

TOWN OF MOHAWK LOCAL LAW # 3 2023

PLANNED UNIT DEVELOPMENT - PUD

I. Legislative Purpose.

The Town of Mohawk hereby finds and determines that:

(a) When coordinated with the municipal comprehensive plan, planned unit development can be an effective tool for guiding development in ways that support community goals and priorities.

(b) Planned unit development provides a means by which different land uses within an area covered by a single development plan may be combined to achieve compatibility among such uses. Unattainable with traditional municipal zoning techniques, planned unit development provides flexibility in the regulation of land use development in order to:

(i) Encourage innovation in land use variety and design, in the layout and type of new structures and in their integration with existing structures.

(ii) Enhance efficiency in the use of land, natural resources, energy, community services and Utilities.

(iii) Encourage open space preservation and protection of natural resources, historic sites and Structures.

(iv) Facilitate the provision of housing and improved residential environments; and

(v) Enhance the ability of municipalities to promote business and employment opportunities.

II. Definitions.

As used herein:

(a) “AUTHORIZED BOARD OR BODY”: Means the Town Planning Board or other body designated by the legislative body to review and act on final planned unit development plans.

(b) “PLANNED UNIT DEVELOPMENT”: Means a site upon which residential, commercial, industrial or other land uses or any combination thereof may be authorized in a flexible manner so as to achieve the goals of the municipal comprehensive plan.

(c) “PLANNED UNIT DEVELOPMENT DISTRICT”: Means an independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development plan approved by the legislative body.

d) “PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN”: Means a proposal for a planned unit development prepared in a manner prescribed by local regulation showing the layout of the proposed project including, but not limited to, maps, plans, or drawings relating to proposed land uses, approximate location and dimensions of buildings, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as is required by local regulation; architectural features, lot sizes, setbacks, height limits, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities, adjacent land uses and physical features, and such other elements as may be required by local regulation.

(e) “PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL”: Means the approval with conditions, if any, of the layout of a proposed planned unit development as set forth in a preliminary

plan and the simultaneous amendment of the zoning local law or ordinance by the legislative body to create and map a planned unit development district encompassing the preliminary plan; subject to the approval of the plan in final form pursuant to the provisions of this local law.

(f) “FINAL PLANNED UNIT DEVELOPMENT PLAN”: Means an approved preliminary planned unit development plan prepared at such additional detail and showing information as is required by local regulation, and the modifications, if any, required by the legislative body at the time of approval of the preliminary planned unit development plan, if such preliminary plan has been so approved.

(g) “FINAL PLANNED UNIT DEVELOPMENT PLAN APPROVAL”: Means the signing of a final plan by a duly authorized officer of the authorized board or body pursuant to a resolution granting final approval to the plan or after conditions, if any, specified in said resolution granting conditional approval of the plan are completed. Such final approval qualifies the plan for filing in the office of the clerk as provided herein.

III. Authority.

In addition to any other powers and authority to plan and regulate by zoning, the Town of Mohawk hereby enacts requirements for the review of planned unit development plans and the establishment and simultaneous mapping of planned unit development districts pursuant to the provisions of this local law.

IV. Elements.

To be approved by the Town Board, each proposal for the establishment of a planned unit development district must demonstrate that:

- (a) The legislative purposes, as set forth in Section I above, supporting the creation of a planned unit development district, are satisfied taking into consideration the land uses, structures and development density proposed, and the proposal for the planned unit development district must include, as appropriate, provisions relating to cluster development to protect open space, natural resources, and historic structures and areas.
- (b) The minimum acreage necessary for the establishment of a planned unit development district has been included in the proposal and that the applicant(s) have an ownership interest in the land.
- (c) The proposal contains, as appropriate, provisions for multi-year approvals of final planned unit development plans in phases, including a schedule for the completion of buildings, public and private facilities and site improvements.
- (d) There are procedures for amending final planned unit development plans, including public notice and hearing provisions for such amendments.
- (e) The preliminary and final planned unit development plans are consistent with the municipal comprehensive plan.
- (f) There are provisions whereby approval of a preliminary and/ or final planned unit development plan may lapse or be withdrawn upon failure of the applicant to proceed with the development or otherwise fail to meet conditions of approval.
- (g) There are provisions that designate the authorized board or body to review and act upon final planned unit development plans after preliminary approval is granted by the Town Board.

V. Compliance with state environmental quality review act.

In its review and approval of applications to create planned unit development districts pursuant to this local law, the legislative body shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

VI. Procedure for review.

(a) Upon the receipt of an application and preliminary plan for the establishment of a planned unit development district, the legislative body shall review the application and preliminary plan in consultation with the authorized board or body;

(b) Within ninety days of receiving the application, and prior to acting on a zoning amendment to create a planned unit development district, the legislative body shall hold one or more public hearings on such proposed preliminary plan and amendment. Notice of the public hearing should be published in a newspaper of general circulation at least ten calendar days in advance of the hearing and notice to the adjoining landowners within 500 feet of the boundary of the proposed planned unit development. The proposed zoning amendment and preliminary plan should be made available for public review at the office of the clerk and may be made available at any other public place;

(c) At least ten days before the public hearing on the application and proposed amendment to the zoning ordinance to create a planned unit development district, the legislative body shall mail notices thereof to the applicant and to the county planning board, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.

(d) Within one hundred twenty days of receiving the application and after holding public hearings, the legislative body shall act to approve, approve with modifications and/or conditions or deny the application, and if approved amend the local law or zoning ordinance to establish and map a planned unit development district. Upon taking such action, the legislative body shall advise the applicant, the authorized board or body and the county planning board or agency, in writing of its determination within five business days after such action is taken and place a copy of such letter on file in the office of the clerk.

(e) A final planned unit development plan shall be submitted by the applicant to the authorized board or body for review and approval, or approval with modifications and/or conditions. Review of the final planned unit development plan by the authorized board or body shall take into consideration the preceding action of the legislative body on the preliminary planned unit development plan; and

(f) The authorized board or body's determination on the final planned unit development plan shall be filed in the office of the clerk within five business days after such decision is rendered, and a copy thereof mailed to the applicant.

VII. Effective Date.

This act shall take effect upon its filing in the office of the Secretary of State of the State of New York and the clerk is hereby directed to file such local law immediately.