

**ARTICLE V  
PLANNED UNIT DEVELOPMENT DISTRICT**

**A. Purpose and Objective**

The Planned Unit Development (PUD) procedure provides a flexible land use and design regulation through the use of performance criteria and other standards so that development may be matched with sensitivity to the unique characteristics of the site using innovative development techniques that might not otherwise be possible through strict application of land use regulations and requirements. The conventional use, area, bulk, and density specifications set forth in other sections of this Ordinance are intended to be replaced by the approved PUD District plan, which then becomes the basis for legislation established by the Town Board which is subject to detailed design review.

While flexibility in substantive regulations is thus encouraged, it is intended that this uniform procedure and the required conformance with the Town Comprehensive Land Use Plan, municipal service capability, and the purposes of this Ordinance, as specified in Article I, shall ensure the general public welfare through treatment under the law, as well as precise control of aspects of the development as approved.

There are four (4) types of PUD's permitted in Northumberland: residential-mixed use, business/commercial, recreational and industrial. A residential-mixed use PUD is intended to provide a variety of housing types and retail uses associated with residential living while making effective use of the existing natural and manmade resources. A business/commercial use PUD is intended to provide a variety of business and commercial uses on a site while assuring compatibility with the existing natural and manmade resources found there. An industrial PUD provides opportunities for industrial and manufacturing uses, which are supportive of the planning goals of the Town. A recreational use PUD is intended to provide a single or combination of recreational uses on a site while assuring continued compatibility with the existing natural and manmade resources of the area. All of the aforementioned PUD types and combinations thereof may be developed individually or jointly and should make use of flexible design standards which replace the conventional zoning requirements of the Town of Northumberland.

In order to carry out the intent of this Article, PUD's shall achieve the following objectives:

**All PUD's:**

1. The preservation of trees, outstanding natural topography and geologic features and preservation of soil erosion;
2. A creative use of land and related physical development which allows an orderly transition of land from one use to another;
3. An effective use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
4. A development pattern in harmony with the objectives of the Town of Northumberland Comprehensive Land Use Plan;
5. A more desirable environment and a demonstrable benefit to the Town than would be possible through the strict application of the other articles of this Ordinance.

**Residential - Mixed Use PUD's:**

1. The maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing, together with certain specifically permitted commercial and industrial uses), types of housing, lot sizes and community facilities available to existing and potential Town residents at all economic levels;
2. More useable open space and recreation areas;
3. More convenience in locations of accessory commercial and service areas.

**Business/Commercial Use PUD's**

1. The creation of various business and commercial pursuits at suitable locations, scales and intensities that will address the Town's needs and benefit the economic developments of Northumberland.

**Recreational Use PUD's**

1. The establishment of useful and needed recreational pursuits at suitable locations within the Town, which will promote the public's enjoyment of Northumberland's open space resources.
2. Recreational PUD's shall be designed to protect and enhance the character of Northumberland's land and water resources.

## **Industrial Use PUD's**

1. The creation and maintenance of industrial uses at scales and intensities essential to the economy of Northumberland.
2. The creation and maintenance of industrial uses that are supportive of the community in terms of work force, design, and character.

## **B. Approval Procedure**

1. Application for Approval: In order to allow the Town Board and the developer to reach an understanding of the basic design requirements prior to detailed design investment, the developer shall submit an application of his proposal to the Town Board. The Town Board, at its next regularly scheduled meeting, may, if it determines that the proposal merits review, refer the application to the Planning Board for review and recommendation. If the Town Board determines that the proposal does not merit review because it does not meet the goals and objectives of the Town's Comprehensive Land Use Plan or the objectives of this Article, it shall not refer the application to the Planning Board and no further action on the application shall be taken.
  - a. Application for establishment of a Planned Unit Development (PUD) District shall be made in writing to the Town Board. Five (5) copies of said application and five (5) copies of a completed Environmental Assessment Form (EAF), Part I, in accordance with Article 8 ECL and Title 6 Part 617 NYCRR, shall be submitted along with the appropriate application fee as established by the Town Board. Said application shall include a proposed local law prepared by the applicant for the creation of the Planned Unit Development District. The proposed law shall follow the format of a model law (*See Attachment B*) and any recommendation of the Planning Board shall be incorporated into the proposed law. Within three (3) days of receipt of application, if the Town Board determines that the application meets the goals and objectives of the Town's Comprehensive Land Use Plan and the objectives of this Article, the Town Board shall direct the Town Clerk to forward two (2) copies of same, along with one (1) copy of EAF, to the Planning Board. If applicable, the Clerk shall forward a copy of all relevant material to the County Planning Board in accordance with General Municipal Ordinance Sections 239 (1) and 239 (m).

b. Said Application shall include the following:

- (1) Site development plans drawn at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
  - (a) Property lines, existing and proposed, together with the acreage of all lots, including property deeds, any easements and dedications.
  - (b) The existing and proposed uses of land in and adjacent to the development site.
  - (c) Topographic and drainage information including contour intervals of not more than two (2) feet of elevation, both existing and proposed.
  - (d) Existing natural and man-made features, including streams, drainage improvements, wetlands, floodplains, slopes over fifteen (15) percent grade, and existing buildings and structures.
  - (e) All existing and proposed elements of vehicular and pedestrian circulation, including but not limited to roadways, parking areas, loading areas, walkways, bike paths and parking garages.
  - (f) Delineation of the location and nature of the various proposed buildings and uses, including the number, type and size of all buildings proposed, plus a calculation of density.
  - (g) The nature and location of all utilities, existing and proposed, including water, sewage, storm drainage, public utilities and refuse collection.
  - (h) A landscaping plan showing the nature and location of all landscaping, plantings, fencing, screening and buffers.
  - (i) The nature and location of all common property including any structures, buildings, facilities or other improvements proposed to be located on such property.
  - (j) Other items listed in the Town of Northumberland Subdivision Regulations that are required for Major Subdivision Plats.

- (2) The name and address of the applicant, the property owner, and if the applicant is other than the property owner, evidence of his or her authority to make such application, including a copy of deed(s) showing ownership.
  - (3) Plans for the control of erosion and sedimentation and stormwater runoff during and after construction.
  - (4) A written statement describing how the proposed PUD will implement the purposes set forth in this Article. This statement shall also detail the type and number of buildings and/or residential dwelling units, the number of off-street parking spaces, and proposals for the construction, operation and maintenance of all utility systems and road improvements on and off the property.
  - (5) A written statement detailing the methods of ownership, control and planning by which the proper operation continues into perpetuity and maintenance of all common lands and facilities, structures, or buildings thereon, parking areas, walkways and utilities will be assured.
  - (6) Where the applicant proposes staging construction over a period of two (2) or more years, a proposed plan indicating the staging of building construction and related improvements within PUD, including estimated timing of each stage, shall be prepared.
  - (7) An application for a PUD shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.
2. Planning Board Review: The Planning Board shall review the application with the applicant. The Planning Board may require additional changes 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. In reaching its decision on the proposed development and changes, if any, the Planning Board shall consider the following:
- a. The existing character of the neighborhood in which the use or uses would be located;
  - b. The location of the principal and accessory buildings on the site in relation to one another and neighboring development;
  - c. The height and bulk of buildings, their relation to one another, and neighboring development;

- d. The pedestrian circulation and open space distribution in relation to the structures and prospective user needs;
  - e. The traffic circulation features within the site, and the amount, location and safety of access to both the site and within the site, including the overall provision of vehicular parking areas;
  - f. The adequacy of proposed private and public utilities including, but not limited to, water supply, sewage treatment and storm water drainage facilities;
  - g. The protection of existing natural features, landscaping plans to be implemented subsequent to development, and a long term maintenance plan for such landscaping;
  - h. The efforts provided to mitigate, if not eliminate, possible detrimental effects of the proposed use or uses on adjacent properties and the neighborhood in general; and
  - i. Such other matters as the Planning Board may consider pertinent.
3. Compliance with State Environmental Quality Review Act (SEQR): Proposed projects are actions subject to the provisions of SEQR. Prior to rendering its decision, the Town Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR, and follow all applicable procedures.
4. Planning Board Recommendation: Within sixty (60) days of the date of referral from the Town Board, or from the date that all information requested by Planning Board is submitted, whichever is later, the Planning Board shall recommend approval, approval with modifications, or disapproval to the Town Board of such PUD District application.
5. Town Board Hearing and Decision: Upon receipt of the Planning Board's report, or upon the failure of the Planning Board to act within the prescribed periods, the Town Board shall hold a public hearing on the proposal, with public notice of such hearing published in the newspaper of general circulation within the Town at least ten (10) days prior to the date of the hearing. The Town Board in reaching its decision on the proposal shall consider the standards of Article V, section B (3), above. The Town Board may then act upon the legal establishment of a Planned Unit Development through amendment of the Town's Zoning Ordinance.
6. Amendment to Zoning Map: If approved, or approved with conditions, the

Zoning Map shall be amended with the boundaries of the PUD District defined subject to the submission of a survey of the property by a licensed surveyor.

**C. Applicability of Conditions**

All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of the PUD, or any portion thereof, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any Certificate of Occupancy issued for any use or structure in such PUD.

**D. Criteria.**

1. Location: A Planned Unit Development (PUD) may only be created through the re-zoning of lands and may be established at any location in the Town.
2. Development Area: The minimum development area required to qualify for a Planned Unit Development district shall be twenty-five (25) contiguous acres of land in the case of a residential-mixed use PUD, five (5) contiguous acres in the case of a business/commercial use PUD, ten (10) contiguous acres in the case of an industrial PUD, and five (5) contiguous acres in the case of a recreational use PUD. The calculations of such land area shall not include existing streets, easements, parks, or otherwise dedicated land or acreage, or lands undevelopable by reasons of topography, drainage, occurrence of wetlands, periodic inundation by flood waters, or adverse sub-soil conditions. The Town Board may vary the minimum development area required for all PUD's under special circumstances.
3. Ownership: The tract of land for a project 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 of all property included in the project. In the case of multiple ownership, the approved plan and its amendments shall be binding on all owners, or their successors in title and interest.
4. Permitted Uses in PUD District: All uses within an area designated as a PUD District are determined by the provisions of this Section and the approved plan of the project concerned.

**E. Standards**

1. Residential-Mixed Use PUD Standards:

- a. Residences and retail uses, scaled to serve the needs of the community, may be of any building type consistent with the intent and objectives of this PUD Regulation. The design shall conform as closely as possible with all other sections of this Ordinance, as applicable. Building height shall be restricted to thirty-five (35) feet and no more than eight (8) townhouse units may be attached as group. No mobile homes shall be permitted in the PUD District.
- b. Density. The density permitted within the Residential-Mixed Use Planned Unit Development (PUD) District, shall be determined by the provisions of this Section and the approved plan of the project concerned.

2. Business/Commercial Use PUD Standards:

- a. A business/commercial use PUD consisting of various business and commercial pursuits may be permitted if such uses are beneficial and enhance the economic vitality of the Town, and if such proposed uses are consistent with the Town's planning and development goals. Consideration shall also be given to the appropriateness of the proposed use with the existing community setting. All building heights shall be restricted to thirty-five (35) feet.
- b. Density. The density permitted within the PUD shall be as determined by the approved PUD District site plan.
- c. Minimum Yards Required. Front, rear and side yards shall be designed so that no building is closer than fifty (50) feet to any boundary line of the district.

3. Industrial Use PUD Standards:

- a. An industrial use PUD consisting of industrial or manufacturing uses may be permitted if such uses are supportive of the community population in terms of work force, design and character, and if such uses are consistent with the Town's planning and development objectives. Consideration shall be given to the project as it exists in its community setting to determine the appropriateness of such uses. Building height shall be restricted to thirty-five (35) feet.
- b. Density. The density permitted within the PUD shall be as determined by the approved PUD District site plan.
- c. Minimum Yards Required. Front, rear, and side yards shall be designed so that no building is closer than one hundred (100) feet to any boundary line of the district.



4. Recreational Use PUD Standards:

- a. Various recreational uses may be considered as appropriate for siting within the Town. Compatibility factors which shall be considered and evaluated include character of the surrounding area, including predominant land use, existing topography, vegetation as well as noise/sound levels of the proposed recreational use(s). Review considerations should also evaluate the proposal's consistency with the Town's comprehensive plan and open space goals and objectives.
- b. Density. The density permitted within the PUD shall be determined by the approved PUD District site plan.
- c. Minimum Yards Required. Yard area required shall be as determined by the approved PUD District site plan.

5. Building Design Standards:

- a. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses.
  - b. Individual buildings shall generally be related to each other in design, masses, materials, placement and connections, to provide a visually and physically integrated development.
  - c. Treatment of the sides and rear of all buildings within the Planned Unit Development will be comparable in amenity and compliance to the treatment given to street frontages of these same buildings.
  - d. The design of buildings and the parking facilities shall take advantage of the topography of the site where appropriate, to provide separate levels of access.
  - e. All building walls shall be designed and built to all applicable building codes and shall be so oriented as to ensure adequate light and air exposures to the rooms within and to adjacent properties.
  - f. All buildings shall be arranged as to avoid undue expose to concentrated loading or parking facilities wherever possible and shall be so orientated as to preserve visual and audible privacy between adjacent buildings.
  - g. All buildings shall be arranged so as to be accessible to emergency vehicles.
6. Open Space Requirements: Common open space totaling not less than thirty (30) percent of the total Planned Unit Development District tract shall

be provided in perpetuity. This land shall be exclusive of any land area used primarily for vehicular modes of transportation, including parking area, garages, carports and other features. The ownership of such open space may be either public or private. When in private ownership, a homeowners' association, or similar mechanism, for the long-term ownership and maintenance of this common open space shall be provided, subject to the approval of the Town Board and Planning Board. The grant of conservation easement to further ensure the protection of this open space may be required.

- a. The location, shape, size and character of the open space must be suitable for the Planned Unit Development.
  - b. Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the size and character of the Planned Unit Development, considering the size, density, expected population, topography, and number and types of dwellings to be provided.
  - c. Open space must be suitable for its intended use. If intended for active use, said open space shall be suitably improved. The buildings, structures, and improvements which are permitted in the open space must be appropriate to the uses that are authorized for the open space.
  - d. The development schedule which is part of the final site plan must coordinate the improvement of the open space and the construction of buildings, structure, and improvements.
  - e. All land shown on final site plan must be maintained and used for said purpose.
7. Water Supply and Sewage Disposal: All Planned Unit Developments shall be served, where feasible, by a community water supply and distribution system and with sewage disposal facilities which are in accordance with the requirements of the Town of Northumberland and the New York State Health Department. The applicant shall establish perpetual operation and maintenance of these facilities.
8. Storm Water Management Control/Erosion and Sedimentation Control: All applicable standards and requirements of Article XI,Y and any other local, state, and federal regulations and laws which shall apply. A Storm Water Management Plan shall be submitted pursuant to the Towns sub-division regulations.)

9. Landscape Design Standards:

- a. Landscape treatment for plazas, roads, paths, service and parking areas and dumpsters shall be designed as an integral part of a coordinated landscape design for the entire site.
- b. Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate for local growing conditions.
- c. Whenever possible, existing trees shall be conserved and integrated into landscape design plan.
- d. All streets bordering or within the project area shall be planted at appropriate intervals with street trees, whenever possible.

10. Circulation System Design Standards:

- a. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces.
- b. Roads, pedestrian walks and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings, and appropriately landscaped.
- c. There shall be an adequate amount, in a suitable location, of pedestrian walks and landscaped spaces to limit pedestrian use of vehicular ways and parking spaces, and to separate walks and public transportation loading places from general vehicular circulation.
- d. Buildings and vehicular circulation shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffics.
- e. Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- f. The location and design of pedestrian walks should emphasize desirable views of new and existing development.
- g. The maximum separation of private automobiles and service vehicles may be required through the use of separate service lanes.

- h. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained and indicative of their function, and shall comply with other laws, ordinances, rules and regulations wherever applicable thereto. Road installations shall comply with designs specified in the Town of Northumberland Subdivision Regulations.

11. Parking and Loading Design Standards:

- a. The Town Board may require that parking facilities be landscaped and screened to the extent necessary to eliminate unsightliness and monotony of parked cars.
- b. Pedestrian connections between parking areas and buildings shall be via pedestrian walkways.
- c. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of ingress and egress, and shall be developed as an integral part of an overall site design.
- d. Above-grade loading facilities shall be screened from public view to the extent necessary to eliminate unsightliness.

**F. Other Requirements**

Upon approval of Planning Unit Development District by the Town Board, application shall be made within six (6) months for approval of some portion of the intended PUD development in accordance with the site plan review procedures and requirements contained in Article X herein and Subdivision Regulations, if applicable. In addition, all other applicable regulations shall also apply.

Additional performance requirements which may have been specified by the Town Board in its PUD approval action, such as a time limit for either initiation or completion of improvements and other construction work on the PUD development, shall also be strictly enforced. If these performance requirements are not met, the property shall revert to its prior zoning classifications, unless the Town Board, upon specific application and for good cause, authorizes an extension of time for such performance requirements.

**G. Fees**

- a. A nonrefundable fee as specified in the Town of Northumberland Fee Schedule shall be paid to the Town of Northumberland with the submittal of each PUD application.

- b. The applicant shall also be responsible for reasonable expenses (legal, engineering, etc.) incurred by the Town in reviewing the application. The Town Planning Board will provide the applicant with a non-binding, good faith estimate of these expenses within 30 days from receipt of the application by the Town Board and referred to the Planning Board. The application will establish an escrow account in the name of the Town of Northumberland in the amount of the above estimate which will be available to the Town to pay for the aforementioned application review expenses. The applicant shall have the right to appeal to the Town Board for a review of the estimate of the application review expenses as determined by the Planning Board.