

A Guide to Planned Unit Development

Preface

The NYS Legislative Commission on Rural Resources is pleased to present this guide to localities that are considering how they can use planned unit development to reinforce and achieve community goals and priorities. When used to implement a community's comprehensive plan, planned unit development is a cost-effective planning and zoning measure to include in a municipality's tool kit. It offers a constructive way to incorporate many other innovative land use techniques such as incentive zoning and cluster development within a single, coordinated development plan that encourages the efficient use of public facilities and services while also conserving open space and restoring our valued main streets as centerpieces of community pride.

The Rural Resources Commission has received valuable technical assistance in this effort from its state land use advisory committee which includes representatives of state and municipal agencies, builder's associations, private planning consultants, land use attorneys, professional planners, farm and business owners. In their long-range efforts to recodify and modernize New York's community planning and zoning enabling statutes, advisory committee members foresaw the need to provide clear guidance for local officials and citizens to use planned unit development (PUD) as a way to help promote quality communities across the state. Their efforts led to the enactment of Chapter 213 of the Laws of 2003 in New York which provides express statutory authority for cities, towns and villages to incorporate planned unit development provisions in their local planning and zoning.

In order to further assist communities in making creative and effective use of the new PUD statute, the Rural Resources Commission has prepared this guide. **It discusses when and how to use planned unit development as well as options for incorporating it in local zoning ordinances. A key to the implementation of these provisions is to link them with the municipality's comprehensive plan.** Members of the Commission would appreciate any feedback readers and users of this guide wish to share regarding how it might be improved as well as examples of its use in localities. You may contact the Commission at the address shown on the inside cover of this document.

When and How to Use the Model Local Law In This Report

Most planned unit development (PUD) local laws seek to achieve greater design flexibility and economies of scale in the development of particular land areas within the community. Above all, PUD provisions target specific goals and objectives included in the municipality's comprehensive plan. Generally, PUD local laws anticipate projects that

develop a tract of land as a unit (relatively large scale, but not always) in a unified manner. For example, a community that anticipates receiving a rezoning or site plan application for the development of a large shopping mall could use a mixed-use PUD law to negotiate significant design and use changes instead of ending up with yet another commercial strip.

The Village of Seneca Falls' successful waterfront and main street revitalization along the historic Erie Canal in the Finger Lakes region. Similarly, a community faced with the prospect of uniform single-lot subdivisions, could instead encourage some on-site shopping and services for homeowners and a mix of housing types and styles. Likewise, a rural community could adopt PUD provisions in advance of development in order to indicate the areas its feels are appropriate for mixed-use and more intense development.

Although PUD development is designed primarily for larger-scale projects, its use is not strictly limited to communities with one or more large lots under single ownership. PUDs are among the most flexible of zoning techniques because their provisions are set by local law. Whereas standard zoning may promote lot-by-lot development in which the entire tract is covered with lots of uniform size, PUD local laws can include the possibility of several medium-sized or smaller lots where the owners work together in using the PUD development options provided by the community. PUDs also provide the opportunity to achieve flexibility in architectural design, a mix of compatible land uses as well as the preservation of key natural or historic features, that are otherwise difficult to achieve using traditional, lot-by-lot zoning.

Before they can be implemented, PUD provisions must be added to the community's zoning local law or ordinance. **The process of adding PUD provisions to the local zoning law is identical to adopting any zoning local law or amendment. The PUD local law must be drafted, published, subjected to public hearing, the zoning map amended, adopted and filed. The challenge is to choose appropriate methods for designating sites for PUD development, providing appropriate guidelines and establishing a process by which applications are approved by the municipality.**

The PUD local law may designate one or more particular sites the comprehensive plan currently indicates should be developed in a more flexible manner than is provided for by the underlying zoning. If so, it can require that the site or sites be developed as a PUD. Or, the zoning local law or ordinance can allow PUD development in certain types of situations and provide for specific site designation at a later time, upon application by one or more landowner-developers or upon the initiative of the local legislature.

The PUD local law must state its purpose, contain standards for site and building development, and describe a process for reviewing and approving individual projects. In drafting these provisions care should be taken to involve landowners, developers and neighbors so that all are as well informed as possible of the community's intentions,

objectives and standards, including any necessary mitigating or other provisions that assure the project is in harmony with surrounding land uses.

The review and approval of PUD applications is another major consideration. If the local legislature is to retain the authority, the standards contained in the PUD local law provisions can be more general, although specific enough to help clarify when, where and under what circumstances the community desires PUD development. If the legislature delegates to the local planning board the responsibility of reviewing and approving PUD applications, the standards must be more specific.

Another PUD review and approval option is a three-step process where responsibility is shared by the local legislature, planning or zoning board. In such instances, the applicant may be requested to submit a preliminary plan to the legislative body for its approval (and amendment of the zoning local law if the subject PUD district is not already designated on the zoning map). Afterward, the planning board is responsible for approval of a final plan and oversight of its implementation, which may involve several development phases. Not the only option a municipality may want to consider, this approach is the one envisioned in the model local PUD law presented herein. Offered as a guide to local officials and their technical advisors, an experienced attorney will be able to assist a community in tailoring the general outline of the model so that it meets local needs and goals.

It is strongly advised that officials who are planning to incorporate PUD provisions in local zoning laws or ordinances review the following authoritative works in order to avoid possible legal complications later on: All You Ever Wanted To Know About Zoning, by Sheldon W. Damsky, Joseph M. Catalano & James A. Coon, published by the New York Planning Federation and Well Grounded: Using Local Land Use Authority to Achieve Smart Growth, by John R. Nolon, published by the Environmental Law Institute.