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VILLAGE OF MINOA
CESAR A. PERALES
ACTING SECRETARY OF STATE

May 13, 2011

Suzanne M Snider
Village Clerk/Treasurer
240 n Main Street
Minoa NY 13116

RE: Village of Minoa, Local Law 1 2011, filed on May 12, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

Local Law Filing

41 STATE STREET, ALBANY, NY 12231

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

Village of Minoa

Local Law No. One (1) of the year 2011.

A local law amending Chapter 160 of the Village of Minoa Municipal Code entitled "Zoning.

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

Section One (1). PURPOSE AND INTENT.

This local law provides for an amendment to Chapter 160 of the Code of the Village of Minoa entitled "Zoning" to provide for the adoption of a new zoning district entitled "Planned Development District (PPD)."

Section Two (2). Section 160-4 of the Code of the Village of Minoa shall be deleted in its entirety and replaced with the following language:

For the purpose of promoting the health, safety, morals and the general welfare of the community, the Village of Minoa is hereby divided into the following zoning districts:

- Residential A
- Residential A-1
- Residential B
- Residential B-1
- Open Land
- Commercial
- Industrial
- Planned Development

Section Three (3). A new Article VII(A) entitled "Planned Development Districts (§160-13(A))" shall be added to the Code of the Village of Minoa and enacted as follows

ARTICLE VII(A) Planned Development Districts (§160-13(A))

§160-13(A) Regulations for Planned Development Districts.

A. Intent.

- (1) The Planned Development District (PDD) allows for a variety of land uses and a flexible arrangement of lots, structures, and land uses in a well-planned and coordinated design. The flexibility of land uses and lots is achieved by the Village continuously participating in and approving stages of project planning and development. Any combination of land uses already permitted within the Village may be proposed for development on sites under this district. This

district is also intended to accommodate land uses or scales of development that may be unique or require more consideration by the Village. This district may be applied anywhere in the Village, provided the project scale and design is found to further Village planning goals and to be compatible and coordinated with the environmental constraints and the existing and/or planned availability of public water, sewer, drainage, and transportation facilities.

- (2) Substantively and procedurally, the PDD is intended to promote and maintain a dialogue between the applicant and the Village. The PDD enables both the applicant and the Village to customize the development of a site in ways that are not feasible in conventional zone districts. The development standards are not predetermined, but are created jointly by the applicant and the Village via the procedures set forth in this Article.

B. Procedure Review. The classification of any property within the PDD requires the undertaking of a three-step process involving approvals from both the Village Board and the Planning Board.

- (1) In the first step, Concept Plan and Outline Review, the Village Board, in its legislative capacity, establishes the boundaries of the proposed PDD and sets the limits on the nature and range of uses, geometric and site controls and overall project planning. The Village Board's action is in response to the applicant's submission of a general Concept Plan and Outline that describes the contemplated development for the proposed PDD. The applicant submissions contemplated would include concept layout plans and narrative descriptions of the details of same and the proposal generally, including all public and private improvements. It is contemplated the Concept Plan and Outline during this review step may be modified and gradually include more and more detail. This step begins a dialogue between the applicant and the Village, and it does not commit the Village Board to adopt a PDD zone change in the final step of this process.
- (2) In the second step, Project Plan Review, the Planning Board is delegated by the Village Board to be responsible for ensuring that the general Concept Plan and Outline reviewed and approved by the Village Board is further refined and capable of being properly implemented. The Planning Board ensures such compliance by reviewing and approving the project plan submitted by the applicant and determining the conformity of same with the Village Board received Concept Plan and Outline. The project plan is the detailed narrative and graphic documentation for development of the entire PDD and would include all detail included in the Village Board referred Concept Plan and Outline with such additional detail as may be reasonably necessary to evidence that any site and/or subdivision plans based thereon are capable of development, construction and occupancy for the intended purposes. This step culminates with an advisory recommendation to the Village Board from the Planning Board.
- (3) The final step, PDD Adoption, is through a formal zone change by the Village Board. This may, in effect, include, or be followed by such Site Plan and/or Subdivision reviews of individual sites or portions of the PDD by the Planning and/or Village Board to ensure that actual construction and development fully implement the project plans reviewed, modified and approved in the formation of the PDD.

C. Authorization for a PDD.

- (1) Type of Action. Establishment of a PDD is a zone change to the Zoning Map made by the Village Board, pursuant to the requirements of the NYS Village Law, governing the formation and modification of zoning districts, the local requirements of the Village of Minoa and the procedures of this Article.
- (2) Application to Specific Lands.
 - (a) The PDD regulations are applied and effective to only a specific area that may include part of or more than one property and part of or more than one zoning district. The Zoning Map is amended upon adoption of an approval resolution by the Village Board of a PDD project plan, pursuant to the requirements of this Article. No Site, Special (Use), or Subdivision Applications, permits or other approvals are issued until a PDD zone change has been approved by the Village Board (Step 3).
 - (b) Land Uses Permitted.
 - i. Generally. The Village Board shall specify those land uses permitted within a PDD when the Concept Plan and Outline for such district is accepted and may identify specific uses for lots or subareas within the PDD. The Village Board may establish special conditions, unit densities and other area, coverage, dimensional and performance standards for any or all such uses. If the Village Board chooses not to establish such standards, then the provisions of PDD dimensional and performance standards of this Article shall apply.
 - ii. Pre-assigned Land Uses. The PDD shall also be used to address uses which due to their size or character, have potentially significant impacts and require maximum review of location, scale and design. By way of example, and not limitation, the following uses shall be permitted in a PDD only upon specific approval for a PDD by the Village Board:
 - a. Public or private airport.
 - b. Theme/amusement park.
 - c. Resort complex/conference center.
 - iii. Minimum PDD area.
 - a. Minimum Area. No PDD shall have a gross land area of less than ten (10) acres, exclusive of existing public right-of-ways, unless otherwise permitted by the Village Board.
 - b. Adding Area. Once established, a PDD may be enlarged to include other contiguous areas regardless of their size. Such areas, if separated by a public right-of-way, may be considered contiguous, if, in the opinion of

the Village Board, the continuity of the original PDD is maintained or enhanced.

(3) Phased Development.

- (a) PDD Subareas. The Village Board may identify defined portions of a PDD as discrete geographic subareas or subsections of the project. Such designated areas may have land uses or standards different from other areas within the PDD, provided that such are fully integrated in the overall development for the entire PDD.
- (b) Project Staging. The Village Board may establish the sequence in which development of a PDD shall proceed by specifying the order in which subareas, sections or phases of a PDD are to be developed. If not specified by the Village Board, the Planning Board may, on its own initiative during the project plan review (Step 2), recommend a sequence of project staging or may recommend a proposed sequence by the applicant.
- (c) Review of Project Phases. If a proposed PDD is to be undertaken in a staged development, the Village Board, as part of its Concept Plan and Outline Review, may agree to a phasing of the schedule of the Planning Board's project plan approval and any subsequent approvals otherwise required to correspond with the approved project staging. The first phase shall consist of a minimum of 25% of the total PDD area.

D. PDD Concept Plan and Outline Review (Step 1).

(1) Procedure.

- (a) Receipt and Referral. An applicant wishing to propose a PDD shall prepare and submit documents (see Concept Plan and Outline Submissions) to the Village Board. Upon receipt of a PDD proposal, the Village Board can accept or refuse to consider the proposal for further consideration and possible action. If the Village Board determines to accept the PDD proposal for consideration it shall immediately, or after some degree of consideration, refer the PDD submission documents to the Planning Board for its advisory opinion on the formation of the PDD and the proposal generally. The Planning Board shall respond to the Village Board with a written report of its findings and recommendations within a time period established by the Village Board, to be not less than 30 days and not more than 90 days, unless modified by mutual agreement of the Village Board and Planning Board.
- (b) SEQRA. The Village Board shall declare itself Lead Agency for purposes of the NYS Environmental Quality Review Act and shall determine if the proposed PDD is a Type I or Unlisted Action and make the appropriate notification or referrals to the applicable municipalities, involved or interested agencies or other levels of government.
- (c) Review and Discussion. Prior to or following any informational public meeting or hearing, the Village Board may meet with the applicant, the Planning Board or other interested parties to discuss or further the PDD proposal.

- (d) **Informational Hearings.** The Village Board in consideration with this review may hold (an) informational hearing(s) or meetings; after which, and upon the consideration of the recommendations by the Planning Board and other agencies, it may proceed to act on the proposed PDD Concept Plan and Outline.
 - (e) **Concept Plan and Outline Acceptance.** The Village Board shall consider the proposal and vote to accept, modify or reject the PDD concept. If the Village Board accepts or modifies the PDD concept, it shall prepare a written resolution indicating its general findings and its willingness to entertain a zone change upon completion of a PDD project plan and further proceedings including the recommendation of the Planning Board. It shall also authorize the Planning Board to engage in the review of a PDD project plan. It may specifically define and so instruct the Planning Board of the specific land uses, nature of buildings, minimum area and geometric controls to be maintained in the PDD or in designated subareas, project phasing and a timetable for Planning Board Review. The resolution shall include a copy of the accepted written and graphic PDD concept plans, any SEQRA-related materials, and other relevant information.
 - (f) **Concept Plan and Outline Acceptance, Significance and Date.** The issuance of Concept Plan and Outline acceptance represents a preliminary favorable review by the Village Board and is not an approval or commitment to same in the future. The date of the Village Board acceptance simply initiates the second review step of the PDD procedures. Upon Concept Plan and Outline acceptance, the PDD is not in effect and the applicant does not obtain vested rights for development. The Applicant may not rely on same as a tentative or preliminary approval and thus proceeds at its own risk.
- (2) **Concept Plan and Outline Review Criteria.** The Village Board shall find that approval of a PDD concept is reasonable and appropriate in furthering the overall land development policies and goals of the Village. In making this determination, the Village Board shall consider and record in its resolution of acceptance how the proposed PDD addresses the following:
- (a) Comprehensive planning intentions and activities of the Village of Minoa.
 - (b) Applicable infrastructure plans and policies.
 - (c) Applicable environmental policies and programs.
 - (d) Any other conditions or issues not previously addressed by the Village of Minoa.
- (3) **Concept Plan and Outline Submission Requirements.** In order to obtain the conceptual approval of the Village Board for the establishment of a Planned Development District, a Concept Plan and Outline of the proposal shall be submitted, comprised of the following components:
- (a) **Narrative Component.** A brief written narrative (outline) outlining the applicant's overall concept for the proposed PDD, including, but not limited to, the following:

- i. An explanation of how the proposed PDD conforms to concept plan review criteria.
 - ii. The range and mix of land uses.
 - iii. Development density.
 - iv. Building types.
 - v. Impact upon existing and provision for public facilities.
 - vi. Points of access.
 - vii. Parking.
 - viii. Open space/recreation areas
 - ix. Project financing.
 - x. Phasing.
 - xi. All other application items.
- (b) **Graphic Component.** A generalized graphic plan (Concept Plan) of the entire site, drawn to a scale that reasonably depicts the land use, development patterns, density and improvements addressed in the applicant's narrative statement.
 - (c) **Project Schedule.** An outline of the expected sequence and duration to fully implement and construct the entire PDD.
 - (d) **SEQRA.** The long environmental assessment form (LEAF), as determined by the Village, in accordance with the NYS Environmental Quality Review Act (SEQRA).
 - (e) **Survey.** Survey(s) or tax maps of the property or properties for inclusion in the PDD as part of the graphic component.
 - (f) **Zone Change Application Forms.** Forms, as required by the Village of Minoa, available from the Village Clerk's Office.

E. PDD Project Plan Review (Step 2). In this second step, Project Plan Review, the Planning Board (following Village Board acceptance at Step 1) is delegated by the Village Board to be responsible for ensuring that the general Concept Plan and Outline approved by the Village Board is capable of being properly implemented. The Planning Board verifies this by reviewing and approving the project plan submitted by the applicant. The project plan is a more detailed narrative and graphic documentation for the development of the entire PDD. This step begins with the following actions of the Planning Board and concludes with a recommendation to the Village Board.

(1) Project Plan Review Procedures.

- (a) Transfer to the Planning Board. Upon acceptance of a PDD Concept Plan and Outline by the Village Board, the Planning Board shall begin, with the applicant, the development and review of a PDD project plan.
- (b) Submittals. The project plan is a substantial elaboration of the Concept Plan and Outline accepted by the Village Board. It is a significantly more detailed narrative and graphic documentation for the development of the entire land area or of designated subareas within the PDD (see submission requirements). The applicant shall prepare and submit project plan materials to the Planning Board. The applicant may submit materials immediately following PDD concept plan acceptance by the Village Board. All materials shall be prepared and completed to the satisfaction of the Planning Board.
- (c) Review Schedule. Unless otherwise specified by the Village Board, the project plan shall be acted upon by the Planning Board within one hundred eighty (180) days of the approval date of the PDD concept plan by the Village Board. Any time within this period, the Planning Board or the applicant may request or recommend to the Village Board a modification of this schedule. Failure to obtain project plan acceptance within the required time limits shall cause the concept plan authorization to lapse.
- (d) SEQRA. A thorough analysis of environmental issues shall commence during this stage of the PDD review process under the authority of the Village Board. The Village Board may retain such oversight responsibility or it may direct the Planning Board to assume SEQRA review oversee the preparation and completion of any environmental analysis or DEIS. In either case, the Planning Board shall advise the Village Board on the scope and the necessity for a preparation of an environment analysis or a draft environmental impact statement (DEIS).
- (e) Analysis, Review, Discussion and Referrals. During its review, the Planning Board shall engage in a substantive review of the project plan. It may meet with the applicant, governmental agencies or other interested parties to improve its understanding of the proposal. The Planning Board may refer or request the Village Board refer the proposed project plans to appropriate governmental agencies for any advisory opinion or recommendation. The Planning Board shall direct the preparation of a written report of the Board's interim analysis, findings and progress.
- (f) Informational Hearings. The Planning Board may hold informational meetings and hearings for fact-finding and to gather community input.
- (g) PDD Project Plan Review Completion. The Planning Board shall, when it concludes its analysis and review (subsection E(1)(a) through (f) above), vote to recommend that the Village Board accept, accept with modifications or reject the PDD project plan. It shall base its recommendation upon finding that the proposed project plan is in accordance with the accepted and referred Concept Plan and Outline and otherwise compliant with

the Village of Minoa Code, and all other applicable codes and regulations of Onondaga County and New York State.

- (h) **Planning Board Recommendation.** The Planning Board shall, if it finds that all materials and information as submitted and/or thereafter (to address concerns raised) revised, are acceptable, recommend, reject or recommend with conditions or modifications the Project Plan and if recommended (including with conditions or modifications), direct the preparation of a written report to the Village Board containing its findings and recommendations. The report shall include the recommended written and graphic PDD project plans, a PDD construction and development schedule, recommended methods of implementation following final PDD adoption, a draft DEIS or recommended SEQRA findings, and any other relevant materials.
- (2) **Project Plan Review Criteria.** The Planning Board shall determine that approval of a PDD project plan is reasonable and appropriate in meeting the objectives of the accepted Concept Plan and Outline, and that the project plan furthers the overall land development policies and goals of the Village. In making this determination, the Planning Board shall apply its collective experience and judgment to evaluate the appropriateness of the development proposed in the project plan however with deference to the Village Board's acceptance and the uses proposed therein. It shall also consider and record in its resolution of recommendation to the Village Board how the proposed PDD addresses the following:
- (a) **Uses and Structures.** The variety and arrangement of land uses and structures throughout the proposed development are appropriate for the site. The Planning Board may not specifically prohibit nor permit uses or structures contrary to the previous acceptance of the Village Board.
 - (b) **Dimensional Standards.** The Planning Board shall ensure compliance of the project plan guided by the Village Board resolution conceptually accepting the PDD. It shall evaluate the project plan with respect to the minimum area and geometric controls and other standards set forth by the Village Board thereon or the default standards of this section if not specifically modified by the Village Board. It shall evaluate the appropriateness of the proposed density of development and other factors it finds relevant, such as location, community needs, public infrastructure and relationship to surrounding developments.
 - (c) **Subdivision Review.** In anticipation of PDD acceptance and potential subdivision action, the Planning Board may simultaneously review any proposed subdivision sketch plans to determine conformance to Village Subdivision Regulations.
 - (d) **Other Zoning Reviews.** The Planning Board shall specify recommended zoning review processes and permits that will control and monitor the implementation of the PDD.
 - (e) **Feasibility of Completing the PDD.** The Planning Board shall evaluate and comment whether the proposed sequence, staging and expected schedule for implementing the PDD can be achieved in the manner described. It shall seek to identify any public infrastructure or improvements that are related to or contingent upon the successful

completion of the proposed PDD and set forth a preliminary schedule of PDD milestones that are to be achieved after adoption.

(3) Project Plan Submission Requirements.

- (a) Project Plan Submissions. The project plan of the entire site must include graphic documentation, maps, drawings and other materials that show at a sufficient scale and detail to allow the Planning Board to evaluate the feasibility and impacts of the proposed development.
 - i. Site plans for all construction areas preliminarily showing approximate size, height, and bulk of buildable areas.
 - ii. Preliminary landscaping plans showing all open space, plazas, malls, courts, and pedestrian ways, ponds, waterways or similar landscaped features.
 - iii. Preliminary grading plans showing existing and topographic contours and any significant natural or sensitive environmental resources.
 - iv. Improvement plans showing proposed drainage, water and sewer facilities, and easements, if any, within or affected by the proposed development.
 - v. Vehicular and pedestrian circulation plans showing proposed streets, points of access, sidewalks and off-street parking and loading to serve any proposed building or facilities.
 - vi. Proposed construction schedule, sequence of development, project financing and preliminary milestones to be achieved from time of adoption to completion.
 - vii. Preliminary contract and filing documents between the applicant and Village for any public facilities, districts, enforcement and management of the PDD.
- (b) Supporting and Explanatory Material. The Planning Board may require the submission of additional material to explain and justify the project plan, which could include but is not limited the following:
 - i. Information necessary to assure compatibility of the proposed project with adjoining existing uses and to Village planning objectives.
 - ii. An explanation of the manner in which all requirements of the project plan and of other applicable regulations are to be met.
 - iii. Expected treatments or project-wide strategies for issues such as: signs, lighting, snow storage, building and site aesthetics.

- iv. Impact and relationship to existing or proposed services such as: public infrastructure; solid waste collection; emergency vehicle, police and fire protection.

F. PDD Adoption (Step 3). This final step, i.e., the PDD Adoption, is through a formal zone change by the Village Board. Thereafter any site plan, special permit and/or subdivision reviews of individual sites or portions of the PDD by the Planning Board or Village Board are to ensure the actual construction and development fully implement the concept and project plans adopted in the formation of the PDD.

- (1) PDD Adoption Procedures. A PDD takes effect only upon the Village Board's approval or approval with modifications of a zone change incorporating the PDD project plan accepted by the Planning Board and according to the PDD criteria for adoption and submission requirements.
 - (a) Recommendation to Village Board. The Planning Board completes and returns its written recommendation of the project plan to the Village Board. Upon receipt, the Village Board may proceed to considering a zone change for the proposal.
 - (b) Hearings, Referrals and SEQRA. The Village Board shall, pursuant to law and this Code, conduct a public hearing(s), make all required referrals not previously completed, and finalize the SEQRA process.
 - (c) Project Plan Action. The Village Board shall approve, approve with modification or disapprove the PDD project plan referred by the Planning Board. The Village Board resolution shall explicitly state that the proposed dimensional controls are accepted or the default dimensional and performance standards apply. It shall also explicitly state the accepted staging and schedule to implement and construct the proposed PDD.
 - (d) Zone Change Action. Upon project plan adoption, the Village Board shall vote to grant the zone change and file this action pursuant to local and state requirements.
 - (e) Filing of Approvals. The PDD shall be effective upon proper execution and filing of all documents, contracts and plans as a supplement to the Zoning Map.
- (2) PDD Criteria for Final Adoption.
 - (a) The Village Board shall confirm or modify and restate its findings of Village goals addressed in the concept plan (Step 1) acceptance above.
 - (b) The Village Board shall confirm that the PDD project plan (Step 2) fulfills the expectations established in the concept plan accepted or as subsequently modified.
- (3) PDD Adoption Submission Requirements.
 - (a) Forms and Documentation. Copies of materials approved by the Planning Board.

- (b) Reports, Referrals and Recommendations. Any documents developed or received by the Planning Board during project plan review.
- (c) Survey(s) and legal descriptions of properties included in the entire PDD.
- (d) Required SEQRA documentation, including any DEIS and preliminary draft findings (if prepared).
- (e) Final drafts of all contracts, filing documents and plans and enforcement instructions.

G. **Implementing – Enforcing the PDD.** This section identifies processes that are anticipated to be necessary following the (Step 3) Village Board adoption action on the PDD, and depending on the specifics of the proposal, to allow for actual construction and occupancy of a PDD proposal. These processes will address development of PDD project details and potential project changes that are fully consistent with the approved project plan. These other permits and approvals may be obtained by the applicant pursuant to the requirements of those individual processes and/or the requirements specified in the resolution adopting the PDD.

(1) **Village Permits.**

- (a) **Construction Compliance.** Any use or structure, open space, infrastructure improvement or regarding shall be established pursuant to the standards set forth in the adoption of the PDD.
- (b) **Subdivision, Site Plan and Special Permit.** Subject to the instructions of the Village Board in final resolution of PDD adoption, the standards, procedures and submission requirements of a subdivision, site plan and/or special permit are to be applied for those individual uses, structures, or improvements.
- (c) **Waiver.** The foregoing provisions notwithstanding, in relation to (a) proposed PDD development(s) determined by the Village Board to be of relatively minor complexity, in its PDD adoption resolution and local law incorporating same, and provided there is sufficient documentary support in the record, any requirement(s) of subdivision, site plan and special permit may be deemed as satisfied and thus not requiring any further or separate review(s) or approval(s) if and to the extent the Village Board determines the same were adequately reviewed in the context of Project Plan review and recommendation of the PDD to the Village Board. As such the Village Board specifically retains such comprehensive and exclusive approval authority, and notwithstanding any other provisions in the Village Code to the contrary or otherwise. To the extent this authority is exercised by the Village Board, any separate requirement for Planning Board and/or Zoning Board of Appeals review(s), recommendation(s) or approval(s) of a PDD site, or part thereof, shall not be required.
- (d) **All Other Village Permits.** Building, highway access and similar permits are required to be obtained pursuant to their respective permit requirements.

- (2) Other Permits. All other agency permits required from federal, state or county regulations shall be obtained prior to on-site development activity.
- (3) Failure to Implement the PDD. The Village Board may consider, after notification to the developer-applicant, rezoning actions to alternative zone districts if the PDD construction of the entire project or of specified phases is not completed or if adopted PDD milestones are not achieved within eighteen (18) months of the approved PDD project schedule.

H. Modifications and Amendments to an Existing PDD. This subsection describes how changes are addressed after a PDD has been adopted, constructed and/or occupied. All changes to an existing PDD will be regulated by the following provisions: changes that will affect individual lots that have been subsequently established after the PDD adoption will require approval by the ZBA; changes that are directed to the entire PDD or to an identified stage of the PDD will require review by either the Planning Board or Village Board depending on the perceived effect.

- (1) Minor Modifications Affecting One Property. The Planning Board shall evaluate all modifications and may either refer the proposal for consideration of a variance by the ZBA or approve minor modifications for development with the PDD pursuant to the following:
 - (a) Thresholds.
 - i. The proposed change is applicable to one property within the PDD.
 - ii. The proposed change complies with the land use, dimensional and performance standards.
 - iii. There is no change in the defined land use.
 - iv. The basic physical relationship and function of buildings and improvements is maintained.
 - (b) Criteria. The Planning Board can find that the proposed modification does not require any modification of applicable standards, substantially alter the property from the approved plan and does not change the relationship to surrounding properties or improvements.
 - (c) Procedure. The Planning Board shall process and document the approval of such modifications in a manner consistent with the general procedural and enforcement provisions of this Code. The Planning Board may issue a building permit, certificate of compliance or similar approvals (e.g., minor subdivision or site plan adjustments) when authorized by this Code.
 - (d) Waivers of PDD Standards. The Planning Board finds that the change for a proposed development, improvement, or modification fails to comply with the land use, dimensional or performance standards adopted for the specific PDD and shall be subject

to the procedures and standards for issuance of a use or area variance by the Zoning Board of Appeals.

- (e) Transfer to the Village Board. The Planning Board may require any requested modification to be submitted for a PDD intermediate design and land use modification by the Planning Board, or, for a major modification, to the Village Board.
- (2) Intermediate Modifications; Project Plan Amendment. Existing or approved PDD land uses, structures and improvements may be altered or modified after the effective date of PDD adoption. Unless otherwise required by the Village Board or Planning Board, such modifications shall be subject to the issuance of a project plan amendment by the Planning Board, pursuant to the following:
- (a) Thresholds.
 - i. There are changes in type or location of approved land uses within the same general land use category (e.g., residential, commercial, industrial) and within the same PDD section identified in the approved project plan.
 - ii. Increase in floor area in excess of 10% of a principal or accessory structure.
 - iii. Demolition of a principal structure, except where mandated by an appropriate official in the interest of public safety.
 - iv. Establishment or realignment of new streets or other public/common areas.
 - v. Any change, except routine replacement and maintenance, to landscaping, open space, parking, public facilities or other improvements addressed in the project plan.
 - (b) Criteria. The Planning Board shall find that the proposed modification does not substantially alter any modification of applicable standards, maintains the basic relationship of the property to the approved project plan and maintains the basic relationship to surrounding properties or improvements.
 - (c) Procedure. The Planning Board shall review and consider a project plan amendment under procedures set forth in this section for adoption of a project plan (Step 2), except that Village Board approval shall not be required.
 - (d) Transfer to Village Board. The Planning Board may, at any time, find that the proposed modification substantially alters the project plan and require the requested modification to be submitted for a PDD major amendment by the Village Board.

- (3) Major Modifications. Any modification not addressed by the minor or intermediate modifications above, exceeding the limits established at the inception of the district, or expanding or altering the PDD boundary shall be reviewed and approved by the Village Board, subject to the procedures for establishing a PDD (Steps 1, 2 and 3).
- (4) Nonconformities. It is the intent of the PDD that no nonconforming elements will exist within the PDD. The flexibility of the land use and geometric controls and review procedures should prevent the creation of any nonconforming element. In the event that a nonconformity does exist, any subsequent changes shall conform to the PDD controls and shall be subject to an issuance of a project plan amendment by the Planning Board [see subsection H(2), Intermediate Modifications].

I. PDD Default Dimensional and Performance Standards. The following standards are intended to assist the Village by avoiding any enforcement oversight or ambiguity. A PDD is intended to promote flexibility and creativity of design; therefore, the following will apply in the absence of specifically established standards by the Village Board. Unless the Village Board establishes other controls or standards at the inception of the district, the following shall apply uniformly, by default, to the entire PDD or to designated portions.

- (1) Land Uses. There are no default land uses in a PDD.
- (2) Dimensional Controls. The following controls shall apply, unless specifically modified by the Village board during the initial establishment of the PDD:
 - (a) Distance between buildings on one lot.
 - i. Residential. Front, rear and side yards for residential uses shall be designed so that a building is no closer than twenty (20) feet to any other residential building and fifty (50) feet to any nonresidential building.
 - ii. Nonresidential. Front, rear and side yards for nonresidential uses shall be designed so that a building is no closer than thirty (30) feet to any other nonresidential building and fifty (50) feet to any residential building.
 - iii. For purposes of interpretation, a structure which contains both residential and nonresidential uses shall comply with the requirements of subsection I(2)(a)(ii) above.
 - iv. Accessory structures shall be no closer than ten (10) feet to the principal structure with which they are associated and no closer than twenty (20) feet to any other principal structure, and five (5) feet to any other accessory structure.
 - (b) Distance From Lot Lines. The minimum distance between any point on a principal building and the lot line shall not be less than ten (10) feet.

- (c) Density of Development. Unless the Village Board has otherwise established a minimum density then all residential development shall provide an average density of 5,000 square feet per dwelling unit. Commercial and industrial uses shall maintain an average minimum density of 20,000 square feet per building.
 - (d) Lot Coverage. Maximum lot coverage for all development within a PDD shall not exceed 35% of the gross land area.
 - (e) Height. The maximum height of all principal structures shall not exceed thirty-five (35) feet for residential buildings and forty (40) for commercial or industrial buildings, and accessory structures shall not exceed fifteen (15) feet.
 - (f) Parking/Loading. The parking and loading provisions of this Zoning Code shall apply to PDDs unless modified by the Village Board. Shared parking and storage may be included in the calculation of overall parking compliance.
 - (g) Supplementary Regulations and Site Plan Standards. Unless modified by the Village Board when establishing the PDD, the supplementary regulations and site plan standards of this Zoning Code shall apply to all development within the PDD.
- (3) Performance Standards. Unless modified by the Village Board when establishing the PDD, the performance standards applicable to all industrial districts shall apply.

J. Penalties/Fines. Penalties and fines for a violation of this local law shall be pursuant to those penalties and fines set forth in Chapter 113 of the Village of Minoa Code.

Section Four (4). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out 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.1 of 2011 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on April 18, 2011 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19__, and was (approved)(not approved)(repassed

~~(Name of legislative Body) _____ and was deemed duly adopted on _____, 199_~~
~~(Elective Chief Executive Officer*) _____~~

~~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 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the on _____, 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was _____ (Elective Chief Executive Officer*) 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 _____ 19__, 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 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19__. Such local law was subject to _____ (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 19__, in accordance with the applicable provisions of law.

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 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 _____ 19__, 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 19__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19__, 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 one (1) above.

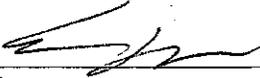
(Seal)

_____, Village Clerk
Date: _____ May 5 _____, 2011

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
Steven J. Primo

Attorney for the Village
Title
County
City of Minoa
Town Village

Date: 5/2 2011

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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.