

§ 98-23

## ZONING

§ 98-23

## § 98-23. Planned integrated developments.

A. Intent. It is the intent of these planned integrated development (PID) regulations to provide flexible land use and design through the use of performance criteria on designated areas of land programmed for more intense and sophisticated uses of land within the town, to incorporate a variety of residential-use types with nonresidential uses containing privately owned sites and common property as a planned unit. Such a planned development is to be designed and organized so as to permit the site to function without necessarily requiring the supportive services of adjacent neighborhoods. This section encourages innovations in residential development so that the growing demands for housing for young married couples, senior citizens and existing residents who no longer wish to maintain a large one-family house, because the family unit has been reduced in size due to minor children becoming emancipated, may be met by a greater variety of housing types and design and planning of structures with the incidental benefit of more efficient land use in such developments.

B. Objectives. In order to carry out the intent of this section, a planned integrated development shall achieve the following objectives:

- (1) A variety of housing types and ownership capabilities shall be provided, i.e., cooperatives, individual residences, condominiums with community facilities available to potential residents and rental apartments.
- (2) Usable open space, recreational facilities and reservation for educational facilities shall be provided in accordance with the Subdivision Regulations of the Town of Tuxedo.<sup>12</sup>
- (3) Accessory facilities may be located within the site where appropriate, subject to the Subdivision Regulations of the Town of Tuxedo.

<sup>12</sup> Editor's Note: See Ch. 85, Subdivision of Land.

Date	10/3/03	# of pages	17
From	Clair	Co.	
Post-It Fax Note	7671	Phone #	351-4411
To	Lesly Albrady, Esq.	Phone #	
On/Dept		Fax #	778-5173

§ 98-23

**TUXEDO CODE**

§ 98-23

- (4) **Maximum preservation of outstanding topographical, geological and water resource features of the site.**

(Cont'd on page 9867)

- (5) A creative and staged development of land which allows for an orderly transition of land from vacant to occupied use.

C. General design requirements and standards for planned integrated development.

- (1) Minimum area. The minimum area necessary to qualify for a planned integrated development shall not be less than one hundred (100) contiguous acres of land; provided, however, that the owner of less than that amount may simultaneously apply for the residential provisions of a PID where the land is adjacent to a proposed or constructed PID.
- (2) Ownership. The tract of land may be owned, leased or controlled by a single person, corporation or association of individuals or corporations. An application may be filed by the owner, jointly by the owners of all property to be included or by a person, persons, corporation or corporations with an option to buy said property. In the case of multiple ownership, a plan once approved shall be binding on all owners.
- 7 (3) Location of planned integrated developments. Planned integrated residential developments are special permit uses subject to §§ 98-9 and 98-12. Planned integrated developments shall be served by public water and sewer service and shall meet the criteria for special permit approval set forth in Article IX. [Amended 5-18-77 by L.L. No. 5-1977; 6-13-79 by L.L. No. 3-1979]
- (4) [Amended 5-18-77 by L.L. No. 5-1977] Permitted uses. The following uses are permitted within the area of a planned integrated development:
  - (a) Residential uses, which may be of any variety of type and ownership, but the mixture of which shall be subject to the following restrictions:
    - [1] Not less than ten percent (10%) of the dwelling units (actual total) in one-family

detached dwellings. [Amended 6-13-79 by L.L. No. 3-1979]

- [2] Not less than fifty percent (50%) of the dwelling units intended in good faith at time of construction for individual ownership.
- [3] Not more than ten percent (10%) of the multiple-family dwelling units shall be in structures that exceed two and one-half (2½) stories in height.
- (b) Accessory commercial, service and nonresidential uses. Accessory commercial, service and other nonresidential uses may be permitted or required in planned integrated development. In such areas of the planned integrated development which are located in a residential use district, nonresidential development shall be restricted to uses of a local office or neighborhood business nature. In such areas of a planned integrated development which are located in an RO or LIO District, nonresidential use Groups KK.2 and NN.3<sup>12</sup> may be permitted. Residential uses are permitted throughout a planned integrated development except as provided in Subsection C(3).
- (5) [Amended 5-18-77 by L.L. No. 5-1977; 6-13-79 by L.L. No. 3-1979] Residential development. Planned integrated development situated in residential districts shall be permitted the number of dwellings as calculated in § 98-14 for all lands within the designated PID.
- (a) Supplemental dwelling credit from contiguous or noncontiguous lands in R-1 Districts may be applied to a PID based on the gross area of land so included, divided by the minimum lot size for the R-1 District. No adjustment for soils or slopes shall be applied. Such supplemental credit may be granted only on condition that such lands be

<sup>12</sup> Editor's Note: These group designations refer to the Table of Bulk Regulations adopted by § 98-12 and appearing at the end of this chapter.

permanently designated as open space available to residents of the PID and be so covenanted.

- (b) Land in nonresidential use districts (RO and LIO Districts) may be credited for residential development equivalent to Group Q.1 as calculated in Article IV.

(Cont'd on page 9869)

- (c) In RO and LIO Districts, land concurrently developed for Groups KK.2 and NN.3 as part of the PID shall also be credited for residential development equivalent to Group V.2. Such equivalency is in addition to the permitted use of the land for such nonresidential uses.
- D. Common property in the planned integrated development. Common property in the PID is a parcel or parcels of land, a privately owned road or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private, at the option of the Town Board. When common property exists in private ownership, the owners shall grant to the town such easements over, under and through such property as are required for public purposes; also, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas.
- E. Community appearance and architectural review. The PID shall become subject to community appearance and architectural review upon application for site plan approval; and the entire plan, showing such detail as shall enable the Town Planning Board to review said plan, shall be submitted for review simultaneously with site plan review.
- F. Design standards. Unless otherwise indicated in the resolution of special permit approval of the plan development, compliance with the following standards shall be required:
- (1) Lot area and yard requirements. No minimum lot size, frontage or yard requirements within a planned development shall be required except those dictated by health, fire, safety, function and buffer considerations.
  - (2) Height limitations. No maximum limits on building height shall be required, except as provided in § 98-16 of this Zoning Chapter.

- (3) The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to existing and planned streets, topography and public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by said streets; whether private or public, said streets shall conform to all other street and road specifications of the town.
- (4) Access. All uses shall have access to a public or private street except residences which need not front on a street but must have access thereto via a court, walkway or other area dedicated to public use or owned and maintained by a permanent resident nonprofit civic association or corporation.
- (5) Building area. The location and arrangement of all structures shall be in harmony with the purposes of this special use. The location and arrangement of structures shall not be detrimental to existing or prospective adjacent development or to the existing or prospective development of the town.
- (6) Boundary setbacks, buffer areas and transitional uses. Along the boundaries of a planned integrated development, provision shall be made for a combination of uses and buffer areas which constitute a transitional separation between surrounding existing and prospective uses and the proposed development. All uses and structures in the planned integrated development shall be required to provide a setback and/or buffer area from any zone district boundary or designated street line of any adjoining street at least equal to the least restrictive setback or buffer area required for any such uses or structures in the zoning districts in which they are permitted. If the existing use adjoining a planned integrated development is industrial, the screening required in this chapter shall be provided at the perimeter of the district where the proposed planned integrated development is to be constructed, to screen such residential development

from glare, uses or other influences having a potentially adverse impact on the planned integrated development. Within the planned integrated development, compatibly designed and transitional buffer areas and screening between uses and structures shall be provided.

- (7) Off-street parking and loading requirements. The minimum off-street parking and loading requirements for any uses or structures in a planned integrated development shall be at least equal to the minimal requirements stipulated for such uses or structures in this chapter.
- (8) Special considerations. Multiple-residence and attached-dwelling structures shall conform to the design and density requirements of § 98-22H.
- (9) Additional site development standards. In addition to the standards set forth in this section, the applicant shall also comply with the appropriate design, site development plan and performance standards of this chapter and of the Subdivision Regulations.<sup>14</sup> Where a conflict between this section and any of the above exists, the former shall govern.

G. Planned integrated development applications procedure and approval process. [Amended 8-11-76 by L.L. No. 3-1976; 5-18-77 by L.L. No. 5-1977; 6-13-79 by L.L. No. 3-1979]

- (1) General. Whenever any planned integrated development is proposed, before any permits for the erection of a permanent building in such development shall be granted and before any subdivision plat or part thereof may be filed in the office of the County Clerk, the developer or his authorized agent shall apply for and procure approval of such planned integrated development in accordance with the following procedures.
- (2) Application to the Town Board for concept approval. The owner or prospective purchaser must make ap-

<sup>14</sup> Editor's Note See Ch. 85, Subdivision of Land.



plication to the Town Board for concept approval or rejection prior to the filing of a preliminary plan with the Planning Board. Application for concept approval shall be in a form sufficient to enable the Town Board to evaluate the planned integrated development for compliance with the standards set forth for special permit approval (§ 98-39) and shall include a written report as set forth in Subsection G(2)(a) below. The Town Board shall refer the application for concept approval for review and report by the Planning Board. The Town Board, upon concept approval, shall forward the approved application with any conditions to the Planning Board for consideration in the production of the preliminary plan. Concept approval shall continue in force so long as preliminary plan approval is diligently pursued by the applicant. Preliminary plan review by the Planning Board shall be undertaken by the applicant within six (6) months of concept approval unless such period be extended by the Town Board for an additional ninety-day period.

- (a) Application for concept approval. A written description shall be submitted of the area surrounding the planned integrated district demonstrating the relationship of the proposed site to adjoining uses, including:
- [1] An explanation of the character of the planned integrated district.
  - [2] Evidence that the proposal is compatible with the goals of the Master Plan.
  - [3] A market feasibility study and other possible study techniques showing the demand for the principal proposed uses within the proposed site.
  - [4] A cost benefit analysis or other similar study and the assumptions upon which it is based to review the estimated municipal and school

§ 98-23

ZONING

§ 98-23

district costs, including capital and operating costs, and the services and ratables which might be anticipated for the development.

(Cont'd on page 9873)

4

- [5] General statements as to how common open space is to be owned and maintained.
  - [6] A proposed time schedule for development and, if staged, a general indication of how the staging is to proceed.
  - [7] The present ownership of all lands included within the proposed planned integrated district.
  - [8] A circulation study both within the planned integrated district and as it may affect the surrounding areas, including estimates of total automotive trips generated, peak-hour demand, present and anticipated traffic volumes, existing street capacities and other elements which may influence and be influenced by the proposed planned unit development.
  - [9] Evidence to demonstrate the applicant's competence to carry out the plan and his awareness of the scope of such a project, both physical and financial.
- (b) Report by Orange County Planning Department. Simultaneously with the application for concept approval, the Town Board shall submit a duplicate set of plans and reports to the Orange County Planning Department for its consideration pursuant to the General Municipal Law, § 239-n.
- (3) Application for preliminary plan approval.
- (a) The developer shall submit a preliminary plan of the proposal to the Planning Board. The preliminary plan shall be approximately to scale, though it need not be so precise as to consist of finished engineering drawings, and it shall clearly show the following information:
    - [1] The location of various uses and their area.

§ 98-23

TUXEDO CODE

§ 98-25

- [2] The general outlines of the main interior roadway systems and all existing rights-of-way and easements, whether public or private.
  - [3] Delineation of the various residential uses, indicating for each such area its general extent, size and composition in terms of the total number of dwelling units, approximate percentage allocation by dwelling-unit types (for example, single-family detached, duplex, townhouses, condominiums, garden apartments or high-rise apartments), plus a calculation of the residential density in dwelling units per gross acre, in accordance with Article IV.
  - [4] The interior open space system.
  - [5] The overall drainage system.
  - [6] Existing and proposed contours, shown at intervals of not more than ten (10) feet.
  - [7] A location map showing, generally, land use and ownership of abutting lands.
  - [8] A general statement as to how common open space is to be owned and maintained, and a commitment that the town shall be granted easement over all common open spaces and roads.
  - [9] If the project is to be staged by the owner, a general indication of how staging is to proceed must be submitted.
- (b) The Planning Board shall review this preliminary plan and its related documents and shall, within forty-five (45) days thereafter, render either a favorable or unfavorable report to the Town Board. Such time period may be extended on mutual written consent of the applicant and Planning Board.

- (4) Application for planned integrated development special permit.
- (a) Upon receipt of a favorable or unfavorable report from the Planning Board, the Town Board shall set a date for a public hearing for the purpose of considering special permit approval for the applicants' plan in accordance with the procedures established under §§ 264 and 265 of the Town Law of the State of New York, said public hearing to be conducted within forty-five (45) days of the receipt of the report or decision of the Planning Board.
  - (b) The Town Board shall refer the application, when applicable, to the County Planning Department, as required by §§ 239-l and 239-m of the General Municipal Law, and the Town Board shall also refer the application to the Town Engineer, if this has not been done by the Planning Board.
  - (c) The Town Board shall give the County Planning Department, where such review is required, at least thirty (30) days to render its report; and the Town Board shall render its decision within forty-five (45) days after the public hearing.
- (5) Site plan approval process.
- (a) Application for site plan approval. An application for site plan approval shall be referred to the Planning Board, in accordance with § 98-20D, within ninety (90) days of special permit approval or as stipulated by the Town Board in its resolution of approval.
  - (b) Requests for changes in the preliminary plan. If in the course of site development plan review it becomes apparent that certain elements which have been approved by the Town Board are not feasible, the Planning Board may resubmit to the Town Board its recommendations and the reasons

§ 98-23

## TUXEDO CODE

§ 98-23

for requesting the changes; and upon approval of the Town Board, a change to the preliminary plan may be made.

(c) Action on the final detailed site plan application.

[1] Within thirty (30) days of the receipt of the complete application for final site plan approval, the Planning Board shall hold a public hearing, in accordance with § 276 of the Town Law, and render a decision to the applicant and so notify the Town Board within forty-five (45) days from the public hearing.

[2] Upon approving an application, and the applicant fulfilling all of the conditions, and the posting of all required bonds, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward same to the Building Inspector who shall, upon payment of the requisite fee, issue a building permit to the applicant.

(d) Staging. If the applicant wishes to stage his development and he has so indicated as per § 98-28G(3)(a)(9), he may submit only those stages he wishes to develop for site plan approval in accordance with his staging plans. In such application, he must submit the full plans required above for site plan approval and subsequently file the staging plans.

H. Financial responsibility. No building permit shall be issued for construction within a planned residential development until the required improvements are installed or a certified check and performance bonds, in a form acceptable to the Town Attorney, are posted in accordance with the procedures specified in § 277 of Town Law relating to subdivisions. No permit shall be issued for construction of improvements or structures within the PID until the required development charge, in the form approved by the Town Board, is filed with the Building Inspector.