

Article V. District Regulations

Section 550. Planned Unit Development (PUD).

The purpose of the planned unit development provision is to provide a greater degree of flexibility for the development of large tracts of land proposed for development under a single or corporate ownership, which proposes to provide residential, commercial and industrial activities on the same parcel in a planned, controlled environment. A planned unit development proposal may contain both individual building sites and common property which are proposed for development as an integrated mixed land use unit. Limited retail and service commercial uses, closely related to the residential sections of a proposed planned unit development, are encouraged to provide a limited, daily convenience level of nearby shopping needs in a manner blending area land uses into an aesthetically complementary whole, within the framework of the Comprehensive Plan and consistent with the Land Use Regulations.

- A. Basic requirements. To implement the intent of the planned unit development provision, the following objectives must be met:
1. The proposed project area shall encompass a contiguous minimum land area of 5 acres of land within the Hamlet Districts, Lakeshore/Canal District or Lake Water District; or a minimum land area of 50 acres of land within the Agricultural-Rural Residential District.
 2. In no case shall there be less than 20% of the total land area in common open space. All such land area proposed for common open space shall be offered for dedication to the Town Board of the Town of Fayette. At the discretion of the Town Board the 20% common space requirement may be reduced for development in the Hamlet Districts, Lakeshore/Canal District and Lake Water District.
 3. Commercial activities shall be planned and constructed in a manner architecturally similar and complimentary to the residential units within the proposed development.
 4. The requirements relating to density, minimum lot area, minimum lot width, minimum side and rear yard areas, and maximum lot coverage shall be as specified in the final plan. All other requirements of this chapter shall be adhered to.
- B. Application procedure. In order to provide for an expeditious method of processing a proposed planned unit development application, the application, in the form of a letter of intent and an accurate preliminary plan drawn to scale, shall be provided in triplicate to the Planning Board for their review. The Planning Board, upon receipt of the proposal shall send one copy to the Town of Fayette Town Board for review and recommendation. All planning, zoning and subdivision matters relating to the platting, use and development of the proposed plan shall be determined and established by the Town Board after recommendations have been rendered and PUD approval for the rezoning has been made by the Town Board. After the parcel has been formally rezoned with or without conditions, the Town Board shall refer the application back to the Planning Board for preliminary and final site plan review and approval.
- C. Information required. The application shall explain and show the following information:
1. Location and extent of all proposed land use, including open space, and area map showing parcel under consideration and all properties, subdivisions, streets, zoning classifications and easements within 500 feet of the parcel.
 2. All interior streets, roads, easements and their planned public or private ownership, as well as all points of access and egress from existing public rights-of-way.
 3. Specific delineation of all uses, indicating the number of residential units and the density of each residential housing type as well as the overall project density.
 4. The overall water and sanitary sewer system with proposed points of attachment to existing systems; the proposed stormwater drainage system and its relation to existing systems; evidence of preliminary discussion and approval of the New York State Department of Health of the proposed sewer and water system on their recommended modifications.
 5. Description of the manner in which any areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and others according to the proposals.
 6. If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units or activities completed per phase.
 7. A written statement by the applicant setting forth the reasons why the proposal would be advantageous to and in the best interests of the entire Town of Fayette.
 8. A description of any covenants, grants of easement or other restrictions proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
 9. A written statement by the landowner setting forth the reasons why, in his opinion, the proposal would be in the public interest and would be consistent with Town goals and objectives.
 10. The Town Board, upon receipt of the proposal, including any other requirements, such as engineer's estimates and letter-of-credits shall we referred to the Town Engineer and others as required for further review and recommendation.
- D. Town Board hearing; tentative approval.
1. Within 60 days after receipt of the recommendations of the Town Planning Board, the Town Board shall hold one or more public hearings, as needed, public notice of which shall have been given in accordance with § 264 of the Town Law,^[1] to determine the advisability of the

proposal. The Town Board shall, within 45 days following the conclusion of the hearing(s):

- a. Grant tentative approval of the planned unit development as submitted;
 - b. Grant tentative approval of the planned unit development subject to specified written conditions imposed by the Town Board; or
 - c. Deny tentative approval of the proposal.
2. In the event that tentative approval is granted, either of the proposal as submitted or with conditions, the Town Board shall, as part of its resolution, specify the drawings, specifications and performance bond that shall be required to accompany an application for final approval. The landowner shall, within 30 days, notify the Town Board of his acceptance of or refusal to accept all specified conditions. If the landowner refuses to accept the conditions outlined, the Town Board shall be deemed to have denied tentative approval. If the landowner accepts, the proposal shall stand as granted.
3. Tentative approval shall not qualify a proposal for recording nor authorize development or the issuance of building permits.
- E. Factors for consideration. The Planning Board's review of a preliminary development plan shall include, but is not limited to, the following considerations:
1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
 2. Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Location, arrangement, size and design of buildings, lighting and signs.
 5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting visual and/or noise deterring buffers between adjacent uses and adjoining lands.
 6. In the case of multiple-family dwellings, the adequacy of usable open space for playgrounds and informal recreation.
 7. Adequacy of stormwater and sanitary waste disposal facilities.
 8. Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
 9. Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
 10. The relationship of the proposed land uses to adjacent land uses and the use of buffer areas and open space to provide a harmonious blending of existing and proposed uses.
 11. Conformance with other specific recommendations of the Town Board which may have been required in the Town Board's examination of the proposed sketch plan, under Subsection **E(3)** of this section.
- F. Procedures for final approval.
1. Application for final approval. An application for final approval may be for all the land included in a plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Town Board of the Town of Fayette official of the governing body and to the Town Planning Board and within the time or times specified by the resolution granting tentative approval. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth by written resolution of the governing body at the time of tentative approval. A public hearing on an application for final approval of the plan, or part thereof, shall be required, unless the plan or the part thereof submitted for final approval is, in the judgment of the Town Board, in substantial compliance with the plan theretofore given tentative approval.
 2. In the event that a public hearing is not required for final approval and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof and as required by the resolution of tentative approval, the Town Board shall, within 30 days of such filing and after receipt of a report thereon by the Town Planning Board, grant such plan final approval; provided, however, that, in the event that the plan as submitted contains variations from the plan given tentative approval but remains in substantial compliance with the plan as submitted for tentative approval, the Town Board may, after a meeting with the landowner, refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of said refusal, the landowner may:
 - a. File his application for final approval without the variations objected to by the Town Board on or before the last day of the time within which he was authorized by the resolution granting tentative approval to file for final approval or within 30 days from the date he received notice of said refusal, whichever date shall last occur; or
 - b. Treat the refusal as a denial of final approval and so notify the Town Board.
 3. Noncompliance of final plan.
 - a. In the event that the plan as submitted for final approval is not in substantial compliance with the plan as given tentative approval, the Town Board shall, within 30 days of the date the application for final approval is filed, so notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance. The landowner may:
 - [1] Treat said notification as a denial of final approval;
 - [2] Refile his plan in a form which is in substantial compliance with the plan as tentatively approved; or

- b. File a written request with the governing body that it hold a public hearing on application for final approval. If the landowner shall elect either alternative from Subsection **F(3)(a)[2]** or **[3]** above, he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by his resolution granting tentative approval to file for final approval or 30 days from the date he receives notice of said refusal, whichever date shall last occur. Any such public hearing shall be held within 30 days after request for the hearing is made by the landowner, and notice thereof shall be given and the hearings shall be conducted in the manner prescribed in Subdivision D of this section. Within 45 days after the conclusion of the hearing, the governing body shall by resolution either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this subsection, be in the form and contain the findings required for a resolution on an application for tentative approval set forth in Subsections **B** through **D** of this section.
 4. Any plan or any part thereof which has been given final approval by the governing body shall be so certified without delay by the Town Clerk and shall be filed on record forthwith in the office of the Seneca County Clerk before any development shall take place in accordance therewith. Upon the filing of record of the plan, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. Pending completion within five years of said planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said plan or part thereof, as finally approved, shall be made nor shall it be impaired by act of the Town of Fayette, except with the consent of the landowner.
 5. In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or the section thereof that has been finally approved and shall so notify the governing body in writing or in the event that the landowner shall fail to commence and carry out the planned unit development within five years of receiving final approval from the Town Board, and no further development shall take place on the property included in the plan until after said property is re-subdivided and is reclassified in accordance with the applicable provisions of law.
- G. Review by county and regional planning agencies.
1. No section of the ordinance enacted under provisions of this article shall become effective or the plan submitted under this section be granted tentative or final approval until such tentative or final plan has been referred for review and comment to the Seneca County Planning Board, as prescribed herein.
 2. Upon introduction of such ordinance or receipt of application for tentative or final approval of such plan, a copy shall be referred to the Seneca County Planning Board. The County Planning Board shall, within 30 days of receipt of the copy of such tentative or final plan, report its recommendations thereon to the Fayette Town Board and Planning Board. If the County Planning Board recommends modifications of a plan so referred, the Town Board shall not act contrary to such recommendation except after adoption of a resolution fully setting forth reasons for such contrary action.
 3. In its review, the Planning Board may consult with the Town Engineer, architectural or planning consultants, and other town and county officials, as well as with representatives of federal and state agencies, including the Soil Conservation Service and the New York Department of Conservation. The Planning Board may require that the design of all structures be made by or under the direction of a registered architect whose seal shall be affixed to the plans. The Planning Board may also require such additional provisions and conditions that appear necessary for the public health, safety and general welfare.
- H. Changes in final plan after approval. No changes may be made in the approved final plan during the construction of the planned development except upon application to the appropriate agency under the procedures provided below:
1. Minor changes in the location, siting and height, length and width of buildings and structures may be authorized by the Planning Board, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the cube of any building or structure by more than 10%.
 2. All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provision of common open spaces and all other changes in the approved final plan must be approved by the Town Board, under the procedures authorized by this chapter for the amendment of the Zoning Map. No amendments may be made in the approved final plan unless they are shown to be required by changes in the development policy of the community.