

## **10.2 PLANNED UNIT DEVELOPMENT (PUD)**

### **10.2.1 INTENT**

A Planned Unit Development is a district or floating zone wherein a planned mix of residential and non-residential uses is sanctioned by the City Council subject to restrictions calculated to achieve compatible and efficient use of the land in accordance with the City Comprehensive Plan. The intent of a PUD is to permit a mix of uses and arrangement of structures, not commonly possible under the requirements of current zoning regulation, to serve the public welfare of the community.

### **10.2.2 LEGISLATIVE AUTHORITY AND APPLICABILITY**

A. The creation of a PUD shall constitute an amendment to the Zoning Ordinance and shall require approval by the City Council. The provisions of a PUD do not apply to the specific area until the effective date of a Zoning Ordinance amendment established by resolution of the City Council.

B. A Planned Unit Development may be permitted in any area except the Rural Residential District and Public Water Supply and Wetland Protection District.

### **10.2.3 PLANNED UNIT DEVELOPMENT OBJECTIVES**

In order to justify the establishment of a PUD as an alternative to current zoning regulation and carry out the intent of this Section, a PUD shall achieve the following objectives:

1. Provide for a development pattern of mixed-uses consistent with the objectives of the Comprehensive Plan.
2. Provide for a more efficient arrangement of land uses, buildings, circulation systems, infrastructure and open space than otherwise possible under current zoning.
3. Provide for diversity in residential housing opportunities at varied economic levels.
4. Provide for uses and amenities that fulfill an identifiable community need.
5. Provide for enhanced open space and the preservation of natural resources.
6. Prevent soil erosion and enhance the preservation of trees, outstanding natural topographical and geological features.
7. Enhance integration of transportation systems including vehicular, pedestrian, bicyclist and transit.
8. Minimize adverse impacts of land development upon neighboring properties
9. Provide for a more economically viable and environmentally sustainable land use pattern than would be possible through the strict application of other Articles of this Chapter.

**10.2.4 PERMITTED DENSITY**

The maximum density permitted in any proposed PUD, or subsequent amendment thereto, shall not cumulatively exceed 20% in addition to the maximum density envisioned by either the current Comprehensive Plan or by the applicable zoning in effect immediately prior to the adoption of the original PUD, whichever is lower.

**10.2.5 APPLICATION PROCEDURES**

A. An eligible applicant for a proposed Planned Unit Development must be the owner(s), lessee or purchaser under contract for all properties subject to the application. A lessee or purchaser under contract must have written permission of the current property owner(s) to submit an application.

B. Applications for a PUD shall be on forms prescribed by the City Council and shall be accompanied by a fee as established by the City Council.

C. Every application for a PUD shall include the following:

1. A narrative providing general project information
2. Proposed PUD legislation
3. Demonstration of achieving PUD Objectives found within this Section
4. Project details to address the Planning Board evaluation criteria found in this Section
5. Sketch plan to scale including the required site details found within Appendix B.
6. SEQRA Full Environmental Assessment Form ("long form")

D. Upon receipt of a complete application, the City Council shall determine whether the proposed PUD has merit for review and if it shall be considered. However, if the owners of fifty percent (50%) or more of the frontage in any District or part thereof present a PUD application to the City Council, the Council shall vote on the Petition within ninety (90) days after it is filed with the Secretary of the City Council.

1. If the City Council determines there is merit for review, the City Council shall then refer the complete application to the Planning Board for review and recommendation.

2. If the Council determines the proposal does not merit further review, it shall not refer the application to the Planning Board and no further action on the application shall be taken.

**10.2.6 REFERRAL FOR ADVISORY OPINION**

Prior to taking action on any proposed PUD, the City Council shall seek an advisory opinion from the City Planning Board, and the Saratoga County Planning Board as required by General Municipal Law. For proposed PUD

locations within a historic or architectural district, the Council shall also seek an advisory opinion from the Design Review Commission.

#### **10.2.6.1 CITY PLANNING BOARD**

The City Planning Board shall have 60 days from receipt of the application to render a favorable, favorable with conditions, or unfavorable written advisory opinion to the City Council, unless extended by mutual consent.

##### **10.2.6.1.1 PLANNING BOARD EVALUATION**

- A. The Planning Board's advisory opinion shall include evaluation of the following:
1. Consistency with the goals and objectives of the Comprehensive Plan.
  2. Consistency with the general purposes and intent of this Chapter and the intent and objectives of a PUD as expressed in this Article.
  3. Community need and adherence to sound planning and design principles in the proposed land use configuration, transportation system, open space, and stormwater management concept.
  4. Positive and negative impacts to population, schools, traffic, utilities, recreation, taxes, and aesthetics.
  5. Availability and adequacy of utilities including water and sewer service.
  6. Availability and adequacy of transportation systems including accommodation for vehicular, pedestrian, bicyclist and transit needs.
  7. Potential for [any] adverse impacts on the surrounding neighborhood, [including the character of the neighborhood,] and any proposed mitigation to minimize possible detrimental effects.
  8. The height and bulk of buildings and their relation to other structures in the vicinity.
  9. Potential for adverse impacts on environmental resources including wetlands, surface water, floodplains, and plant and wildlife communities.
  10. General ability of the land to support the development including such factors as slope, depth to bedrock, depth to water table and soil type.
  11. Other factors as may be deemed appropriate by the City Council.
- B. The Planning Board may hold a public hearing at its discretion.
- C. The Council may, at any time, return the application to the Planning Board for additional review and recommendations.

#### **10.2.6.2 SARATOGA COUNTY PLANNING BOARD**

A. Any proposed PUD that meets the referral requirements of General Municipal Law Section 239-m shall be referred to the Saratoga County Planning Board for its review prior to the public hearing. No action shall be taken by the City Council until an advisory recommendation has been received from the County Planning Board or 30 calendar days have passed from when the County Planning Board received the full statement.

B. If the Saratoga County Planning Board recommends modification or disapproval of a proposed PUD, the City Council shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

**10.2.6.3 CITY DESIGN REVIEW COMMISSION**

If the PUD application is referred to the City Design Review Commission, the City Design Review Commission shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Design Review Commission finds that the proposed PUD is not contrary to the intent and objectives of Article 7.4 Historic Review or Article 7.5 Architectural Review, as applicable.

**10.2.7 PUBLIC HEARING AND NOTICE**

A. Within 45 days of the receipt of the Planning Board advisory opinion, the City Council shall schedule a public hearing for consideration of the proposed PUD.

B. The City Clerk shall notice the public hearing for a proposed PUD, including a description of the proposed PUD.

C. The City Clerk shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant(s) shall be responsible for payment for this notice. Prior to the hearing, the applicant(s) shall be responsible for filing with the City Clerk an affidavit from the newspaper confirming such publication and payment.

**10.2.7.1 PROPERTY OWNER NOTICE**

For all applications to locate a proposed PUD, the applicant(s) shall provide notice of the proposed PUD [public hearing] to neighboring property owners in the following manner.

A. The applicant(s) shall obtain from the City the names and addresses of property owners within a geographic radius of 250 feet from the petitioner's subject property boundary.

B. The applicant(s) shall receive from the City Clerk a property owner notification and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but no more than 20 calendar days prior to the scheduled [public] hearing.

C. Prior to the public hearing, the applicant shall submit to the City Clerk confirmation of this property owner notification using a "certificate of mailing" provided by the U.S. Postal Service.

D. Failure to provide notice in exact conformance with these provisions shall not invalidate a City Council determination provided the City Council finds that

substantial compliance has occurred [and the public has been fairly apprised of the fundamental character of the proposed change].

#### **10.2.7.2 INTERMUNICIPAL NOTIFICATION**

Pursuant to General Municipal Law Section 239-nn, if the land involved in an application [for a proposed PUD] lies within 500 feet of the boundary of another municipality, the City Clerk shall submit a copy of the official notice of the public hearing to the municipal clerk of the other municipality at least 10 days prior to the public hearing.

#### **10.2.7.3 HOUSING AUTHORITY PROPERTY**

For the location of proposed PUDs that affect property within the protectively zoned area of a housing project authorized under the Public Housing Law, written notice shall be given to the Housing Authority at least 30 days prior to the public hearing.

#### **10.2.8 DECISIONS**

- A. In rendering its decision on any proposed PUD, the City Council shall comply with all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B. Within 62 days of the close of the public hearing, the City Council shall act on the proposed PUD. As a condition of approval, the City Council may impose such reasonable conditions, requirements and restrictions as are directly related and incidental to the proposed PUD.
- C. If approved, the terms and conditions of the PUD shall be binding on all owners.
- D. If the City Council approves the Planned Unit Development, the legislation shall be adopted into the City's Zoning Ordinance and the Zoning Map shall reflect the change.

#### **10.2.8.1 PROTEST**

- A. A protest against a proposed PUD must be signed by the owners of:
  1. 20% or more of the land area included in the proposed PUD; or
  2. 20% or more of the land area immediately adjacent to and extending 100 feet from the land area included in the proposed PUD; or
  3. 20% or more of the land directly opposite thereto and extending 100 feet from the street, road or highway frontage of such opposite land.
- B. A protested PUD shall require the favorable vote of at least four (4) Council members.

#### **10.2.9 SUBSEQUENT REQUIRED APPROVALS**

Every approved PUD shall be subject to Site Plan Review and Subdivision Regulations, as applicable.

**10.2.10 AMENDMENTS TO PUD**

Proposed revisions that would substantively alter an approved PUD are subject to a zoning amendment process as identified in 10.1.

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