

**ZONING LOCAL LAW
TOWN OF KIRKWOOD**

**ARTICLE VI
PLANNED UNIT DEVELOPMENT DISTRICT**

SECTION 601. Purpose

A. The purpose of the Planned Unit Development District Classification is to provide for the rezoning of land to residential, commercial and industrial development purposes to permit multiple use in conformance with provisions and standards which insure compatibility among all the land uses, foster innovation in site planning and development, and encourage sound design practices.

B. Provisions are included for Planned Unit Development Districts to permit establishment of area in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. In Planned Unit Development Districts, land and structures may be constructed and used for any lawful purpose in accordance with the provisions set forth herein.

C. A Planned Unit Development may be a development of diversified land uses integrated into a carefully considered plan. However, any of the individual uses listed in Section 606.1 through 606.6 may be permitted, subject to the requirements of those sections as planned units. Where development standards may be in conflict or unnecessary due to the nature of the plan, the Town Board may approve a PUD that does not meet all required standards provided that a written justification of each modification is provided as a part of the application.

SECTION 602. Procedure For Obtaining A Change In Zone

The procedure for obtaining a change in zone to permit development as a Planned Unit Development District shall be as follows:

A. The owner (or agent thereof, hereinafter referred to as "owner") of the land shall apply in writing and shall submit four (4) copies of a preliminary development plan and application for change of zone as described in part 2 of this section to the Town Board, which shall refer the same to the Planning Board to prepare recommendations with regard to the preliminary development plan and the proposed change of zone.

B. Such preliminary development plan shall include at least the following information:

1. Survey of the property, showing existing features of the property, including contours, buildings, structures, trees over four inches in trunk diameter, streets, utility easements, right-of-way and adjacent land use.
2. Proposed site plan, showing building locations occupancy and land use areas.
3. Proposed traffic circulation, parking areas, pedestrian walks and landscaping.
4. Proposed construction sequence for buildings, parking spaces and landscaping areas.
5. Grading drainage plan, pertinent soil characteristics and watercourses, or, if applicable, a Stormwater Pollution Prevention Plan consistent with the requirement of Articles 1 and 2 of the Town of Kirkwood Stormwater Management and Erosion & Sediment Control Local Law (Local Law No. 7 of 2007). The approved site plan shall be consistent with the requirements of Articles 1 and 2 of the Town of Kirkwood Stormwater Management and Erosion & Sediment Control Local Law (Local Law no. 7 of 2007).
6. A detailed environmental assessment form pursuant to Article 8 of the Environmental Conservation Law of the State of New York which shall include a description and evaluation of

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the nature of the probable environmental impact, including specification of the predictable effect on the natural environment and an evaluation of measures to mitigate adverse effects. Any Environmental Impact Statement required shall be submitted on electronic media in Microsoft Word format.

C. The Planning Board, after determining that the requirements of the Zoning Local Law dealing with Planned Unit Development Districts have been met, shall recommend the approval, approval with modifications, or disapproval of the zone change to the Town Board. The Planning Board shall enter its reasons for such action in its record, and transmit its findings by resolution to the Town Board within seventy-five (75) days of receipt of the application. Failure to act within seventy-five (75) days of receipt of the application will permit the Town Board to act without the Planning Board's recommendation. The Planning Board may recommend the establishment of a Planned Unit Development District provided that it finds the facts submitted with the preliminary development plan establish that:

1. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved together under any other single district.
2. Land surrounding the proposed development can be developed in coordination with the proposed development and be compatible in use.
3. The proposed change to a Planned Unit Development District is in conformance with the general intent of the Comprehensive Plan of the Town of Kirkwood.
4. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
5. Existing utility services are adequate for the proposed development.
6. Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

D. After receipt of the Planning Board's written recommendations, public notice shall be given and a public hearing held by the Town Board.

E. After the public hearing, the Town Board may amend the Zoning Local Law so as to define the boundaries of the Planned Unit Development District, but such action shall have the effect only of granting permission for development of the approved preliminary development plan proposal, in accordance with the Zoning Local Law within the area so designated. If the zone change is approved by the Town Board, appropriate notation to that effect will be made on the face to four (4) copies of the preliminary development plan. One (1) copy will be retained by the Town Clerk, one (1) copy will be given to the Planning Board, one (1) copy will be returned to the owner, and one (1) copy given to the Town Building inspector.

F. The resolution by the Town Board amending the Zoning Local Law for Planned Unit Development shall specify the time period for completion of the development planned and shall indicate that the appropriate action will be taken to revert the zoning if the development deadline is not met.

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SECTION 603 Procedure If No Zoning Change Is Necessary

- A. If the property to be developed has previously been zoned PUD such that no change in zone is necessary, the owner may submit his preliminary development plan directly to the Planning Board containing the same information required in 602B.
- B. The Planning Board shall review the preliminary development plan with the owner. The Planning Board shall prepare recommendations with regard to the preliminary development plan zone.
- C. The Planning Board shall send a copy of its recommendations to the owner indicating its approval in principle, or its disapproval. If the preliminary development plan is approved in principle, the Planning Board shall state any specific changes it may require. If the preliminary plan is not approved, the Planning Board shall indicate its reasons for disapproval.

SECTION 604 Final Development Plan

After any necessary zoning change has been completed pursuant to Section 602 and the preliminary development plan has been reviewed pursuant to Section 603 of this Zoning Local Law, the owner shall submit his final development plan to the Planning Board for review, prior to the issuance of a building permit. Plans and specifications shall bear the signature of the person certifying the design and drawings and the seal of a licensed architect or licensed professional engineer.

In addition, the owner shall provide:

- A. Site plan showing proposed building location, land use areas, and signs.
- B. Traffic circulation, required parking and loading areas, and pedestrian walks.
- C. Landscaping plan including site grading and landscape planting and structures.
- D. Preliminary drawings of buildings to be constructed in the current phase, including floor plans, exterior elevations and sections on and off site.
- E. Engineering plans, including street improvements, drainage system, and water and sewerage facilities bearing the stamp of approval of the Broome County Health Department.
- F. Engineering feasibility studies for the solution of any anticipated problems which might arise due to the proposed development, as required by the Planning Board.
- G. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas, if applicable.
- H. A performance bond in an amount determined by an engineer designated by the Town shall be issued payable to town for items B, C, and E above, by phase. If items B, C, and E above are not completed according to the Development Plan approved by the Planning Board by the development deadline provided for in Section 604G above, Town may require the bonding company to complete said uncompleted items on behalf of the owner/developer.
- I. "As built" drawings for number B, C, and E above, by phase. This development plan shall be in general conformance with the approved preliminary development plan. Approval for each phase of the

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development plan shall be secured by the owner from the Town Planning Board. Such approval for each phase shall be valid for two (2) years, at which time, the proposed development plan approval shall terminate.

J. Grading drainage plan, pertinent soil characteristics and watercourses, or, if applicable, a Stormwater Pollution Prevention Plan consistent with the requirement of Articles 1 and 2 of the Town of Kirkwood Stormwater Management and Erosion & Sediment Control Local Law (Local Law No. 7 of 2007). The approved site plan shall be consistent with the requirements of Articles 1 and 2 of the Town of Kirkwood Stormwater Management and Erosion & Sediment Control Local Law (Local Law no. 7 of 2007).

K. A detailed environmental assessment form pursuant to Article 8 of the Environmental Conservation Law of the State of New York which shall include a description and evaluation of the nature of the probably environmental impact, including specification of the predictable effect on the natural environment and an evaluation of measures to mitigate adverse effects. Any Environmental Impact Statement required shall be submitted on electronic media in Microsoft Word format.

SECTION 605 Findings Required

The Planning Board, after determining that the requirements of the Zoning Local Law dealing with Planned Unit Development Districts have been met, shall approve, approve with modifications, or disapprove of the final development plan. The Planning Board shall enter its reasons for such action in its record.

SECTION 606 Planned Unit Development District Standards

A. The standards for Planned Unit Development District are to provide the Planning Board with a means to evaluate applications for these districts consistent with the provisions and general intent of the Zoning Local Law and the Comprehensive Plan of the Town of Kirkwood.

B. The following are intended to provide the necessary latitude for the developer to make creative and efficient use of his property. See Article IV.

SECTION 606.1 Planned Unit Development — Residential

SECTION 606.2 Planned Unit Development — Business and Commercial

SECTION 606.3 Planned Unit Development — Industrial

SECTION 606.4 Planned Unit Development—Mobile/Manufactured Home

A. Purposes and Intent

It is the purpose and intent of this residential district to provide for areas within the Town of Kirkwood where mobile homes may be located in an environment with all the amenities of other residential areas in the Town of Kirkwood. In promoting the general purpose of the Law, it is the specific intent of this section:

1. To promote alternative residential living styles.
2. To permit mobile/manufactured home park development

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3. To provide areas with all the amenities generally associated with residential areas in the Town of Kirkwood.

SECTION 606.5 **Planned Recreation District — “PRD”**

A. Purpose and Intent

It is the purpose and intent of this district to provide for areas in the Town of Kirkwood where outdoor recreation may be practiced in compatibility with the surrounding land uses. In promoting the general purpose and intent of these regulations, the specific intent of this Section is to:

1. Encourage the construction of private and commercial outdoor recreation areas.
2. Provide regulations to insure the compatibility of such recreation areas with surrounding land uses.
3. Insure adequate access to such outdoor recreation facilities.

SECTION 606.6 **Planned Unit Development—Automobile Salvage, Storage and Dismantling Facilities and Auto Parts Sales:**
(Adopted August 30, 1994 by LL No. 3-1994)

A. Purpose and Intent. It is the purpose and intent of this district to provide an area in the Town of Kirkwood where automobile salvage, storage and dismantling facilities, as well as auto part sales may be located in compatibility with the surrounding land uses. In promoting the general purpose and intent of these regulations the specific intent of this section is to:

1. Safeguard the residential character of the surrounding area.
2. Protect the health, safety and welfare of the neighborhood.
3. Provide pertinent regulations to insure the compatibility of automobile dismantling and salvage yard use with the surrounding uses.
4. To insure strict compliance with the provisions of the “Junk Local Law” of the Town of Kirkwood and all other laws of the Town of Kirkwood and the State of New York pertaining to and regulating the operation of automobile salvage, storage and dismantling facilities.

B. Supplementary Regulations. The Town Planning Board shall review site plan and such additional information as necessary in accordance with Section 502 of the Town of Kirkwood Zoning Local Law and shall ascertain that all the provisions of the Junk Local Law of the Town of Kirkwood, as well as all state laws regulating automobile salvage, storage and dismantling facilities are complied with prior to the issuance of any determination approving, approving with modifications or disapproving final development plan pursuant to Section 605 of this zoning Local Law. The Town Planning Board shall apply the following standards in addition to those provided for in Section 502 and Section 604 of this Zoning Local Law, to determine that all the requirements are met:

1. No permanent or temporary storage of junk, dismantled car parts and/or tires shall be allowed in the front yard of the principal structure at any time.

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2. A minimum set back of 100 feet will be required from the road right-of-way for any storage of junk, junk vehicle, dismantled car parts and/or tires.
3. A 6 foot high chain link fence shall be required around the perimeter of the entire storage area.
4. Properly maintained screening of 3 rows of staggered live hedges or coniferous trees at least 3" in diameter and not more than 8' on center apart shall be provided adjacent to residences on the perimeter of the storage area. Such trees shall be maintained alive and replaced as necessary. In the alternative at the discretion of the owner, an 8 foot high solid fence may be erected in lieu of a 6 foot high chain link fence as required in paragraph B3 and tree screening required in this paragraph .
5. Driveways (ingress) into the salvage yard shall be of a hard surface material, and comply with Construction Standards of the Town of Kirkwood.
6. Properly maintained fire lanes in and around the dismantled auto storage area must be maintained at all times in compliance with Section 7 B & C of the Junk Local Law of the Town of Kirkwood.
7. Suitable means (separators, tanks, and/or ponds) shall be provided at the lowest elevation of the site for collecting and/or separating oily wastes, preventing seepage into waterways, subject to periodic review and approval by the Broome County Health Department.
8. Operation of the outdoor activity on the premises shall be restricted to the daytime hours of 7:00 a.m. to 7:00 p.m.
9. A thorough and complete environmental review and evaluation of the project pursuant to full and complete evaluation of the nature of the probable environmental impacts, including specification of the predictable adverse effects on the natural environment and ecology, public health and safety, scenic, historic, cultural and recreational value, water and air quality, wildlife and an evaluation of measures to mitigate any of said adverse effects.
10. The facility shall at all times be operated in full compliance with Section 15 NYCRR Part 81 which regulates automobile dismantlers and scrap metal processors, as well as all other pertinent laws of the State of New York and the Town of Kirkwood.
11. Such other standards as the Town Planning Board shall require to ensure full compliance with this or any other Local Law of the Town of Kirkwood.

C. Permitted Use

The Schedule of Regulations for Zoning Districts Town of Kirkwood referenced in Section 401 of the Town of Kirkwood Zoning Local Law adopted September 4, 1973, as amended, be and hereby is amended by this Local Law to add the following as a permitted use in the attachment designated "Planned Unit Development — Automobile Salvage."