

## **New Article XXXI; Chapter 300 Planned Design District Overlay Zones**

### **§ 300-248 Purpose and Intent.**

- A. It is found and determined that there is a need throughout the Town of Yorktown to encourage and establish further economic development. To stimulate that growth and provide for revitalization, the Town requires the use of smart-growth techniques capable of creating smarter, less wasteful, and more economically efficient development patterns. Specifically, the Town needs flexibility in land uses which bolster economic development by providing not only a diverse array of commercial businesses, but mixed-use residential and commercial parcels to both provide abundant job opportunities and contribute to the local tax base.
- B. This Article regulates the location, design, occupancy, and use of structures and the use of land within the areas known as the "Planned Design District Overlay Zones" (hereinafter "PDDOZ") within the Town of Yorktown. The primary purpose of this Article is to institute a legally enforceable each unique Planned Design Districts ("PDDs") adopted herein or prospectively, based upon and in furtherance of the goals established Chapter 4 of the Town of Yorktown Comprehensive Plan adopted on July 15, 2010 (hereinafter "the Comprehensive Plan") and as hereinafter amended.
- C. This Article is intended to promote the health, safety and general welfare of the Town by creating a holistic and comprehensive economic development strategy that utilizes the principles of social, economic, and environmental responsibility to encourage the economic development within a mixed-use setting. This Article is intended to create an opportunity for a more economically successful and environmentally responsible Town by enabling a hamlet with a more harmonious and pedestrian-oriented public realm than can be achieved under the regulations in the underlying zoning in effect at the time of adoption of this Article. Specifically, this Article will implement the Complete Streets practice as one of many mechanisms to fulfill the purpose and intention herein.
- D. It is also the intent of this legislation to further the economic development goals of the town's Comprehensive Plan to invigorate the hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional office, park/civic uses, and compatible residential uses that create a special sense of place. The intent of the overlay zones is to promote flexibility in design, allowed uses, and bulk requirements to make infill and redevelopment of the hamlets both desirable for residents and economically feasible for investors. It is also the intent of this legislation to provide for suitable mixed-use developments within the PDDs, blending the surrounding commercial and residential zones. The Town Board notes that the Yorktown Heights hamlet supports several developments such as the Underhill Apartments, the Kear Street apartments, and the Rochambeau Gardens, which were built with densities exceeding the multi-family R-3 zoning district regulations, and these developments do not exhibit adverse impacts related

to their density. The Yorktown Heights hamlet business center is able to support appropriate density above that shown in the R-3 zone. It is the intent of this legislation to promote development of appropriate densities that will support the downtown, promote economic development, and increase housing types within town, while also improving the walkability and quality of open spaces.

- E. This Article will ensure preservation and retention of the remaining historic and architecturally significant buildings and encourage the renovation and construction of other buildings consistent with architectural designs of buildings constructed during the early history of the Town.

### **§ 300-249 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

#### **INCENTIVE**

A zoning benefit that is granted, pursuant to §261-b of the Town Law, to adjust provisions of Chapter 300, Zoning, of the Town Code of the Town of Yorktown for the purpose of bringing about revitalization in a Planned Design District.

#### **LIVE-WORK UNIT/SPACE**

Live-work unit or Live-work space. A building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. The residential space must be occupied by the owner of the commercial business to which it is accessory or an employee of the owner and their household.

#### **MIXED USE BUILDING**

A building that houses varied uses normally segregated from one another by zoning classification within the Yorktown Zoning Code such as residential uses and retail uses, but not limited thereto.

#### **PLANNED DESIGN DISTRICT**

An independent zoning district identified by the Town Board as ideal to increase development in accordance with the Comprehensive Plan, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned design development plan using smart-growth techniques as approved by the Town Board.

#### **UNIQUE BUILDINGS**

Existing buildings that should be retained because of their unique or historical references to the Town's history as decided by the Town Board and listed herein..

**§ 300-250 Applicability.**

The provisions of this Chapter apply to all parcels, lots or properties lying within each Planned Design Districts and may be applied to new development, redevelopment, exterior alterations, changes of use, site plan alteration, commercial signs and exterior lighting within the Planned Design District Overlay Zones.

When the provisions of this Chapter are applied by the Planning Board, in any Planned Design District, no buildings or premises shall be used, and no buildings or part of a building or structure shall be erected, constructed, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the uses herein cited in 300-255 through 300-259, or the underlying zoning, provided that a site plan of development in accordance with Chapter 195 of the Yorktown Town Code is approved by the Planning Board, after public notice and hearing, as being in conformity with this article.

**§ 300-251 Authorization to approve plans; Procedures.**

- A. Authorization is hereby granted to the Planning Board of the Town of Yorktown, as herein set forth, to simultaneously with the approval of a site plan or subdivision map, pursuant with this article, modify applicable provisions of Chapter 300 subject to the conditions set forth in this article and such other reasonable conditions as the Town Board of the Town of Yorktown may, in its discretion, add thereto.
  
- B. An applicant desiring to use the standards set forth in this article shall file, with the Planning Board, the application and plans required for site plan or subdivision review and approval as set forth in Chapter 195, Land Development. Such application and plans shall have clearly marked upon their face that said plan is for development in accordance with these standards. The applicant shall also submit a written, detailed statement setting forth the nature of modifications, changes or supplementations of existing zoning provisions and the reasons for the same. Said statement shall include the manner in which such modifications, changes or supplementations of existing zoning provisions will benefit the Town and will further the public health, safety or welfare. The applicant may be required, at various stages of the planning process, to further justify his request to use the standards and procedures set forth herein.

**§ 300-252 Conflicting provisions.**

In the event that any provisions of this article shall be inconsistent or in conflict with the other provisions of this Chapter, then the provisions of this article shall prevail and be complied with.

**§ 300-253 Development Incentives.**

The following list of Development Incentives may be applied by the Planning Board to any project filed under this Article. In the event the Applicant includes “green-building” standards as recognized by the United States Green Building Council (“USGBC”) and the recognized Leadership in Energy and Environmental Design (“LEED”) standards, the Applicant will be granted priority in approval and shall not be limited in its requests for any and all of the incentives

set forth below. In addition, an Applicant bringing forth a proposal that would qualify for LEED certification (though no certification is required) shall be entitled to propose additional incentives, not listed below, to be considered as part of the site plan approval process under this Article. The incentives adopted herein are as follows:

1. Priority of application review and agenda placement.
2. Enhanced staff guidance, including additional staff meetings, throughout the approval process.
3. Relief from parking requirements upon demonstration of proximity to downtown pedestrian access and public transportation.
4. In the event an Applicant agrees to make infrastructure improvements that benefit the Town to an extent greater than what is required by the conditions of this Article, the Planning Board grant incentives in relation to density, area and bulk requirements and including parking relief.
5. In the event an Applicant provides real-property or rentable square footage to the Town, the Planning Board may grant incentives in relation to density, area and bulk requirements and including parking relief.

### **§ 300-254 Flexibility Standards; Area and Bulk Requirements**

1. The Planning Board, in considering an application for site plan or subdivision approval within any Planned Design District Overlay Zone, shall be guided by but shall not be strictly bound by the considerations and standards within § 300-255 through § 300-259, as amended, and as applicable to each Planned Design District, upon which the Planning Board shall be the approval authority as set forth herein. In general, these standards shall be deemed to be the minimum requirements for the convenience, economic benefit, health, safety and welfare of the Town and in compliance with the Comprehensive Plan.

2. In the course of project site plan review, as required by this article and SEQRA, the Planning Board may, pursuant to its stated purposes, vary the zoning requirements as to open space requirements, lot area, lot frontage, side yard requirements, front and rear yard requirements, maximum allowable coverage, parking regulations, building heights, floor area ratios, unit density per acre, off-street parking and loading spaces, and all bulk regulations in connection with a specific plan of development on a specific parcel of land in any Planned Design District, and other matters related to the siting and construction of improvements listed in the Schedule of Regulations, provided that the Planning Board shall determine that such variations are in the public interest and necessary in order to foster high-quality development and redevelopment, are in compliance with the general purpose and intent of this Chapter, and will ensure compatibility with uses on adjoining properties. In no case shall the variation of any requirement be greater than 60% of said requirement. Such variations shall apply only to the particular site plan and proposals thereon which are under review and shall not apply to the maximum FAR.

3. The Planning Board may adjust the regulations and reduce the procedural requirements in accordance with this Section to implement the Intent and Purpose of this Article so that the public interest secured, provided that any such adjustment or procedural modification will not have the effect of nullifying the spirit and intent of this Chapter.

§ 300-255 [Reserved]

§ 300-256 [Reserved]

§ 300-257 [Reserved]

§ 300-258 **Bear Mountain Triangle Planned Design District Overlay Zone** [Reserved]

§ 300-259 **Shrub Oak Planned Design District Overlay Zone** [Reserved]

§ 300-260 **Lake Osceola Planned Design District Overlay Zone** [Reserved]

§ 300-261 [Reserved]