

**VILLAGE OF CAYUGA HEIGHTS
LOCAL LAW 1 OF THE YEAR 2019**

**A LOCAL LAW TO AMEND
THE VILLAGE OF CAYUGA HEIGHTS ZONING LAW
ARTICLE 8, “PLANNED DEVELOPMENT ZONE,”
TO CLARIFY CERTAIN TERMS OF THIS ARTICLE**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I PURPOSE AND INTENT

It is the intent of this Local Law to clarify and resolve potential ambiguity in certain terms of Article 8, “Planned Development Zone,” of the Zoning Law (the “Zoning Law”) of the Village of Cayuga Heights (the “Village”). The Village’s Board of Trustees has determined that certain terms of this Article could be stated more clearly or to eliminate possible inconsistencies. The purpose of this Local Law is to modify some of the text of Zoning Law Article 8 as stated below.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal home Rule Law.

SECTION III AMENDMENT OF ZONING LAW ARTICLE 8, “PLANNED DEVELOPMENT ZONE”

The following text of Zoning Law Article 8, “Planned Development Zone,” shall wholly replace the former text of said Article. In the text below, words that are being deleted from the former text are stricken, and words that are being added are underlined, for ease of reference to the revisions. Notwithstanding the foregoing, the text of Article 8 shall hereafter appear in the Village’s laws with these revisions incorporated, without words stricken or underlined.

Article 8. Planned Development Zone

§ 8.1. Purpose.

A. The purpose of the Planned Development Zone (sometimes referred to in this Zoning Law as a “PDZ”) is to permit, where appropriate, a degree of flexibility in conventional land use and zoning district regulations which will encourage development in an imaginative and innovative way in order to facilitate development or uses, now or in the future, which are not expressly permitted by the other terms of this Zoning Law, but which would promote the objectives or recommendations of the Village's Comprehensive Plan if such development or uses adhere to specific predetermined performance and design standards and conditions.

B. A Planned Development Zone may be utilized for both residential and nonresidential development, as well as for mixed use development (as such term is defined in Section 3.3 of this Zoning Law).

C. A Planned Development Zone shall modify the underlying zoning district regulations of this Zoning Law for the area proposed for the PDZ to the minimum extent possible in order to achieve the benefits of the PDZ, and the PDZ shall not be utilized to circumvent the requirements of this Zoning Law.

D. A Planned Development Zone shall not be utilized where the objectives or recommendations of the Village's Comprehensive Plan can otherwise be accomplished in accordance with the zoning district regulations of this Zoning Law.

§ 8.2. Establishment and location.

A. A Planned Development Zone may be established by the Village's Board of Trustees in any zoning district and shall be subject to the requirements set forth in this Article and to any special conditions imposed by the Village's Board of Trustees which shall supersede any requirements set forth in this Article.

B. Factors to be considered by the Board of Trustees in its decision to establish a Planned Development Zone may include but are not be limited to the following:

1. Preserving and enhancing neighborhood character;
2. Compatibility with adjacent development and land uses;
3. Mitigating negative impacts on traffic, parking, and stormwater management;
4. Avoidance of an undue burden on the Village's infrastructure;
5. Protection of natural resources;
6. Promoting environmental sustainability;
7. Provision of safe and convenient vehicular, bicycle and pedestrian circulation;
8. Provision of space for recreation and other public use;
9. Coordination with the requirements of County, State, and federal statutes; and
10. Consistency with the Village's Comprehensive Plan.

C. The ability of the Board of Trustees to establish a Planned Development Zone imposes no obligation on the Board of Trustees to approve a specific project proposed for an approved Planned Development Zone.

§ 8.3. Requirements.

A. A minimum tract of five (5) acres is required for the establishment of a Planned Development Zone.

B. Permitted land uses:

1. Residential land use.
2. Non-residential and non-commercial land use, such as recreational space, community facilities, parkland, etc., if:
 - a. Such use will contribute to the quality of the proposed development for the area;
 - b. Such use will enhance the surrounding neighborhood, including but not limited to by preservation of open space, by providing enhancements to vehicular and pedestrian traffic movement, by the addition of landscaping, by conservation of natural features, or by some combination of such components.

3. Commercial land use if the area proposed for a PDZ is not in the Commercial Zone if such commercial use is integral with, but clearly ancillary to, residential use of the area within

the Planned Development Zone, such as in mixed use development that includes two or more land uses.

4. Commercial land use if the area proposed for a PDZ is in the Commercial Zone.

C. Density. The number of dwelling units provided in a Planned Development Zone shall not exceed the number of units that would ordinarily be permitted in the PDZ's area in accordance with the regulations of the underlying zone or district, unless the Village's Board of Trustees determines in accordance with Section 8.12 below that an exception to this requirement is justified and the Board specifies the nature and scope of such exception in its approval of a PDZ.

§ 8.4. Size of Lots.

Lot size shall be specified in the Board of Trustees' approval of a Planned Development Zone.

§ 8.5. Yards.

Buildings in a Planned Development Zone shall be located not less than seventy-five (75) feet from any public road right-of-way line existing at the time of the PDZ application, or one hundred (100) feet from any other existing property line bordering the PDZ, unless the Village's Board of Trustees determines in accordance with Section 8.12 below that an exception to this requirement is justified and the Board specifies the nature and scope of such exception in its approval of a PDZ.

§ 8.6. Height of Buildings.

A. No building in a Planned Development Zone shall be more than two (2) stories high, and no building shall exceed a height of thirty-five (35) feet from the average finished grade to the average height between the eaves and ridgeline of a pitched roof or the highest point of a flat roof as measured from the average finished grade to the highest point of the building, unless the Village's Board of Trustees determines in accordance with Section 8.12 below that an exception to this requirement is justified and the Board specifies the nature and scope of such exception in its approval of a PDZ.

B. In cases where the proposed finished grade is higher than the existing grade, the change must be approved by the Code Enforcement Officer at the time of issuance of the building permit.

C. The height limitations of this Section § 8.6 shall not apply to chimneys, ventilators, skylights, or other necessary features ordinarily extending above roofs nor to spires of churches or other buildings if such features are in no way used or usable for living purposes.

§ 8.7. Lot Coverage. The total lot coverage for all buildings in the Planned Development Zone shall not exceed the lot coverage requirements of the underlying zoning district, unless the Village's Board of Trustees determines in accordance with Section 8.12 below that an exception to this requirement is justified and the Board specifies the nature and scope of such exception in its approval of a PDZ.

§ 8.8. Natural Features.

Existing natural features within a Planned Development Zone shall be preserved to the maximum extent feasible and incorporated into the site design.

§ 8.9. Stormwater Runoff.

The rate of stormwater runoff from a Planned Development Zone after development is complete shall not exceed the rate that would occur under a natural undeveloped condition as calculated for a one hundred (100) year storm and is in compliance with the Village's Stormwater Local Law and applicable State law and regulations.

§ 8.10. Site Planning Requirements.

A. Roads. All proposed roads in a Planned Development Zone shall be designed and constructed to meet Village standards and specifications and shall be approved by the Village Engineer.

B. Service Areas. Loading and service areas that face or are visible from a public road, including areas for the storage of solid waste and trash, shall be screened from public view by a vertical screen at least six (6) feet high. A landscaped buffer strip or a combination of landscaping and fencing may be used to provide the required screening.

C. Public Transit and Parking. Appropriate provisions shall be made for public transit and an adequate amount of off-street parking will be provided for the proposed use. No off-street parking space shall be located less than twenty-five (25) feet from any existing property line. All parking areas containing more than four (4) spaces shall be landscaped and shall be otherwise in compliance with Article 12 of this Zoning Law.

D. Underground services. All electric, telephone, and television lines and cables shall be installed underground. All access points shall be landscaped in a manner approved by the Village's Planning Board during the site plan approval process for the PDZ.

E. Lighting. Adequate site lighting shall be provided and shall be designed and located so that it does not produce glare on adjacent properties, does not impede the vision of traffic on adjacent roads, and shall be otherwise in compliance with Article 11 of this Zoning Law.

F. Access Drives. Multiple and extra-wide driveways shall be avoided. Access drives that do not provide safe sight distances shall not be permitted. Access drives shall intersect existing roads at a ninety (90) degree angle and shall not have a slope of greater than five percent (5%) for a distance of sixty (60) feet from the intersection of centerlines.

G. Intersections. On- and off-site intersections shall be designed to accommodate traffic safely. Turning lanes, deceleration lanes, by-pass lanes, and other safety measures shall be provided as required by the Village's Planning Board during the site plan approval process for the PDZ.

H. Signs. One (1) identification sign shall be permitted. Such sign may be two-sided but shall have a total area of no greater than sixteen (16) square feet per side, and shall be otherwise in compliance with Article 10 of this Zoning Law.

I. Operation. No offensive noise, traffic, odor, smoke, dust, heat, glare, electrical disturbance, or other pollutants shall be produced by the normal operating conditions of the proposed PDZ.

J. Landscaping. The number of trees to be planted in the PDZ shall be at least equal to the number of trees removed for development purposes and shall comply with standards set by the Village's Shade Tree Advisory Committee.

§ 8.11. Site plan approval.

Site plan approval for a Planned Development Zone shall follow the same review procedures as set forth in Article 17 of this Zoning Law and shall have the same plan requirements as specified

for major subdivisions in Article 18 of this Zoning Law. Notwithstanding the application of such review procedures, the Planning Board's site plan approval for a PDZ shall be conditioned on the Village's Board of Trustees granting final approval of the PDZ. Following the Planning Board's grant of conditional site plan approval, but before the approved site plan has been signed by the Planning Board chairperson, the Village's Board of Trustees must grant its final approval of the PDZ.

§ 8.12. Special Circumstances.

Notwithstanding any of the requirements set forth in this Article, the Village's Board of Trustees shall have the authority to make exceptions to certain requirements of this Article in accordance with the following conditions.

A. If the Board determines (1) that (a) the physical features, location or proposed use or uses of the site proposed for a Planned Development Zone, or (b) such site's relationship to other sites in the vicinity of the proposed PDZ site or the physical features or uses of those other sites, warrant that an exception be made to the requirements set forth in Sections 8.3(C), 8.5, 8.6 or 8.7 of this Article, and (2) that such exception is justified (a) by achieving a specific objective or recommendation of the Village's Comprehensive Plan or (b) by promoting the public health, safety and general welfare of the Village and its residents, in either case to an extent greater than could be achieved or promoted if the proposed PDZ site were developed in accordance with the underlying zoning district requirements for such site, then the Board of Trustees may modify the requirements set forth in Sections 8.3(C), 8.5, 8.6 or 8.7 of this Article subject to any conditions the Board may wish to impose.

B. In order for the Board to grant an exception to the requirements set forth in Sections 8.3(C), 8.5, 8.6 or 8.7 of this Article, the Board must identify in the record (1) the specific objective or recommendation of the Village's Comprehensive Plan that will be achieved, or the specific aspect of the public health, safety and general welfare of the Village and its residents that will be promoted, and (2) how the PDZ will achieve or promote such result to an extent greater than could be achieved or promoted if the proposed PDZ site were developed in accordance with the underlying zoning district requirements for such site.

SECTION V SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, to any extent that the terms of the Zoning Law of the Village of Cayuga Heights are deemed to be in conflict with the requirements of this Local Law, the terms of this Local Law shall govern and control.

SECTION VI PARTIAL INVALIDITY.

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION VII EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.