

**TOWN OF LLOYD  
LOCAL LAW D OF THE YEAR 2016**

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LLOYD  
CHAPTER 100, ARTICLE V., SECTION 100-23  
“PLANNED RESIDENTIAL DEVELOPMENT.”**

SECTION ONE. PURPOSE.

The purpose of this local law shall be to rescind Section 100-23.1 of the Town of Lloyd Zoning Code entitled “Planned residential development” and replace it with a new Section 100-23.1 entitled “Planned residential development (PRD).” The new Section 100-23.1 includes revisions to the existing 100-23.1, including adding factors for the Planning Board to consider when reviewing applications seeking approval for site plans and/or special permits that may be required, revising the setbacks in PRDs and establishing the minimum distance between detached structures within PRD’s.

SECTION TWO. MAP AMENDMENT.

The Town of Lloyd Code, Chapter 100, Article V., Section 100-23.1, entitled “Planned residential development” be, and the same hereby is, deleted and replaced with a new Section 100-23.1, as follows:

“Section 100-23.1 Planned residential development (PRD).

**Chapter 100. Zoning**  
**Article V. Overlay and Other District Regulations**

**§ 100-23.1. Planned residential development (PRD).**

A. General regulations.

(1) Purpose and general description. The PRD district is intended to encourage development in or near the Town Center, as defined by the Comprehensive Plan, and should be approved only in locations served by existing or proposed municipal water and sewer lines. PRD developments should be designed with a traditional village neighborhood sensibility. The PRD district is intended to encourage flexibility and innovation in land use in residential developments. Through careful planning, such districts will provide for the best use of the site consistent with the goals of protecting and embracing the natural environment. At the same time, it is intended that projects within any PRD district provide a compatible blending with surrounding development, minimizing such negative impacts as land use conflicts, traffic congestion, and excessive demands on existing or proposed public facilities. Appropriate non-residential uses such as neighborhood retail, service or professional office may be included if they are compatible with the proposed new development and with surrounding land uses.

(2) Establishment. A planned residential development district may be established by the Town Board either on its own motion or as a result of a petition from the owner or owners of property complying with the standards and requirements set forth in this chapter for planned residential development districts. The Town Board may waive or modify any part of the requirements of this section.

(3) Application; review; public hearing; action. Application, review, public hearing and action with respect to the establishment of a PRD district shall be as follows.

(4) Considerations. In determining whether exceptions to district standards should be allowed, particularly as regards the intensity of land use, the Town Board shall consider the following factors when considering the establishment of a new PRD or an amendment to an existing PRD and the Planning Board shall consider the following factors when reviewing proposed site plans and any special permits that may be required.

(a) The need for the proposed land use in the proposed location.

(b) The availability and adequacy of municipal water service.

(c) The availability and adequacy of municipal sewer service.

(d) The availability and adequacy of transportation systems, including the impact on the road network.

(e) The pedestrian circulation and open space in relation to structures.

(f) The character of the neighborhood in which the PRD is being proposed, including the safeguards provided to harmonize the proposed use with adjacent properties and with the neighborhood in general.

(g) The height and bulk of buildings and their relation to other structures in the vicinity.

(h) Potential impacts on local government services.

(i) Potential impacts on environmental resources including but not limited to wetlands, surface water, flood plains, and plant and wildlife communities.

(j) The general ability of the land to support the proposed development as well as the stormwater management for the development, including such factors as slope, depth to bedrock, depth to water table and soil type.

(k) The potential for redevelopment of brownfield and other underutilized properties.

(l) Other factors as may be deemed appropriate by the Town Board.

(5) Procedures and escrows.

(a) An escrow amount shall be established by the applicant to pay for the Town's consultant's fees, including engineering and legal fees, incurred in the evaluation of the plans and documentation for the PRD, in both the preliminary conceptual review phase before the Town Board and during any subsequent review by the Planning Board of the site plan and/or special permit required to implement the PRD.

(b) The owner of the land or agent thereof shall submit an application for a PRD rezoning to the Town Board. An application fee set by the Town Board and amended from time to time in the Development Fee Schedule shall accompany the application. A conceptual plan which may include drawings or architectural renderings, together with a narrative description, shall also accompany the application. The conceptual plan shall include the maximum number of residential units and the maximum number of square feet that the applicant proposes to develop, as well as a description of any non-residential development plans. The conceptual plan shall include a description and the minimum size of proposed open space which shall remain undeveloped. The Town Board at its next regularly scheduled meeting may, if it determines the proposal merits review, refer the application with a copy of the conceptual plan to the Planning Board for its preliminary review and recommendation within 40 days of the date of the application. Any such referral to the Planning Board should not be construed as an approval of the application. If the Town Board determines that the proposal does not merit review because it does not meet the purposes of this article, it shall not refer the application to the Planning Board and no further action on the application shall be taken. The application fee will be refunded to the applicant.

(c) The Planning Board shall submit its preliminary review and recommendation within 60 days of receipt of the referral from the Town Board. This time period may be extended with the consent of the applicant. The Town Board shall within 45 days following receipt of the report from the Planning Board (or expiration of the time for the Planning Board to comment) hold a public hearing on the proposal, with public notice as provided by law, as in the case of an amendment to this section. If, however, a positive declaration of environmental significance is issued, the hearing shall be held after the acceptance of the DEIS as complete, preferably at the same time as the hearing on the DEIS.

(d) The Town Board, after completion of the SEQRA process and any referrals required to County Planning, may then adopt a local law or local laws establishing the PRD and amending the Town zoning map to define the boundaries of the PRD subject to the conceptual plan and to any conditions imposed by the Town Board. Such action shall have the effect only of granting the applicant permission to apply to the Planning Board for approval of site plans and/or special use permits necessary to implement the final plans which shall be consistent with the conceptual plan reviewed by the Town Board and relied upon in establishing the PRD. Such amendment of this section shall not constitute or imply a permit for construction or approval of construction plans.

#### (6) Site Plan Review

(a) If approval of the rezoning is granted, the Planning Board, within 45 days after the approval, shall schedule a meeting with the applicant to commence site plan and/or special permit review. The site plan review will be conducted in accordance with Chapter 100, Article VIII Section 100.53 of the Town Code (Site Plan Review). Any special use permit review will be conducted in accordance with Chapter 100, Article VII Sections 100-40 through 100-52. The Planning Board may reduce but cannot increase the maximum number of units and total square footage approved by the Town Board.

(b) PRDs shall be considered as a single parcel for the purpose of applying the regulations.

(c) In conducting its site plan review and/or special permit review on the proposed development and changes, if any, in the preliminary conceptual plans, the Planning Board shall consider, among other things, the standards listed in this Section at 100-23.1 A. (4) (a) through (l) above, as well as any conditions imposed by the Town Board

(d) If construction work on the proposed development has not begun within five years of the Planning Board approval and such work is not completed within the period of time specified by the Town Board, approval of the PRD and any subsequent approvals issued by the Planning Board shall become null and void. All rights granted under the PRD shall revert to the same regulations and restrictions as were effective before such approval, unless the Town Board for good cause authorizes an extension, which may be authorized without a public hearing. The Town Board may grant such extensions for up to three additional years, or parts thereof.

(e) Recreation fees shall be paid to the Town according to a schedule that may be amended from time to time. The fee shall be calculated at the time of the signing of the maps as that fee currently on the fee schedule.

(f) The tract or tracts of land under application for consideration for a PRD 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 deeded owners or their agent of all parcels included in the project. In the case of multiple

ownership, the approved plan shall be binding upon all the owners, and such owners shall provide written certification to the Town demonstrating that the approved plan is binding upon all owners.

B. Permitted uses and structures.

(1) Single-family detached and attached dwellings; zero lot-line detached and attached dwellings.

(2) Two-family dwellings; multifamily dwellings; condominiums; apartments

(3) Accessory uses and structures including noncommercial greenhouses and plant nurseries, unattached private garages and carports, tool houses and garden sheds, children's play areas and play equipment, swimming pools, gazebos, and the like when meeting the following conditions:

(a) Shall be customarily and clearly incidental and subordinate to permitted principal uses and structures.

(b) Shall be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

(4) Public, private and parochial schools; childcare centers.

(5) Recreational and community assembly facilities intended for the primary use and convenience of the residents within the PRD district and their guests.

(6) Public parks and public recreational facilities, including golf courses, fields or specially designated areas.

(7) Churches and similar places of worship

(8) Home occupations subject to the provisions of § **100-33** of the Zoning Code.

C. Uses permitted on review. Upon review and approval by the Town Board, neighborhood commercial activities may be permitted, subject to the following conditions:

(1) All commercial facilities must be designed as an integral part of the development; external advertising or other characteristics which would negatively alter the residential scenic quality, noise level, or traffic load shall not be permitted.

D. Prohibited uses and structures: Any use or structure not specifically permitted.

E. Maximum density. The maximum number of dwelling units in any PRD district shall be computed by multiplying the net acreage to be developed by 15, excluding any area to be

developed as a church, school, childcare center, or neighborhood commercial use (as approved by the Town Board).

F. Minimum off-street parking requirements.

(1) Off-street parking shall be provided so as to comply with the requirements of § **100-29** of this Zoning Code. The following requirements shall additionally apply:

(a) Off-street parking shall be provided on a site convenient to the building it is designed to serve.

(b) At least one parking space per dwelling unit shall be located so as to provide a maximum walking distance of 100 feet from the nearest entrance to the building housing the dwelling unit the space is to serve.

(c) Where appropriate, common driveways, parking areas, walks, and steps shall be provided, maintained, and lighted for night use.

(d) Screening of parking and service areas is encouraged and may be required through the ample use of trees, shrubs, hedges, and screening walls.

(2) All driveways and parking areas shall be paved.

G. Site plan requirements. All developments requiring building permits shall conform with the applicable site plan requirements of Article **VIII**, § **100-53** and/or special use permit requirements of Article VII, Sections 100-40 through 100-52 of this Zoning Code.

H. Design standards. The following design standards shall apply for all PRD developments. These standards are in addition to any applicable standards from Appendix A of the Zoning Code, Design Standards. The Planning Board during their review may waive any requirements of the following standards if they find that such requirements are not in the best interest of the community.

(1) Access.

(a) Access to each single-family dwelling unit shall be provided via a public right-of-way or a private driveway owned by the individual in fee simple or in common ownership with the other residents of the PRD. Access and circulation shall adequately provide for firefighting and emergency vehicles and school buses.

(b) Access to buildings containing multifamily dwelling units under individual ownership shall be provided via a public right-of-way or a private driveway owned by the individual in fee simple or in common ownership with the other residents of the PRD. Access and circulation shall adequately provide for firefighting and emergency vehicles and school buses.

(c) Access to buildings containing multifamily dwelling units not owned by their occupants shall be provided via a public right-of-way. Access and circulation shall adequately provide for firefighting and emergency vehicles and school buses.

(2) Obstruction of vision at intersections.

(a) Nothing shall be constructed, planted or installed that may interfere with the visibility at the intersection of any private drive, entrance or exit from a common parking area.

(3) Area and bulk regulations.

- a. There shall be no minimum lot size.
- b. Minimum setbacks from property lines shall be based on the height of the buildings:
  - i. One (1) story: 15 foot from property line.
  - ii. Two (2) story: 20 feet from property line.
  - iii. Three (3) story: 30 feet from property line.
- c. Setbacks may be adjusted by the Planning Board during site plan review based on particular circumstances.
- d. Maximum lot coverage shall be based on the capability of the site design to adequately manage stormwater, but should not be more than 70% of the site acreage.

(4) Spacing of structures.

(a) The location of all structures shall be as shown on the final PRD site plan.

(b) The proposed location of all structures shall be in harmony with existing or prospective adjacent uses and to the existing or prospective development of the neighborhood.

(c) There shall be a minimum distance between detached structures within the PRD as follows:

[1] One and two stories: 15 feet.

[2] Three stories: 25 feet

(d) No individual residential structure shall extend more than 200 feet in length.

(5) Height of buildings.

(a) The maximum building height for any building shall be 35 feet.

(7) Privacy.

(a) Each development shall provide reasonable visual and acoustical privacy for dwelling units of both the PRD and of adjoining residential property owners. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable view or use and the reduction of noise.

I. Site improvements.

(1) Streets. The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area together with provisions for street improvements, shall generally comply with standards set forth in Chapter **89**, Streets and Sidewalks, of the Town of Lloyd Code. However, the uniqueness of each proposal for PRD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications of the subdivision or other regulations. Upon application from the developer and good cause shown, the Planning Board may permit changes or alterations of such standards that are consistent with the spirit and intent of this section, subject to approval by the Town Highway Superintendent.

(2) Utilities.

(a) The provision of underground utilities (including electricity, telephone and cable television) in both public and private extensions thereof shall be mandatory in every PRD.

(b) Provisions shall be made for acceptable design and construction of stormwater facilities including grading, gutters, piping, and treatment of turf to handle stormwater and prevent erosion.

(c) Fire hydrants shall be spaced according to the Town of Lloyd Water Department regulations for location of fire hydrants.

(d) Refuse collection. All collection facilities and containers shall be permanently screened in a manner that is sufficient to completely remove facilities from sight. If individual dwelling receptacles, such as garbage cans, dumpsters, etc., are part of the plan, those receptacles shall be placed in their locations of collection no more than 18 hours before the collection, and shall be removed no more than 18 hours after collection.

(e) Streetlights shall be provided where practicable or for safety reasons. Streetlights shall be shielded and of appropriate wattage. The Planning Board should use its discretion to allow types of lighting that will complement the PRD neighborhood.

(3) Pedestrian circulation.

(a) The "complete street" model should be used for design of the roadway. Consideration must be given to all users of the roadway: bicyclists, public transportation vehicles and riders, pedestrians, and vehicular traffic.

(b) A pedestrian circulation system is required. Where practicable, the system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This separation shall include, when deemed necessary by the Planning Board or Town Board, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, residential uses, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

(c) Sidewalks may be required where practicable. The sidewalk shall be separated from the street by a grassy strip no less than three feet across. Sidewalks should not dead-end unless transitioning to a nonpaved trail or park area. Sidewalks shall be constructed of concrete or equally durable material

(d) Street trees shall be located on the side of the sidewalk away from the street in order to minimize damage to trucks. Trees shall be planted at appropriate distances from the sidewalk to inhibit root damage of drains, septic pipes, sidewalks and roadways.

SECTION THREE. EFFECTIVE DATE.

This local law shall take effect when filed with the Secretary of State, in accordance with the Municipal Home Rule Law.