comprise not less than **ten (10) acres**. Public roads shall be permitted to divide such acreage provided that a minimum of 1 acre of contiguous land area must exist in any portion.

Commented [JS1]: Acreage sufficient? This could range anywhere between 10-25 acres (common).

§ 104 Open Space

A minimum of 25% of the site shall be used as open space, including walkways, plazas, landscaped areas and recreation areas. Parking areas and vehicle access facilities shall not be considered in calculating open space **and lands considered "undevelopable" due to the presence of wetlands, floodplains, steep slopes, or other constraints shall not encompass more than 25% of the calculation of open space.**

Commented [JS2]: The intent of this is that the open space shouldn't be the land that nothing can be done on after all the "good land" has been spoken for – open space should have functionality behind it. This leaves open the flexibility that some of the land deemed undevelopable could be included in the calculations, for instance a wetland could be incorporated into scenic view space or supporting trails.

§105 Common Areas

Common property in a Planned Unit Development is a parcel or parcels of land, together with improvements, the use of which is shared by the owners or occupants of the individual building sites.

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The landowner shall provide for and establish an organization for the ownership and maintenance of any common property. Such organization shall not be dissolved nor shall it dispose of any common property by sale or otherwise, with the exception that such land may be dedicated to the Town of Dunkirk for public use; the Town can refuse the dedication of land if deemed appropriate.

§106 Site and Structure Requirements

The Town Board shall approve a Planned Unit Development District only if it finds that the planned unit development will satisfy standards of this Chapter including the following:

- 1) The Planned Unit Development is an efficient and unified treatment of the development possibilities on the project site while remaining consistent with the ~~Region's~~ **Town's** Comprehensive Plan. The Planned Unit Development shall make provisions for the preservation of natural **or protected** features such as streams and shorelines, ponds, **wetlands**, lakes, trees, grasses, wooded cover and rough terrain.
- 2) The Planned Unit Development must be compatible with the surrounding area. The development shall not unduly burden existing Town facilities and services.
- 3) The developer shall ensure that sufficient financing and capability are available to complete the project as presented.
- 4) The developer shall provide all necessary water and sewer facilities, storm drainage, highway access, paved service streets, parking and loading facilities, off-street lighting and make reasonable provisions for utility service connections with adjoining properties and other ownerships.
- 5) The right of way and pavement widths for internal roads serving all development shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs of the development. There shall be adequate access for fire fighting equipment, police and other emergency vehicles. Such pavement shall meet all applicable Town standards.
- 6) All electric, telephone, cable television and similar equipment shall be installed underground in accordance with the New York State Public Service Commission Standards.
- 7) The gross residential density, measured over the entire tract, but exclusive of any land to be occupied by non-residential uses or public or quasi-public institutional or recreational facilities open to the general public, shall not exceed the density set forth in the underlying district or consistent with the comprehensive plan. Bonus density may be considered for outstanding development as deemed appropriate by the Town Board.
- 8) **Permitted Uses. The following uses shall be allowed in a PUD provided that they do not adversely affect surrounding development and that they are in accordance with the purpose, intent, and objectives of this chapter.**
 - 1.i. **Dwelling units in detached, semidetached, attached, clustered or multistoried structures or combinations thereof.**

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- 2.ii. Commercial uses, where such uses are scaled primarily to serve residents of the PUD, such as retail sales, personal services, and professional offices.
- 3.iii. Public and private institutional facilities
- 4.iv. Recreational facilities
- 5.v. Light industrial uses??
- 6.vi. Others??

§ 107 Application Procedure

The developer shall submit a preliminary plan of the proposed Planned Unit Development with the rezoning application. The preliminary plan shall be to scale and shall clearly illustrate the following:

- 1) various types of land uses required and the areas covered by each;
- 2) outline of the interior road system and all existing and proposed public or private right of ways and easements;
- 3) delineation of the various residential areas, if any, indicating the number and size of dwelling units by each housing type plus a calculation of the residential density;
- 4) area, location and degree of development of common open space with a statement of how the property will be maintained;
- 5) interior drainage system and how it is proposed to be connected to the drainage systems of adjoining areas;
- 6) if the Planned Unit Development is to be phased, a general indication of how the phasing is to proceed;
- 7) evidence, in the applicant's own behalf, demonstrating the developers competence to carry out the plan to completion and the developers awareness of the scope of such project, both physical and financial;
- 8) site plan in conformance with Article XII- Site Plan Review.

§ 108 Planning Board Recommendation

The Planning Board shall review the preliminary site plan and application package and, within thirty (30) calendar days of submission, shall submit it to the Town Board along with its recommendations that the Planned Unit Development be approved, modified or disapproved.

If, in any such evaluation, the Planning Board finds that any submission requirements, regulations, standards or criteria prescribed by this Chapter are inapplicable because of unusual conditions of the Planned Unit Development, or the nature and quality of the proposed design, it may recommend to the Town Board that adjustments in such regulations, standards or criteria be made.

A report to the Town Board shall include the following findings:

- 1) The proposal conforms to the ~~Region's~~ Town's Comprehensive Plan;

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- 2) The development project meets the intent and objectives of the Planned Unit Development District;
- 3) The proposal is conceptually sound in that it meets community needs in the:
 - a. layout of the proposed roadway system, land use configuration, open space and drainage systems;
 - b. scale and relationship of the elements of the plan;
 - c. the proposed uses are of such location, size and character that, in general, they will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;
- 4) There are adequate public facilities, services and utilities available or proposed to be made available to serve the development.

Should a recommendation be made to the Town Board to deny the Planned Unit Development, the Planning Board shall issue a statement which contains the reasons for the unfavorable recommendation. The Planning Board may also recommend further study of the preliminary site plan and re-submission after revisions or re-design.

§109 Rezoning Process

- 1) Application for establishment of a Planned Unit Development District shall be made to the Town Board. The Town Board shall refer the application to the Planning Board for consideration;
- 2) The Town Board shall hold a public hearing on the proposal, with public notice, as provided by law in the case of an amendment to this Chapter;
- 3) The Town Board may then amend this Chapter so as to define the boundaries of the Planned Unit Development District, but such action shall have the effect only of granting permission for development of the specific proposal, in accordance with this Chapter, within the area so designated with the specifications, plans and elevations submitted.
- 4) The Town Board shall hold a public hearing within sixty two (62) calendar days receipt of the application. Approval of the Planned Unit Development shall be noted on the Town's Zoning Map.

§ 110 Final Site Plan

The final site plan shall substantially conform to the preliminary site plan that has been approved, incorporating any revisions or other features recommended by the Planning Board or Town Board. The final site plan shall conform to all requirements of Article XII - Site Plan Review. The rezoning shall not become effective until final site plan approval has been secured.

The application for final site plan approval shall be made within 12 (twelve) months from the date of the Town Board approval of the rezoning.

No construction or site improvement work may commence until final site plan approval has been granted. No building permits shall be issued for construction within a Planned Unit Development

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District until improvements are installed or performance bonds or other security is posted with the same procedures outlined in Article XII - Site Plan Review.