

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Monticello

Local Law No. 1 of the year 2023

Entitled, Chapter § 280-40.1. Planned unit development.

Be it enacted by the Board of Trustees of the Village of Monticello as follows:

FILED
STATE RECORDS
MAR 29 2024

DEPARTMENT OF STATE

§ 280-40.1. Planned unit development.

- A. Purpose. It is the intent of this section to permit the establishment of a use classification entitled "Planned Unit Development" (PUD) where the following objectives are sought:
- 1) Creation of a more desirable community environment than would be possible through strict application of the zoning regulations found elsewhere in this Chapter 280.
 - 2) Preservation and enhancement of community natural resources such as water bodies, wetlands, forests, significant topographic and geological features and other areas of scenic and ecological value.
 - 3) Efficient use of a site to facilitate adequate and economical construction and maintenance of streets and drainage facilities and water supply and sewage systems.
 - 4) Innovation and variety in the type and design of residential development, providing a wide choice of living environment, occupancy tenure and housing cost.
 - 5) Open space allocation and maintenance by private initiative as an integral part of residential development.
- B. Site area and location. The minimum site area for a PUD shall be 20 acres and it shall be located within a residential district.
- C. Common open space. Not less than 25% of the gross area of a PUD shall be devoted to common open space. Such land is to be owned or controlled jointly by all residential property owners within the PUD and is to be used for recreational purposes or preserved in its natural state. The common open space shall include lands having significant ecological, aesthetic and recreational characteristics, with topography, shape, dimension, location, access and improvements suitable for its intended purpose.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

D. Permitted uses.

- 1) Residential: may be any type, including related accessory uses as provided elsewhere in this Chapter 280.
- 2) Nonresidential: may be permitted or required where such uses are designed to serve primarily the residents of the PUD District.

E. Maximum number of dwelling units.

- 1) The maximum number of dwelling units that may be approved in a PUD shall be computed by multiplying the total acreage of the site as provided for in the district regulations by the appropriate number of dwelling units per acre for the district in which such site is located as provided in District Regulations, Use and Bulk Tables. The maximum number of dwelling units shall not be approved if, in the judgment of the Planning Board, the site plan does not indicate adequate design and management of open space areas according to the following criteria:
 - a) Provision of recreation facilities;
 - b) Protection or enhancement of wildlife habitats;
 - c) Protection of surface water quality; and
 - d) Protection or enhancement of scenic quality.
- 2) The Planning Board shall determine the maximum number of dwelling units, the size and scope of any commercial or retail uses, that the site is capable of supporting without causing adverse effects on the resources of the Village.

F. Other zoning regulations. With the exception of minimum lot areas, building heights (which shall not exceed three (3) stories plus basement, regardless of District in which the PUD is to be located) and lot and yard requirements, the PUD shall comply with all other provisions of this Chapter 280. The PUD may be located in any district allowing Residential Use. In the event Commercial uses are not permitted in the District in which the PUD is applied for, the Commercial Use shall be governed by the B-1-0 Use and Bulk requirements for "Business/Office" and "Eating and Drinking Establishments". In addition, Applicant shall be entitled to the right to Appeal to the Zoning Board of Appeals for a determination as to whether the proposed use is allowed as a matter of right or by Special Permit pursuant to Section 280-10(B).

G. Utilities. All uses situated in a PUD shall be served by Village water and sewer systems. All water, sewer and gas lines, and all other lines providing power and communication service, shall be installed underground in the manner prescribed by the state and local agencies having jurisdiction.

H. Ownership. The land proposed for a PUD may be owned, leased or controlled either by an individual, corporation or by a group of individuals or corporations. The applications shall be filed by the owner or jointly by all owners of the property included in the application. In the case of multiple ownership the approved plan shall be binding on all owners. Ownership structure shall be set forth the Approval Resolution and Local Law.

I. Organization. A PUD shall be organized as one of the following:

- 1) A homeowners' association approved by the Federal Housing Administration for mortgage insurance, by the Attorney General of the State of New York or by the Village Board.
- 2) A homeowners' association approved by the Village Board upon recommendation of the Village Attorney or Village Special Counsel. Whenever a homeowners' association is proposed, the Village Board shall retain the right to review and approve the articles of incorporation and charter of said homeowners' association and to ensure that the intent and purpose of this section are carried out.
- 3) Any other arrangement approved by the Village Board, upon recommendation of the Village Attorney or Village Special Counsel, as satisfying the intent of this section, including condominiums and special districts.

J. Procedure.

- 1) A PUD may be approved only by resolution adopted by the Village Board upon recommendation of the Planning Board. A PUD application shall be considered by the Village Board only after receiving preliminary approval from the Planning Board.
- 2) Prior to the issuance of a building permit in a planned unit development, a site plan shall be submitted to and approved by the Planning Board in accordance with Chapter 265.
- 3) Said site plan shall include areas within which buildings and structures are proposed to be located, the height and spacing of buildings, open spaces and landscaping, off-street parking, open and enclosed parking spaces, driveways and any other physical features relevant to the proposed plan.
- 4) Nothing contained in this section shall relieve the owner or his agent or the developer of a proposed planned unit development from receiving subdivision plat approval in accordance with Chapter 270, Subdivision of Land. In approving the final plat for a planned unit development the Planning Board may modify the acreage requirement for recreation areas of Chapter 270, Subdivision of Land, provided that the common land dedicated in accordance with this section meets all other requirements of Chapter 270, Subdivision of Land.
- 5) Prior to site plan approval, the developer shall file with the Planning Board a performance bond to ensure the proper installation of all park and recreation improvements shown on the site plan and a maintenance bond to ensure proper maintenance of all common lands until the homeowners' association is established. The amount and period of said bonds shall be determined by the Planning Board, and the form, sufficiency, manner of execution and the surety shall be approved by the Village Attorney or Village Special Counsel and by the Planning Board.
- 6) Minor building additions to individual residential units in a PUD up to 50% in size of the original unit will be permitted upon application and issuance of a building permit, provided all New York State Building and Fire Code, as amended and any such expansion shall not increase the level of a preexisting nonconformity or with any dimensional requirements in the use and bulk table, in which the PUD is located, and shall comply with Section 280-42. The applicant shall provide written evidence to the officers and employees of the Building Department that the proposed building addition has the approval of the local homeowners' association or other local body with jurisdiction within the PUD or cluster development. Written evidence shall consist of a letter to the Village, signed by a duly authorized officer of the homeowners' association, indicating that all homeowners have been advised of the proposed minor addition. Subsequent additions or other modifications to the approved site plan shall be submitted to the Planning Board for approval.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2021 of the (County) (City) (Town) (Village) of Monticello was duly passed by the (Name of Legislative Body) Board of Trustees on March 17, 2021, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


Clerk of the county/legislative body, City, Town or
Village Clerk or officer designated by local
legislative body

(Seal)

Date: 10/10, 2023