

Chapter 235 of the Code of the Town of Clayton, Zoning, is hereby amended by adding a new Section 235-17.5 to read as follows:

§ 235-17.5 Planned Development District

A. Statement of Purpose and Applicability:

Planned Development Districts (PDD's) provide opportunities to create more desirable environments through the application of flexible and diversified land development standards based on the Town/Village of Clayton Comprehensive Plan and a proposed development that is professionally prepared. A PDD may be a floating district or an overlay on an existing district. The Joint Town/Village of Clayton Planning Board will carefully review submitted PDD applications for compatibility with the Town/Village of Clayton Comprehensive Plan, this Section, existing zoning regulations and the proposed project's harmony with adjacent development.

The Town of Clayton recognizes that its most important and sensitive resources are its extensive shoreline, agricultural heritage, scenic view shed and community scale. Development affecting these important resources are of major concern to the Town of Clayton. While the Town of Clayton desires to encourage the use and development of these resources, development must be compatible with and complement adjacent land uses. In an effort to preserve the Town's rural character and promote its small town atmosphere, the Town of Clayton elects to use the Planned Development District as an alternative development option where appropriate.

It is the purpose of a Planned Development District to provide for flexible land use and design regulations so that certain uses may be developed in the Town of Clayton that incorporate a variety of residential and non-residential uses, and contain individual building sites and open space planned for the general well-being of the inhabitants.

While the standard zoning function (use and area) is appropriate for the regulation of land use in some areas or neighborhoods, such regulations may be inappropriate to the innovative techniques of quality land development contained in a Planned Development District. That is not to say that current zoning regulations will not be considered during the review process. However, the Planned Development District is intended to encourage the application of new techniques and technology to community development resulting in superior living and development arrangements with lasting values.

B. General Requirements and Review Criteria

1. The following is a list of requirements for a Planned Development District.
 - a) Minimum Area: Generally, a Planned Development District will be planned and developed in a manner consistent with the Town of Clayton Comprehensive

Plan. The district must be comprised of at least fifty (50) acres of contiguous land. Minimum lot size and frontage for Planned Development use which is less than the minimum specified in the current regulations shall be determined by of the Joint Town/Village of Clayton Planning Board.

- b) Ownership: The tract of land for a project may be owned, leased, or controlled either by a single person, corporation, group of individuals, or corporations. An application must be filed by all owners or designees or the holder of a valid purchase offer or development option of all property included in the project. In the case of multiple ownership, the approved application shall be binding on all owners.
- c) Permitted Uses: All uses must be approved by the Joint Town/Village of Clayton Planning Board. In reviewing and acting on applications for Planned Development Districts, the Joint Town/Village of Clayton Planning Board will evaluate each proposal with the spirit and intent of this Article and the Town/Village of Clayton Comprehensive Plan.
 - i. Residential Uses- Residences may be of any variety of type including single-family, two-family, multi-family and townhouse dwellings. No mobile homes will be permitted;
 - ii. Non-residential Uses may include small retail/service, recreational facility, community facilities, lodging, restaurants and marinas. All such uses shall be in keeping with the character of the proposed district and adjacent uses;
 - iii. The non-residential uses of a commercial or business nature may be in separate buildings or incorporated within two-family or multi-family structures or in suitable combinations of these alternatives; and
 - iv. Customarily accessory uses, such as private garages and storage spaces shall be permitted.
- d) Common Property: Common property is not required for a Planned Development District, however, it is often a characteristic of such proposals. Common property within a Planned Development District is a parcel or parcels with or without the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, the Joint Town/Village of Clayton Planning Board must approve the arrangements for the improvement, operation and maintenance of such common property and facilities, including streets, drives, service and parking areas, utilities and recreational and open space areas.
- e) Parking: Parking provisions shall be regulated by the parameters set forth in the Town of Clayton Ordinance.
- f) Traffic and Circulation:
 - i. Road patterns/alignments should be responsive to the preservation of the site's existing land forms, vegetation, streams and scenic vistas.

- All of which are subject to the discretion of the Joint Town/Village of Clayton Planning Board ;
- ii. Entrances must also be located to allow safe line-of-sight distances to and from their points of intersection with a public road;
 - iii. Internal road widths and corner radii must facilitate movement of emergency vehicles;
 - iv. There should be adequate storage areas for snow that will not interfere with sight distance at intersections or pedestrian movement;
 - v. Special consideration should be given to pedestrian movement from the standpoint of safety, convenience, walkability and amenity. Sidewalks, curbs and gutters should be considered in the design of the overall circulation system. All facilities/sites shall be connected by a pedestrian system of walks and/or trails; and
 - vi. Highway cuts shall be kept at a minimum.
- g) Density: The Joint Town/Village of Clayton Planning Board shall determine the maximum residential density for the residential portions of the Planned Development District. Zoning and subdivision standards relating to lot size and setback may be modified when the Planned Development District is submitted for approval. The Joint Town/Village of Clayton Planning Board shall recommend the maximum residential density permitted for the residential portions of the Planned Development District as a whole at the time of pre-application project plan. The buildable area must be unencumbered by setbacks, public easements and other physical constraints (such as topography or similar features).
- h) Open Space: The Planned Development District shall have a minimum of sixty (60) % of the total area of the tract designated as open space in the general project plan and land use maps. In a Planned Development District “open space” is that outdoor property not occupied by structures, roads or service areas and set aside in whole or in part to preserve the natural scenic beauty or openness of the area or for recreational use and enjoyment by the owners, residents and the general public. “Developed open space” is that open space which contains such structures, improvements, and/or landscaping as are necessary and appropriate for the benefit and enjoyment of the owners, residents and community members pursuing their active and passive recreational activities. Vehicular parking areas for recreational use only may be considered as developed open space for the purposes of this article.
- i) Homeowners’ Association: A homeowners’ association or similar organization must be created if the Planned Development District includes common open space. The applicant shall submit all required homeowners’ association documents for legal and planning review at the time of the first final plat of development, including the following:
- i. Ownership and membership requirements;
 - ii. Articles of incorporation and by-laws;

- iii. Time at which the developer turns the association over to the homeowners;
 - iv. Approximate monthly or yearly association fees for the homeowners;
 - v. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds and utilities; and
 - vi. Management plan for items owned in common.
2. The Joint Town/Village of Clayton Planning Board shall use the Site Plan Review and Approval procedure specified in §235-13 of the Code of the Town of Clayton for reviewing PDD applications. In addition, the proposed Planned Development District shall be consistent with the pertinent goals as noted in the Joint Town/Village of Clayton Comprehensive Plan:
- a) Future development in the Town of Clayton will only occur in designated areas and will be compatible with existing architectural styles, i.e., roof styles, massing.
 - b) Support and assist in the preservation of historic resources, cultural resources, properties and structures within the Town of Clayton.
 - c) Build on community character to expand economic opportunities.
 - d) Provide a range of housing types to meet the needs of year-round, seasonal, workforce, retiree and elderly to allow residents and families to flourish in their desired community.
 - e) Maintain mixed land uses to increase open space to other areas in an effort to establish a sustainable development pattern that supports alternative forms of transportation (walking, biking) while still accommodating the automobile.
 - f) Preserve and protect open space, agricultural communities and the distinct character areas that define the Clayton Community.
 - g) Facilitate the Town of Clayton community character with regard to our waterways, transportation corridors, structures and natural features.
 - h) Consider compatible renewable energy systems in appropriate locations as identified by the community.

C. Application Procedure

1. Any request to establish a Planned Development District shall be considered an amendment to the Chapter 235 of the Code of the Town of Clayton and shall be administered and processed in accordance with the regulations set forth in Section 235-17.
- a) Application for the establishment of a Planned Development District shall be made to the Town Board of the Town of Clayton by the owner (s) of the property to be included in the District. The Town Board shall refer the application to the Joint Town/Village of Clayton Planning Board within thirty (30) working days of receipt of such an application.
 - b) Within forty-five (45) days following Town Board referral, the applicant must provide a preliminary development plan that will enable the Joint/Town Village

of Clayton Planning Board to evaluate said proposal based on the procedural requirements of Section 235-13 and this section. The preliminary development plan shall include the following information in addition to any other documentation the Joint Town/Village of Clayton Planning Board may deem necessary:

- i. A general layout of the development/project plan;
 - ii. Analysis of the physical characteristics and features of the site
 - iii. Gross and net densities;
 - iv. A footprint of the numbers, types and locations of all structures;
 - v. Analysis of the development site in relationship to surrounding land use;
 - vi. Landscaping plan;
 - vii. Lighting plan;
 - viii. Relationship to the community at large;
 - ix. General traffic circulation;
 - x. Soil analysis;
 - xi. Existing Topographic mapping at 2 (two) feet of elevation;
 - xii. Architect's preliminary design elevations for all structures and preliminary grading plan (5 ft. minimal contoured);
 - xiii. Completion of the SEQR process;
 - xiv. Statement of sustainability elements; and
 - xv. Proposed utility systems
- c) The Joint Town/Village of Clayton Planning Board at a regularly scheduled meeting must meet with the applicant within thirty (30) days of the submission of the preliminary documentation. Within ninety (90) working days of said meeting, the Joint Town/Village of Clayton Planning Board must render a recommendation of approval, approval with modifications, or disapproval of the application to the Town Board of the Town of Clayton. The Joint Town/Village of Clayton Planning Board shall base their decision upon the development's ability to meet the Site Plan Review standards noted in Section 235-13 and its alignment with the Joint Town/Village of Clayton Comprehensive Plan.
- d) In determining its recommendation on the proposed development plan, the Joint Town/Village of Clayton Planning Board shall have determined that the need and location of the proposed development are consistent with the Joint Town/Village of Clayton Comprehensive Plan and is acceptable in its relationship to contiguous land uses. An evaluation of the proposed plan shall include a review of possible negative impacts on adjacent properties, on public services, on the historic character of the area and the scenic vistas important to the community.
- e) The Joint Town/Village of Clayton Planning Board shall review the final development plan and assign conditions as deemed appropriate and shall forward the plan to the Town Board of the Town of Clayton for their review and legislative action (see Section 235-17).

- f) If such an amendment is enacted, the permitted development must be confined to the specific designated area and adhere to the approved development plan and permit approval conditions.
 - g) The Town Board and the Joint Planning Board are authorized to seek professional consultation/services when reviewing applications for a planned development district including but not limited to professional engineers, licensed architects and attorneys. Fees for such services in connection with any such application shall be borne by the applicant and must be paid prior to the issuance of a final determination by the Town Board on the application.
 - h) The Town Board may require a performance bond (s) to cover the related Town costs incurred for the development as well as to ensure completion by the applicant of all necessary infrastructure such as water and sewer facilities and roads. The amount (s) of the performance bond (s) shall be determined by a Town professional engineer, licensed architect or attorney. The bond (s) titles shall be set forth by the Town Board as part of its determination of the application.
2. A Planned Development District that is in effect shall only be expanded with original permits granted. Expansions requiring new permit action shall undergo the site plan review procedure of Section 235-13 and this Section. However, minor changes in the Planned Development District may be approved by the Joint Town/Village of Clayton Zoning Enforcement Officer provided that such changes:
- a) Do not increase densities;
 - b) Do not change the outside exterior boundaries or height limitations;
 - c) Do not increase the intensity of land use;
 - d) Do not materially change the location or amount of land devoted to specific land uses;
 - e) May include, but not limited to minor shifting of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan. Minor shifting of buildings does not include encroaching into any required setback; and
 - f) Temporary construction signs within the Planned Development District which exceed the limit for temporary signs under the Town's sign provisions may be erected for a period of one year.
3. Major changes in a Planned Development District shall require a review by the Joint Town/Village of Clayton Planning Board and an additional public hearing and shall be treated as an amendment to the Chapter. Major changes may include, but are not limited to the following:
- a) Increase in density;
 - b) Changes in exterior boundary lines and/or height limit;
 - c) Changes in intensity of land use that may have a negative impact on the environment and contiguous land uses;
 - d) Changes in the location or amount of land devoted to a specific land use; and
 - e) Changes that significantly alter the exterior appearance.

D. Inter-municipal Agreement

1. Proposed Planned Development Districts that overlap the municipal boundaries of the Town and Village of Clayton either contiguous or non-contiguous shall be subject to an inter-municipal agreement tailored to that specific proposal.
2. The inter-municipal agreement may address the Transfer of Development Rights in accordance with Town Law Section 261-A and Village Law Section 7-701. This action would also be development dependent.

E. Traditional Neighborhood District Requirements

3. An application to rezone property in preparation of a Traditional Neighborhood Development Plan for the project site and proposal shall require the approval of the Joint Town/Village of Clayton Planning Board. Additionally, it must be in accordance with related areas in the Joint Town/Village of Clayton Comprehensive Plan. The filing of such an application is a pronouncement by the applicant of intent to adhere to a higher standard of design and to place a premium upon the long-term livability and attendant value appreciation of said development. It is also an acknowledgement that the developer will assume the risks inherent in the up-front costs in order to discourage sprawl. The process leading to the zoning map amendment for a Traditional Neighborhood District includes a pre-application meeting, the submission of a completed set of the proposed Traditional Neighborhood Development Plan elements, the technical review of the Plan as noted in Section 235-13 and Article V and Article VIII of the Village of Clayton Zoning Law (depending on site location), Joint Town/Village of Clayton Planning Board approval, an application to amend the zoning map, a public hearing to amend the zoning map and the adoption of the zoning map amendment.
4. Pre-Application Meeting: A pre-application meeting shall be convened by the Joint Town/Village of Clayton Planning Board and the applicant to acquaint the Board with the proposed development. At that time, the Board will offer comments regarding the project and identify areas of concern and/or the need for additional documentation.
5. Neighborhood Meetings: (if warranted): The applicant is encouraged to conduct an informative presentation/charrette at which residents and property owners in and near the affected property are invited to participate.
6. Traditional Neighborhood District Submissions: The proposed Neighborhood District Development Plan shall include the following elements:
 1. Topographical map of the project site at two (2) foot intervals and proposed grading for the site at two foot intervals;
 2. List of project specific land uses;
 3. Location of streets and public open spaces;
 4. Location of residential, commercial and civic buildings and lots;
 5. Location and amount of land in flood hazard areas and any other lands not suitable for development;
 6. General location of any proposed watershed protection measures;

7. Removal of existing vegetation and significant structures compatible with topography;
 8. A plan and description of proposed utility systems; and
 9. Any other information requested by the Joint Town/Village of Clayton Planning Board deemed necessary for the approval of the proposed plan.
5. Review of the proposed Traditional Neighborhood Development Plan by the Joint Town/Village of Clayton Planning Board for adherence to this Article and pertinent sections of the Town of Clayton Zoning Ordinance.
 6. The Joint Town/Village of Clayton Planning Board will conduct a public hearing and consider for adoption of the proposed Traditional Neighborhood District.

F. Rezoning To Traditional Neighborhood District

1. Submission of Rezoning Application: Any time after the submission of a proposed Traditional Neighborhood Development Plan, a rezoning application may be submitted to request designation of a Traditional Neighborhood District. The Traditional Neighborhood District boundaries need not be coterminous with the boundaries of the Traditional Neighborhood planning area.
2. Application Contents: A completed application for a zoning map amendment to establish or enlarge a Traditional Neighborhood District shall consist of the following elements:
 - a) A rezoning application prepared in accordance with Section 235-17; and
 - b) The Traditional Neighborhood Development Plan approved by the Joint Town/Village of Clayton Planning Board shall be referenced in the law granting zoning to the subject land as a Traditional Neighborhood District, and thenceforth that adopted Plan shall be a standard by which conformance of development within the zone is measured.

G. Conformance to the Adopted Development Plan

Once the Traditional Neighborhood Development Plan has been adopted, and the area has been rezoned to the Traditional Neighborhood District, minor changes in the location, siting, or use of buildings or deviations from the dimensional standards as shown in the plan may be authorized by the Joint/Town Village of Clayton Planning Board if required by engineering or other circumstances not foreseen at the time of Plan adoption. It is expected that certain housing types and land uses will sell or be filled faster than others. This normal and usual occurrence shall not justify the removal of housing types and land use types from the neighborhood mix, but it may justify adjustments of the percentages of the neighborhood devoted to various uses.

H. Phased Development

Development occurring in phases shall meet the following requirements:

1. Numbering: All phases shall be shown on the adopted Traditional Neighborhood Development Plan and numbered in the expected order of development. Changes to

the order of development shall be approved by the Joint Town/Village of Clayton Planning Board.

2. Final Plat Prerequisites: No final plat for a phase of a Traditional Neighborhood Development Plan shall be approved unless:

- a) The construction of all common facilities included in previous phases have been started; and
- b) There is no violation of the Traditional Neighborhood Development Plan in any previous phase.

I. Design Guidelines for Traditional Neighborhood Districts

1. Traditional Neighborhood Development Architectural Standards:

- a) The use of architectural standards are integral to the Traditional Neighborhood Development Plan as they define a heightened sense of place, character, appearance and property value;
- b) Such standards shall be submitted at any stage of the development process for review and approval by the Joint Town/Village of Clayton Planning Board as being consistent with the Traditional Neighborhood Development Plan;
- c) A developer shall include approved architectural standards as part of the Traditional Neighborhood Development Plan;
- d) Approved architectural standards, if any, shall be enumerated in the restrictive covenants recorded prior to the first building permit, and enforced by the owners' association; and
- e) When architectural standards are employed, all architectural plans for new buildings, expansions and remodelings shall be reviewed by a Town Architect retained by the developer for conformance with the architectural standards and the Traditional Neighborhood Development Plan.

2. General Design Guidelines in the Traditional Neighborhood District:

- a) **Compatibility of Design**
 - i. Buildings within a block face must reflect a continuity of building scale at the building line;
 - ii. A consistent building line should be maintained at the setback line along the street. However, projection of porches, bay windows, stoops and other minor building masses into the street setback are encouraged in order to create an interesting block character. Large street setbacks to accommodate parking lots in front of a building are prohibited;
 - iii. In areas of mixed residential types, the height and massing of a building shall be no more than twice the height and massing of structures adjacent to or across the street from the building; and
 - iv. A commercial or mixed-use building must integrate its appearance with the area and shall not exceed twice the height and massing of adjacent buildings.
- b) **Human Scale Design:** Human scale design typically reflects the elements listed below.
 - i. Buildings should avoid long, monotonous, uninterrupted walls or roof planes. Blank, windowless walls are generally not permitted along street frontages.

Where solid walls are required by building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills, lintels, or if the building is occupied by a commercial use, by using recessed or projecting display window cases;

- ii. Commercial structures that incorporate awnings or arcades, which may project over the sidewalk into the street right-of-way with Town/Village of Clayton Planning Board approval;
- iii. Ground floor retail, service, restaurant and other commercial uses with display windows on a minimum of fifty percent (50%) of the first floor front to provide views into the interior of buildings;
- iv. Entrances and storefronts facing the street;
- v. Doors, windows, balconies, porches and roof decks with visibility of the street and other public spaces to encourage social interaction;
- vi. Porches generally as a significant element of the house design, located on the front or side of the dwelling; and
- vii. Rear vehicle access from an alley as a preference. However, if a garage is oriented toward the street, it must be located a minimum of twenty (20) feet behind the front façade of the principal structure. Freestanding garages and carport structures for multiple dwelling unit buildings must be designed to be integral with the building design and sited so as to avoid long and monotonous rows of garage doors and long monotonous building walls.

3. Guidelines for the Provision of Traditional Neighborhood Open Space: The purpose of this subsection is to provide and emphasize safe and inviting traditional neighborhood urban open spaces such as squares, parks, and greenways, and to integrate them into the neighborhood pattern for the active and passive enjoyment of neighborhood residents and their guests. Traditional urban neighborhood open space should be planned and improved to be highly accessible and usable by persons living or working nearby. Urban characteristics are structured, formal and dense. Whereas, rural characteristics are more informal, complement natural features and have low density. Rural open space development should preserve wood lots, open fields, wetlands and other natural features. Except for areas designated as preserves, it should be cleared of underbrush and debris and may contain one or more of the following or similar improvements: landscaping, walks, benches, seating areas, fountains, ponds, ballfields, trails and playground equipment. In all cases stands of trees, streamside areas and other valuable topographic features should be preserved within the open space areas.

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