

§ 602. Low Density Residential, LR.

A. Permitted principal uses.

- (1) Includes all uses permitted in § 601A except Subsection A(1). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (2) Cluster residential development subject to the requirements of § 602D.
- (3) Planned unit development subject to the requirements of § 602E.

B. Permitted accessory uses.

- (1) Includes all uses permitted in § 601B.

C. Uses permitted with a special use permit subject to the requirements of Article XII.

- (1) Includes all uses permitted in § 601C, except § 601C(2).

D. Regulations applying to cluster residential development.

- (1) This section is intended and designed to provide a means for the development of large tracts of land on a unit basis by allowing greater flexibility in overall residential site design and building location than the conventional single-lot method provided in other sections of this chapter. It is the intent of this section that the basic principles of an integrated system of residential and open space development be encouraged through special zoning regulations and Village Planning Board site review.
- (2) Permitted uses: single-family residences.
- (3) Minimum site size: 20 acres.
- (4) Development procedure. As provided for in Chapter 285, Subdivision of Land, of the Code of the Village of Dansville.

E. Regulations applying to planned unit development (PUD). The intent of the planned unit development provision is to provide a greater degree of flexibility for the development of large tracts of land proposed for development under a single or corporate ownership, which proposes to provide residential, commercial, and industrial activities on the same parcel in a planned, controlled environment. A planned unit development proposal may contain both individual building sites and common property which are proposed for development as an integrated mixed land use unit. Limited retail and service commercial uses, closely related to the residential sections of a proposed planned unit development are encouraged to provide a limited, daily convenience level of nearby shopping needs, in a manner blending area land uses into an aesthetically complementary whole, within the framework of the Comprehensive Plan.

- (1) To implement the intent of the planned unit development provision, the following objectives must be met:

- (a) The proposed project area shall encompass a contiguous minimum land area of 20 acres of the Village of Dansville.
 - (b) In no case shall there be less than 20% of the total land area in common open space. All such land area proposed for common open space shall be offered for dedication to the Village Board of the Village of Dansville.
 - (c) Commercial activities shall be planned and constructed in a manner architecturally similar and complementary to the residential units within the proposed development.
 - (d) The proposed plan shall contain no less than 150 dwelling units.
 - (e) The requirements of the law, insofar as density, minimum lot area, minimum lot width, minimum side and rear lot areas, and maximum lot coverage are as specified in the schedule of this chapter.¹ All other requirements of this chapter shall be adhered to.
- (2) Application procedure (tentative). In order to provide for an expeditious method of processing a proposed planned unit development application, the application in the form of a letter of intent and an accurate preliminary plan drawn to scale shall be provided in triplicate to the Village Board. The Village Board, upon receipt of the proposal, shall send one copy to the Village of Dansville Planning Board for review and recommendations. All planning, zoning and subdivision matters relating to the platting, use and development of the proposed plan shall be determined and established by the Village Board after recommendation to the Village Board by the Village Planning Board.
- (3) The application shall explain and show the following information:
- (a) Location and extent of all proposed land use including open space.
 - (b) All interior streets, roads, easements and their planned public or private ownership, as well as all points of access and egress from existing public rights-of-way.
 - (c) Specific delineation of all uses indicating the number of residential units and the density of each residential housing type, as well as the overall project density.
 - (d) The overall water and sanitary sewer system with proposed points of attachment to existing systems; evidence of preliminary discussion and approval of the New York State Department of Health of the proposed sewer and water system or their recommended modifications.
 - (e) Description of the manner in which any areas that are not to become publicly owned, are to be maintained, including open space, streets, lighting and others according to the proposals.

1. Editor's Note: The schedule is included as an attachment to this chapter.

- (f) If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units or activities completed per phase.
 - (g) Evidence as required by the reviewing boards of the applicant's ability to complete the proposed planned unit development.
 - (h) A description of any covenants, grants or easements or other restriction proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
 - (i) A written statement by the landowner setting forth the reasons why, in his opinion, the proposal would be in the public interest and would be consistent with the Village goals and objectives.
- (4) Public hearing; tentative approval.
- (a) Within 60 days after receipt of the recommendations of the Village Planning Board, the Village Board shall hold one or more public hearings, as needed, public notice of which shall have been given in accordance to § 7-706 of the Village Law to determine the advisability of the proposal. The Village Board shall, within 45 days following the conclusion of the hearings, either (a) grant tentative approval of the Planned Unit Development as submitted, (b) grant tentative approval of the Planned Unit Development subject to specified written conditions imposed by the Village Board, or (c) deny tentative approval of the proposal. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (b) In the event that tentative approval is granted, either of the proposal as submitted, or with conditions, the Village Board shall, as part of its resolution, specify the drawings, specification and performance bond that shall be required to accompany an application for final approval, the landowner shall within 30 days notify the Village Board of his acceptance of or refusal to accept all specified conditions. If the landowner refuses to accept the conditions outlined, the Village Board shall be deemed to have denied tentative approval. If the landowner accepts, the proposal shall stand as granted.
 - (c) Tentative approval shall not qualify a proposal for recording nor authorize development or the issuance of building permits.
- (5) Factors for consideration. The Planning Board's review of a preliminary plot development plan shall include, but is not limited to, the following considerations:
- (a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.

- (b) Adequacy and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience.
 - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (d) Location, arrangement, size and design of buildings, lighting and signs.
 - (e) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting visual and/or noise deterring buffer between and adjacent uses.
 - (f) In case of multiple-family dwellings, the adequacy of usable open space for playgrounds and informal recreation.
 - (g) Adequacy of stormwater and sanitary waste disposal facilities.
 - (h) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
 - (i) Protection of adjacent properties against noise, glare, unsightliness, or other objectionable features.
 - (j) The relationship of the proposed land uses to adjacent land uses and the use to buffer areas and open space to provide a harmonious blending of existing and proposed uses.
 - (k) Conformance with other specific recommendation of the Village Board which may have been stated in the Board's resolution under § 602E(4).
- (6) Application for final approval.
- (a) An application for final approval may be for all the land included in a plan, or the extent set forth in the tentative approval, for a section thereof. Said application shall be made to them official of the Village Board and of the Planning Board designated by the law and within the time or times specified by the resolution granting tentative approval. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth by written resolution of the Village Board at the time of tentative approval. A public hearing on an application for final approval of the plan, or part thereof, shall be required, unless the plan, or the part thereof, submitted for final approval, is in the judgment of the Village Board, in substantial compliance with the plan theretofore given tentative approval.
 - (b) In the event a public hearing is not required for final approval, and the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the resolution of tentative approval, the Village Board shall, within 30

days of such filing and after receipt of a report thereon by the Village Municipal Planning Board grant such plan final approval; provided, however, that, in the event the plan as submitted contains variations from the plan given tentative approval but remains in substantial compliance with the plan as submitted for tentative approval, the Village Board may, after a meeting with the landowner, refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of said refusal the landowner may 1) file his application for final approval without the variations objected to by the Village Board on or before the last day of the time within which he was authorized by the resolution granting tentative approval to file for final approval, or within 30 days from the date he received notice of said refusal whichever date shall last occur; or 2) treat the refusal as a denial of final approval and so notify the Village Board.

- (c) In the event the plan as submitted for final approval is not in substantial compliance with as given tentative approval, the Village Board shall, within 30 days of the date the application for final approval is filed, so notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance. The landowner may 1) treat said notification as a denial of final approval; or 2) refile his plan as tentatively approved; or 3) file a written request with the Village Board that it hold a public hearing on application for final approval. If the landowner shall elect either alternative 2) or 3) above, he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of time within which he was authorized by resolution granting tentative approval to file for final approval, or 30 days from the date he received notice of said refusal, whichever date shall last occur. Any such public hearing shall be held within 30 days after request for the hearing is made by the landowner, and notice thereof shall be given and the hearings shall be conducted in the manner prescribed in § 7-706 of the Village Law. Within 45 days after the conclusions of the hearing, the Village Board shall by resolution either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under Subsection E(6)(c) be in the form and condition the findings required for a resolution on an application for tentative approval set forth in § 602E(4). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (d) A plan, or any part thereof, which has been given final approval by the Village Board shall be so certified without delay by the Village Clerk-Treasurer and shall be filed on record forthwith in the office of the County Clerk before any development shall take place in accordance therewith. Upon filing of record of the plan, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall

cease to apply thereto. Pending completion within five years of said planned development or of that part thereof, as the case may be, that has been finally approved, no modifications of the provisions of said plan, or part thereof, shall be made nor shall it be impaired by act of the Village, except with consent of the landowner.

- (e) In the event that a plan, or section thereof, is given final approval and thereafter the landowner shall abandon said plan or section thereof that has been finally approved and shall so notify the Village Board in writing, or in the event the landowner shall fail to commence and carry out the planned unit development within a reasonable period of time after final approval has been granted, no further development shall take place on the property included in the plan until after said property is resubdivided and is reclassified in accordance with the applicable provisions of law.
- (7) Other review.
- (a) Review of laws and plans by county and regional planning agencies. No section of the law enacted under provisions of this article shall become effective or plan submitted under this section be granted tentative or final approval until such tentative or final plan has been referred for review and comment to the county planning agency as prescribed herein.
 - (b) Upon enactment of such law or receipt of application for tentative or final approval of such plan, a copy shall be referred to the county planning agency. Such planning agency or directory shall within 30 days of receipt of the copy of such law or tentative or final plan report its recommendations thereon to the referring Village Board body; if such planning agency or director recommends modification of a law or plan so referred, the Village Board shall not act contrary to such recommendations except after adoption of a resolution fully setting forth reasons for such contrary action.
 - (c) In its review, the Planning Board may consult with the Village Engineer, architectural or planning consultants, and other Village and county officials, as well as with representatives of federal and state agencies including the Soil Conservation Service² and the New York Department of Conservation. The Planning Board may require that the design of all structures be made by, or under the direction of, a registered architect whose seal shall be affixed to the plans. The Planning Board may also require such additional provisions and conditions that appear necessary for the public health, safety and general welfare.
- (8) Changes in final plan after approval. No changes may be made in the approved final plan during the construction of the planned development except upon application to the appropriate agency under the procedures provided below:

2. Editor's Note: The title of the "Soil Conservation Service" has been changed to the "Natural Resources Conservation Service."

- (a) Minor changes in the location, siting and height, length and width of buildings and structures may be authorized by the Planning Board if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the cube of any building or structure by more than 10%.
- (b) All other changes in use, any rearrangement of lots, blocks, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be approved by the Village Board, under the procedures authorized by this chapter for the amendment of the Zoning Map. No amendments may be made in the approved final plan unless they are shown to be required by changes in the development policy of the community.