

APPENDIX B

Zoning Petition

VILLAGE OF CHESTNUT RIDGE
LOCAL LAW NO. __ OF THE YEAR 2020

A LOCAL LAW AMENDING THE ZONING LAW OF THE VILLAGE OF CHESTNUT RIDGE, TO CREATE A PLANNED UNIT DEVELOPMENT (PUD) FLOATING ZONE DISTRICT, WITH USES AND DEVELOPMENT STANDARDS

Be it enacted by the Village Board of Trustees of the Village of Chestnut Ridge by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

(Note: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Amend Zoning Code Article XVIII - Word Usage, subsection 2. Definitions, by adding the following definitions, in the proper alphabetical order:

FLOATING ZONE DISTRICT - A Zoning District that is unmapped until a petition is submitted and reviewed by the Village Board of the Village of Chestnut Ridge to determine that it meets relevant criteria; and upon approval is mapped on the Village’s Zoning map.

PUD DEVELOPMENT SITE - The assemblage of parcels included in a Planned Unit Development.

Section 2: Amend Zoning Code Article II – Zoning Districts and Zoning Map, subsection 1. Districts Established, adding the following district to the list of Zoning Districts

<u>Symbol</u>	<u>Title</u>
	* * * * *
<u>PUD</u>	<u>Planned Unit Development Floating Zone District</u>
	* * * * *

Section 3: Amend Zoning Code Article II – Zoning Districts and Zoning Map, subsection 2. Zoning Map, as follows:

The boundaries of said districts, except for the unmapped Planned Unit Development Floating Zone District, are hereby established as shown on the Zoning Map and which, with all explanatory matter thereon, is hereby adopted and made a part of this local law. A copy of said map, indicating the latest amendments, shall be kept up to date in the offices of the Village Clerk for the use and benefit of the public.

Section 4: Amend Zoning Code Article II – Zoning Districts and Zoning Map, by adding a new subsection 5, entitled Planned Unit Development (PUD) Floating Zone District, as follows:

5. Planned Unit Development(PUD) Floating Zone District

A. Purpose

1. It is the intent of this Planned Unit Development (PUD) Floating Zone District to provide performance criteria in the context of flexible use and design regulations so that mixed-use neighborhoods may be developed, incorporating a variety of residential, business, and general community facilities, containing both individual building sites and common property which are planned and developed as a unit. The PUD Floating Zone District is authorized by section 7-703-a of the New York Village Law and is hereby enacted pursuant to such authorization. The PUD District is a floating zone that may be affixed to parcels by the Village of Chestnut Ridge Board of Trustees, superseding the District shown on the Zoning Map, as provided below.

2. The Village Board may approve a PUD Floating Zone District which will achieve the following objectives:
 - a. The creative use of land to establish a more desirable living environment than would be possible through the strict application of other sections of the Zoning Code.
 - b. Innovation, flexibility and variety in the type, design and layout of mixed-use development living environments.
 - c. Increase the diversity of housing options in the Village by permitting multifamily and rental housing options for those persons who wish to live in other than single family detached homes.
 - d. Provide for an increase in opportunities for commercial development within the Village.
 - e. Maximize the provision of community, recreational, tax ratable and other service facilities as integral parts of newly constructed residential communities.
 - f. Create a development pattern in harmony with the planning objectives of the Village, and consistent with the character of the proposed PUD development site's surroundings and neighborhood, without overburdening the local road system, school district, or other Village infrastructure.

B. Use and Bulk Standards, Special Permit and Mapping

1. Where planned development techniques are deemed appropriate, the designation of Planned Unit Development Site as a Planned Unit Development (PUD) District by the Village Board supersedes the use and dimensional specifications contained elsewhere in the Village's Zoning Code, and instead the approved plan for the Planned Unit

Development site becomes the basis for permanent land use controls for the designated parcel(s). Upon approval, the PUD District shall be placed on the Zoning Map.

2. A Planned Unit Development within a PUD District is a use as of right. The standards for approval of a PUD District are set forth in Article XII, section 20.

C. Application Procedure and Approval Process.

1. Application for a PUD Floating Zone District to be applied to parcel(s) shall be made by a Petition to the Village Board. The applicant shall prepare a proposed local law amending the Village Zoning Code as part of the Petition. The application package shall include a PUD Site Development Concept Plan, herein referred to as “PUD Concept Plan” conforming with the requirements of section 2 below, as well as supporting evidence conforming with the requirements of section 3 below.
2. In order to allow the Village Board and the applicant to reach an understanding on the basic use mix, density and layout, the applicant shall submit a PUD Concept Plan, drawn to scale by a licensed professional, with the following information:
 - a. The PUD Concept Plan shall be prepared by an architect, engineer or land surveyor licensed in the State of New York.
 - b. The PUD Concept Plan shall be drawn to an engineering scale and contain the date of last revision, north arrow and graphic scale.
 - c. The PUD Concept Plan shall contain the stamp or seal and be signed by the professional preparing the map.
 - d. The interior road system of all existing and proposed rights-of-way and easements shall be provided and indicated as to whether public or private ownership is proposed.
 - e. Use areas shall be designated with conceptual footprints indicating the number of dwelling units and bedrooms by each housing type and indicating the floor area of non-residential, general community facilities and accessory structures.
 - f. Proposed common open spaces shall be outlined on the PUD Concept Plan and a narrative provided indicating how open spaces are to be preserved in perpetuity, owned and maintained.
 - g. Proposed bulk requirements applicable to designated use areas of the site, including building heights, setbacks and yards from proposed site roadways or external existing Village roadways, coverage restrictions, FAR calculations, separation between buildings, and any other bulk constraints necessary to ensure site plans for component use areas are consistent with the plan portrayed in the PUD Concept Plan.

- h. The relationship between the proposed road system, parking lots, buildings, utilities and open spaces shall be provided.
 - i. The proposed water, storm and sanitary sewer systems shall be shown and how they are proposed to be connected to the system of adjoining areas shall be indicated.
 - j. Environmental characteristics of the project site shall be shown, including topography, areas of slope in excess of 30%, soils, flood zones, rock outcrops, streams, swamps, lakes, ponds and other wetlands and all proposed alterations of said environmental characteristics.
 - k. If the development is to be phased, the PUD Concept Plan shall provide a clear indication of the phasing process at the time of application. Dates of anticipated commencement and completion of the same shall be identified prior to approval.
 - l. A vicinity map showing all tax lots within 1,000 feet of the boundaries of the PUD Development Site, the road network serving the area, and the existing zoning districts surrounding the area depicted.
3. To assist the Village Board in their evaluation of the merits of the PUD and compliance of the PUD Petition with Article XII, section 20, the following supporting materials shall be provided:
- a. A narrative description of the proposed project, including a showing that the proposal is consistent with the official planning objectives of the Village.
 - b. Estimates of the projected population including the school-age population
 - c. A traffic impact study (TIS) by a licensed professional. Estimates of peak-hour traffic generation derived from the proposed development and identification of the proposed access locations shall be included, as well as the capacity of existing streets and intersections in the vicinity to handle projected increases in traffic from the development. Identification of proposed traffic improvements to mitigate any moderate or large traffic impacts shall be included.
 - d. A preliminary analysis of the Fiscal Impacts of designation of a PUD zone on the development parcel, shall be provided with the zoning petition.
 - e. Documentation of the market need for the proposed project.
 - f. A completed New York State SEQR Full Environmental Assessment Form, (FEAF) Part 1.
 - g. Conceptual elevations of proposed buildings in each use area, and identification of general architectural or site design features necessary to ensure the community character and/or aesthetic character of the component use areas identified in the PUD Concept Plan.
 - h. Any other information as the Village Board deems appropriate. Nothing herein shall be construed to prevent the Village Board from seeking additional information as it deems relevant.

4. Every petition for a PUD Floating Zone District shall be accompanied by an application fee consistent with the published fee schedule of the Village of Chestnut Ridge.
5. Adoption of a PUD Floating Zone District is subject to the same discretion as any zoning map amendment. Compliance with indicated purposes and objectives in Section A in no way compels the Village Board to designate the site for the PUD Floating Zone District. The Village Board, in its discretion, may reject any PUD Floating Zone petition which does not meet the purposes set forth in Section A above, or may impose reasonable conditions on an approved PUD as necessary, to assure conformance of the PUD with the intent and objectives of the Section A above.
6. Upon finding the application to be complete, and prior to approving the PUD Floating Zone District, the Village Board shall refer the application to the Planning Board for its review and recommendations. Such referral shall include the proposed petition; PUD Concept Plan; and a Negative Declaration of Environmental Significance or an Environmental Impact Statement pursuant to 6 NYCRR 617. The Planning Board shall review the petition and PUD Concept Plan against the criteria in subsection A, the purposes and objectives of the PUD Floating Zone District in deciding whether to provide their recommendation to support the mapping of the floating zone. The Planning Board shall also review the layout of the PUD Concept Plan as well as the scale and intensity of proposed development. The Planning Board shall recommend whether the PUD Floating Zone District should be approved, approved with modifications or denied and is encouraged to provide recommendations for how the PUD could be improved in order to incorporate best practices of sustainable land development. The Planning Board shall provide its recommendations within 60 days of the request.
7. At the same time that it refers the PUD Floating Zone District application to the Planning Board for its review and recommendations, the Village Board shall refer the petition for review and comment to local, state, county, regional and federal agencies having jurisdiction, for their review, including referrals pursuant to the General Municipal Law.
8. Once all comments and recommendations are received, and prior to approving any PUD Floating Zone District application, the Village Board shall set a date and conduct a public hearing for the purpose of considering an amendment to the Village Zoning Map to apply the PUD Floating Zone district designation to the subject property. This hearing shall also serve as the SEQR hearing, when any DEIS is required.

9. Upon approval of the PUD Petition and PUD Site Development Concept Plan by the Village Board, and subsequent mapping of the approved PUD zoning on the Village's Zoning Map, the application shall be submitted for site plan review and approval by the Village Planning Board consistent with the approved PUD Floating Zone District, and with the Village Site Development Plan Rules and Regulations for those details and elements not specifically addressed in the PUD concept plan.

10. If an application for site plan approval for the PUD Development Site is not presented to the Planning Board within twelve months of the date of approval of the PUD Floating Zone District designation by the Village Board, or if no development is initiated on the site within 18 months of the date of approval of the PUD site plan by the Planning Board, the zoning of said parcel or parcels shall revert back to the zoning district or districts prior to the PUD approval, unless an extension is requested by the applicant and granted by the Board having jurisdiction.

Section 5: Amend Zoning Code Article XII – Conditional Use and Special Permit Standards, by retitling it to be “Conditional Use, Special Permit, and PUD Standards” and by adding a new section 20, entitled Planned Unit Developments (PUDs):

4. Planned Unit Developments

A. The adoption of a new Planned Unit Development Floating Zone District by the Village Board for a PUD development shall be considered as Type 1 actions for the purposes of the New York State Environmental Quality Review Act (SEQRA).

B. Minimum site area. The minimum site area required for a PUD shall be 25 contiguous acres. Nothing herein shall be deemed to prohibit the assemblage of parcels to meet the minimum required site area.

C. The PUD Development Site shall be served by municipal water and sewer services prior to the issuance of the first building permit pursuant to the approved PUD Concept plan.

D. The PUD Development Site shall have direct and usable access to a New York State or Rockland County Road with a minimum of 100' of street frontage; such point of access shall be located within 0.5 miles of an interchange for an Interstate Highway, as measured along a New York State or Rockland County Road.

E. The following bulk standards for the PUD Floating Zone District shall apply:

1. Residential Density Maximum of 7 residential dwelling units per gross acre of the PUD Development Site
2. Maximum Height (feet) 48 for multifamily and mixed-use structures; 35 for single family, two-family, and townhomes
3. Development Coverage (percent) 40% of gross acreage
4. Floor Area Ratio (FAR) 0.20 (gross floor area/gross lot area)
5. Building Setbacks from PUD Development Site Perimeter(ft)
 - a. 50 from existing public street frontage.
 - b. 50 from rear and side lot lines
6. Building Setbacks within the PUD Site
 - a. 10 feet from new internal streets.

F. Buffers. Buffering from sensitive environmental resources. There shall be no impervious surfaces within 100 feet of a DEC or US ACOE jurisdictional wetland, except that access roads or driveways may be proposed through such buffer areas where necessary to provide adequate emergency access to the community. Areas within the buffer may be used for active and passive recreational use by residents, unless otherwise prohibited by other laws or regulations.

G. On-site Parking requirements shall be as follows:

<u>RESIDENTIAL</u>	
<u>Apartments (1 BR)</u>	<u>1.5 spaces per unit</u>
<u>Apartments (2 BR to 4 BR)</u>	<u>2 spaces per unit</u>
<u>Townhouses, or Two-Family Houses with up to 4 BR</u>	<u>2 spaces per unit</u>
<u>Single Family Houses</u>	<u>2 spaces per unit</u>
<u>Senior Housing (1 BR)</u>	<u>1 space per unit</u>
<u>Senior Housing (2 BR)</u>	<u>1.5 spaces per unit</u>
<u>Senior Housing (3 BR)</u>	<u>2.0 spaces per unit</u>
<u>Visitors</u>	<u>Additional 10% added to total parking requirement for all residential uses, as required above</u>
<u>COMMERCIAL/NON-RESIDENTIAL</u>	
<u>Commercial/Nonresidential Uses</u>	<u>3 spaces per 1,000 square feet of gross floor space</u>

H. Ownership. The land proposed for a PUD may be owned by one or more persons or entities but shall be combined into a single PUD Site Development, and separate tax parcels may be merged as part of the approval process. The application shall be jointly approved and consented to by all record owners and by any contract vendee(s). Requirements of approval by the Village Board shall be imposed jointly and severally on all parties as appropriate under the circumstances. If the land within the proposed development is to be owned by more than one person or entity, the Planning Board shall require, as a condition of final approval, the establishment of a governing regime sufficient to ensure the safe and efficient functioning of the project as an integrated development to the satisfaction of the Village Attorney.

I. Principal Uses.

Permitted principal non-residential uses shall be:

1. Offices for professional, governmental and business use.
2. Supermarkets, food sales and service establishments
3. Retail pharmacies and banks, apparel stores, variety and stationery stores, office supply and card stores, newspaper and bookstores and pick-up and delivery stores for dry cleaning.

4. Other retail stores and service establishments including package liquor stores, hardware stores, party supply, toy and hobby stores, personal service shops dealing directly with consumers (such as barber shops and beauty parlors, tailor shops), pet shops, photographic studios, medical diagnostic facilities, restaurants (not including fast food restaurants) coffee shops, taverns, bakeries, delicatessens, pizzerias, ice cream shops, copy and print shops, retail electronic stores, wireless, cable, media equipment and service stores.
5. Shopping Centers
6. Community centers, libraries, museums, art galleries and similar facilities.
7. Other retail stores and service establishments such as auto supply stores (provided there are no sales of heavy equipment or tires), home appliance stores, jewelry and art shops, home furnishings and furniture stores
8. Health clubs and spas.

Permitted residential uses shall be:

1. multifamily attached and semi-attached dwelling units,
2. duplex units,
3. single-family detached dwelling units,
4. senior multifamily housing,
5. apartment units.

J. Accessory uses. Accessory uses, related and subordinate to the principal uses of the PUD, including but not limited to storage and maintenance buildings, recreation buildings and uses, clubhouses, management offices and utility structures serving the PUD, may be approved by the Village Board during their review of the Conceptual Site Plan for the PUD.

K. Residential Development Standards.

1. Building types. Residential units may be contained in mixed-use buildings, multi-family buildings, townhouses, semi-attached houses, two-family houses, or single-family houses, subject to the conditions of the approved PUD. A variety of residential unit types and sizes should be provided, to provide a range of sizes and sales prices.

2. An average of no more than 2.75 bedrooms per unit shall be provided across the entire PUD Development Site and no more than 25% of all residential units shall have more than three bedrooms, as a means of limiting impacts on school resources and providing a diversity of housing, not currently served by the Village's existing mostly single-family detached housing supply, which currently provides adequate options for units with more than three bedrooms per dwelling unit.
3. Front load garages shall not project closer to the street than the balance of the front façade of the structure.
4. Senior Housing. At least 20% of residential units shall be restricted to sale or lease to families where at least one person is over the age of 55 and no permanent resident is under the age of 18 and an adequate means of enforcing and administering the restriction for a period of no less than 30 years is provided. Senior Housing shall comply with the applicable requirements of the federal Fair Housing Act and implementing regulations of the United States Department of Housing and Urban Development.
5. If proposed, Senior Housing shall comply with Article XII Section 7 of this Chapter, with the following exceptions:
 - a. No more than 50% of the units may be two-bedroom.
 - b. The maximum height may be up to four stories and 48 feet.
 - c. The distance between principal buildings shall be no less than 25 feet for buildings up to two stories, and no less than 50 feet for buildings that are more than two stories high.

L. Commercial Development Standards.

1. Commercial uses can be stand-alone buildings or may be contained in mixed use building(s). The sum of all gross floor areas of buildings or portions of buildings devoted to commercial uses shall be a minimum of 10% and a maximum of 35% percent of the gross floor area of all buildings proposed within the PUD Development Site.
2. Access. Convenient and practical access shall be provided to the commercial components of the PUD Development Project from the residential units on site, integrating them with the nonresidential uses by roads, sidewalks, bicycle paths, decorative lighting and other design elements.

K. Open Space, Landscaping, Buffers and Aesthetics.

1. Landscaped open spaces. A minimum of 20% of the PUD Development Site shall be provided as contiguous open space uninterrupted by buildings. Said 20% shall not include required property line buffers around the perimeter of the site, required building setbacks and yards, parking lots, or stormwater detention facilities. Within the 20% set aside for open space, a combination of landscaped spaces for passive and active recreation, as well as spaces left substantially in their natural state, shall be provided. The specific uses and configuration of the open space shall be determined during the PUD site plan approval process.
2. A 50-foot deep buffer shall be provided along side and rear lot lines, along the perimeter of the development that adjoin existing residential development (or that adjoin residential zones). The buffer shall consist of natural vegetation augmented with approved grasses and shrubs, trees and other elements. No parking lots, or principal or accessory buildings, shall be located in the buffer area. Driveways, sidewalks, and other accessways giving access to the PUD and connecting to off-site features, shall be permitted within buffer areas.
3. Visual screening within the PUD Development Site, between adjoining residential yards and between residences and nonresidential areas, shall be designed for residents of the PUD through the proper site design layout. Proper screening using vegetation and /or fencing shall be provided.
4. Buildings and accessory structures shall be consistent with the character of the Village of Chestnut Ridge. The PUD Development Site shall be subject to Architectural Review, pursuant to Local Law 12 of 1987, as amended.
5. Natural features, such as streams, rock outcrops, topsoil, trees and shrubs, shall be preserved or replaced and incorporated in the landscaping plan of the development to the extent practicable

L. Site Infrastructure and Stormwater Management

1. Storm water quantity and quality measures, consistent with State and Village requirements, shall be applied to any PUD project.
2. All electric, telephone, cable television, internet and similar distribution lines shall be installed underground.

3. The developer shall provide all necessary fire hydrants, refuse disposal facilities, water and sewer facilities, storm drainage, paved road access, paved parking and loading facilities and off-street lighting, making reasonable provision for utility service connections with adjoining properties in other ownerships.
4. Parking and loading areas, refuse disposal facilities and other accessory uses within the PUD development shall be located to be compatible with nearby residential uses. Such uses shall be adequately screened and buffered where adjacent to residential development.
5. All utilities and drainage facilities shall be built to the approval of the Village Engineer.

N. Transportation and Traffic

1. The right-of-way and pavement widths for internal roads of the PUD Development Site, off of the frontage street, shall be determined from sound planning and engineering standards to be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or other emergency vehicles. The pavement of said roads shall may only be less than 24 feet wide, with the approval of Emergency Services providers.
 2. A Traffic Impact Study (TIS) is required prior to the adoption of a PUD Floating Zone District pursuant to Article XII, subsection 20. During the site plan application approval process, the applicant shall provide any necessary traffic improvements identified in the TIS; and/or funds and land dedications to allow others to provide such improvements, that will be needed to mitigate any moderate or large traffic impacts identified through the SEQR process.
 3. Sidewalks should be provided along the frontage of the PUD Development Site along existing streets, on each side of a any internal street or parking area where residences or nonresidential buildings are proposed. Along through streets with no directly adjacent residences, sidewalks may be provided on only one side.
- O. Governance. The Planning Board may require the creation an entity or entitiesto govern the PUD or discrete portions thereof. Any such formation documents shall be subject to the review and approval of the Planning Board’s Attorney. Such review shall be limited to ensuring that the conditions of approval are maintained on an on-going basis and shall not include Village approval of any other matters not directly related to the approval conditions of the PUD. Provisions shall be included to provide

for the Village to enforce compliance with conditions of approval should the homeowners association or other private entity fail to do so.

- P. Performance guarantee. The Planning Board shall require that site improvements be secured by a performance guarantee in the same manner as prescribed in the Article IX, Site Development Plan Review.

Section 6: Severance

The invalidity of any word, section clause paragraph, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part of parts.

Section 7. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.