

- f) To provide more convenience in location of accessory commercial and services area.
- g) To provide a development pattern in harmony with the objectives of the Comprehensive Plan and the policy considerations underlying this Local Law.

3. Planned Development District Types:

There are three types of PDD's permitted in the Village of Victory: residential, commercial, and mixed use:

a) Residential PDD Standards:

An area of contiguous size, scaled to fit the needs of the community, may be of any residential building type consistent with the intent and objectives of this PDD Regulation. The density permitted within the PDD shall be as determined by the approved PDD Site Plan.

b) Commercial; PDD Standards:

A commercial PDD consisting of commercial uses may be permitted if such uses are supportive of the community population in terms of work force, design, and character, and if such uses are consistent with the Village's planning and development objectives. Consideration shall be given to the project, as it exists in its community setting to determine the appropriateness of such uses. The density permitted within the PDD shall be as determined by the approved PDD Site Plan.

c) Mixed Use PDD Standards:

Residence and retail uses, scaled to serve the needs of the community, may be of any building type consistent with the intent and objectives of this PDD Regulation. Building height shall be restricted to forty-five (45) feet and no more than eight (8) townhouses units may be attached as a group. The density permitted within the mixed use PDD shall be as determined by the approved PDD Site Plan.

4. Criteria:

a) Development Area:

The minimum development area required to qualify for a PDD shall be eight (8) contiguous acres of land in the case of a residential or mixed-use PDD, and six (6) contiguous acres of land in the case of a commercial PDD. The calculation of such land area shall not include existing streets, easements, parks, or otherwise dedicated land or acreage, or lands un-developable by reasons of topography, drainage, occurrence of wetlands, periodic inundation by floodwaters, or adverse subsoil conditions.

b) Ownership:

The tract of land for a project may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. The application must be filed by the owner or jointly by the owners of all property included in this project. In the case of multiple ownership, the approved plan and its easements shall be binding on all owners, or their successors in title or interest.

5. Permitted Uses in PDDs:

All uses permitted within an area designated as a PDD are determined by the provisions of the PDD and the approved plan of the project concerned.

6. Procedure:

a) Application:

Application for establishment of a PDD shall be made in writing to the Village Board of Trustees. The application shall include five (5) copies of a sketch plan as described in Section F-7 of this Article and five (5) copies of a completed long Environmental Assessment Form, Part I. The Village Board of Trustees is under no obligation to consider a PDD application.

Upon resolution of the Village Board of Trustees to consider a PDD application, the Applicant shall submit the applicable fees as determined by the Village Board of Trustees and posted in the Village Hall. The Village Clerk shall also forward a copy of the application to the County Planning Board in accordance with Sections 239-i and 239-m of the General Municipal Law.

b) Planning Board Review:

The Planning Board shall review the sketch plan with the Applicant to determine if it meets the standards outlined herein. The Planning Board may require additional changes to the sketch plan as deemed reasonable to protect the sound growth and development of the Village. In reaching its decision on the proposed development and changes, if any, in the sketch plan, the Planning Board shall consider the following:

- 1) The location of the principal and accessory buildings on the site in relation to one another and neighboring development.
- 2) The existing character of the neighborhood in which the uses will be located.
- 3) The pedestrian circulation and open space in relation to structures and to prospective user needs.

- 4) The traffic circulation features within the site and amount, location and safety of access both to the site and within the site, including the provision of vehicular parking areas. The impact of the proposal on an existing transportation system.
- 5) The adequacy of proposed public/private utilities including water supply, sewage treatment and stormwater drain facilities.
- 6) The height and bulk of buildings and their location to one another and neighboring development.
- 7) The protection of existing natural features, landscaping plans to be implemented subsequent to development, and a long-term maintenance plan for such landscaping.
- 8) The safe guards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- 9) Such other matters as the Planning Board may consider pertinent.
- 10) Conformance with the Comprehensive Plan for the Village of Victory.

c) Planning Board Action:

Within sixty (60) days of the date of the referral of the Village Board of Trustees, or from the date that all information requested by the Planning Board is submitted, which ever is later, the Planning Board shall recommend approval, approval with modification, or disapproval to the Village Board of Trustees.

d) Village Board of Trustees Action:

Upon receipt of the Planning Board's report, or upon failure of the Planning Board to act within the prescribed time period, the Village Board of Trustees shall conduct a public hearing on the proposed Planned Development District. Public notice of such hearing shall be published in a newspaper of general circulation in the Village at least ten (10) days prior to the date of the hearing. The Village Board of Trustees may, following the public hearing, adopt a Local Law defining the Planned Development District and amending the Zoning Map for the Village of Victory.

e) Compliance With the State Environmental Quality Review Act

The Village Board of Trustees shall comply with the requirements of the State Environmental Quality Review Act (SEQRA) in reviewing the proposal. If the time schedule for SEQRA is different, the schedule

should be modified for SEQRA for projects that are subject to an Environmental Impact Statement.

7. Sketch Plan:

a) Requirements:

The sketch plan shall be drawn at scale of not less than one (1) inch equals one-hundred (100) feet and shall show the lands to be developed or at an alternative scale as approved by the Planning Board. A boundary survey need not be submitted at this phase. The sketch plan shall include the following:

- 1) Property lines, existing and proposed, together with acreage of all lots, including any easements and dedication.
- 2) General topographic and drainage information, both existing and proposed.
- 3) Existing natural and man-made features, including streams, drainage improvements, wetlands, floodplains, slopes over fifteen percent (15%) grade and existing buildings and structures.
- 4) All existing and proposed elements of vehicular and pedestrian circulation, including but not limited to roadways, parking areas, loading areas, walkways, bike paths, and parking garages.
- 5) Delineation of the various use areas in the proposed PDD indicating for each area its general extent, size and composition in terms of use and total number of buildings; for residential districts, approximate percentage allocation by residential type; for mixed-use and commercial districts, approximate percentage allocation by use.
- 6) Proposed location, type and size of landscaping, buffer areas and other aesthetic features.
- 7) Proposed public utilities, including type and method of water supply, sewage and storm water management.
- 8) Location map showing uses and ownership of adjacent lands.
- 9) Proposed location, type, and size of signs, driveways, and emergency zones.

8. Building Design Standards:

- a) All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses and blocks.

- b) Individual buildings shall generally be related to each other in design, masses, elevations, materials, elevation, placement, and connections, to provide a visually and physically integrated development.
- c) The design of buildings and parking facilities shall take advantage of the topography of the site where appropriate, to provide separate levels of access.
- d) All building walls shall be so oriented as to ensure adequate light and air exposure to the rooms within and to adjacent properties.
- e) All buildings shall be arranged as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- f) All buildings shall be arranged so as to be accessible to emergency vehicles.

9. Open Space Requirements:

- a) Common open space totaling not less than thirty percent (30%) of the total PDD tract shall be provided in perpetuity. This land shall be exclusive of any land area used primarily for vehicular modes of transportation, including parking areas, garages, carports, and other features. The ownership of such open space land may be either public or private. When in private ownership, a homeowners' association or similar mechanism, the long-term ownership and maintenance of such common open space shall be provided, subject to the approval of the Village Board of Trustees and Planning Board. The grant of a conservation easement to further ensure the protection of this open space may be required.
- b) The location, shape, size and character of the open space must be suitable for the PDD.
- c) Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the scale and character of the PDD, considering its size, density, expected population, topography, and the number and types of dwellings to be provided.
- d) Open space must be suitable for its intended use. If intended for active use, said open space shall be suitably improved. The buildings, structures and improvements, which are permitted in the open space, must be appropriate to the uses, which are authorized for the open space.
- e) The development schedule which shall be part of the review process required as part of the final site plan must coordinate the improvement

of the open space and the construction of buildings, structures, and improvements.

- f) All land shown on the final site plan as open space must be maintained and used for said purposes.

10. Circulation System Design Standards

- a) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces.
- b) Roads, pedestrian walks, and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings, and appropriately landscaped.

11. Other Requirements

- a) Upon approval of the PDD by the Village Board of Trustees, application shall be made within six (6) months for approval of all or some portion of the intended PDD development in accordance with the Site Plan Review procedures contained in Article 7. In addition, all other applicable regulations shall also apply.
- b) Additional performance requirements that may have been specified by the Village Board of Trustees or the Planning Board in its PDD approval action, such as a time limit for either initiation or completion of improvements and other construction work on the PDD development, shall also be strictly enforced. If these performance requirements are not met, the property shall revert to its prior land use classification, unless the Village Board of Trustees, upon specific application and for good cause, authorizes an extension of such performance requirements.