

**TOWN OF CAZENOVIA  
LOCAL LAW NO. D OF 2026**

**A LOCAL LAW TO AMEND CHAPTER 165 (ZONING) OF THE CODE  
OF THE TOWN OF CAZENOVIA TO ADD A NEW ARTICLE VI-A  
(PLANNED DEVELOPMENT DISTRICTS)**

Be it enacted by the Town of Cazenovia as follows:

**SECTION 1. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law §10 and Town Law §261-c.

**SECTION 2. PURPOSE & INTENT.**

Pursuant to New York State Town Law §261-c, Towns are authorized to enact procedures and requirements for the establishment and mapping of Planned Unit Development Zoning Districts (PDD). The Town of Cazenovia has determined that the use of a PDD model as a tool for the planning of residential, commercial, industrial and/or other land uses or a mix therefore, in which economies of scale, creative architectural or planning concepts and open space preservation can be achieved by a developer in furtherance of the Town's Comprehensive Plan is beneficial to the overall health, safety and welfare of all Town residents. This Article will provide guidance to those who propose unique potential development opportunities to the Town and allow for the development of areas that could attract such developments to the Town in appropriate circumstances.

**SECTION 3. AMENDING CHAPTER 165 ("ZONING") OF THE CODE OF THE TOWN OF CAZENOVIA BY ADDING A NEW ARTICLE XIV-A ("PLANNED DEVELOPMENT DISTRICTS")**

The Chapter 165 ("Zoning") of the Code of the Town of Cazenovia is hereby amended to include a new Article XIV-A, titled "Planned Development Districts," to read in its entirety as follows:

**"ARTICLE XIV-A  
PLANNED DEVELOPMENT DISTRICTS**

§165-54.1 **Purpose.** In Planned Development Districts (PDD), land and buildings may be used for any lawful purpose in any districts as authorized by the Town Board in specific instances. The purpose of the PDD is to provide for flexible land use and design regulations through the use of performance criteria and land impact considerations, so that developments incorporating individual building sites, common property, singular land use, and/or mixed land uses may be planned and developed as a unit. Where deemed appropriate, the Town Board may consider a proposed planned development through an approval process requiring a zoning district change from

the original district to a PDD, in which the approved plat and a complete set of use and dimensional regulations become the basis for continuing land use controls.

§165-54.2 **Objectives.** In order to carry out the purpose of this Article, a PDD shall achieve at least the following objectives:

- A. Work as a concentrated whole unit, being self-contained and uncondusive to expansion outside its boundaries at a future date, unless such expansion when added to the original PDD can act with it to create a larger self-contained unit.
- B. Provide open spaces as an integral part of the plan.
- C. Provide convenient location of commercial and service areas.
- D. Preserve trees, outstanding natural topography and geologic features and prevent soil erosion and ground and surface water pollution.
- E. Make creative use of land and related physical development, which allows an orderly transition of land from rural to more suburban uses.
- F. Make efficient use of land resulting in smaller networks of utilities and streets thereby lowering costs for construction, maintenance and housing.
- G. Provide a development pattern in harmony with the objectives of the Town's Comprehensive Plan and other similar regional plans.
- H. Provide a more desirable environment for dwelling, working and/or recreation than would be possible through the strict application of the preset regulations in this Law.

§165-54.3 **General Requirements.**

- A. **Minimum Area.** The minimum area requirement for a PDD shall be fifty (50) contiguous acres of land, unseparated by existing streets, highways or other properties.
- B. **Ownership.** The tract of land for the project shall be owned or under lease option to purchase by the applicant who may be a single person, corporation, or a group of individuals or corporations. An application shall be filed by the owner or jointly by the owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- C. **Location.** The PDD may be applicable to any area of the Town of Cazenovia where the applicant can demonstrate that the characteristics of the applicant's holdings will meet the objectives of this Article, the Comprehensive Plan and the spirit of this Zoning Law. A proposed location for a PDD must have demonstrated compatibility with the surrounding land uses, neighborhood character, and traffic pattern, capacity and volume.

- D. **Public Sewer and Water.** Where a PDD incorporates the public sewer and/or water services, such improvements will be proposed and installed at the sole cost and expense of the developer. If necessary, a district will be formed by the developer.
- E. **Permitted Uses.** The use of land and buildings in a PDD may be for any lawful purpose as authorized by the Town Board in accordance with the procedures of this Article; the following general uses, or combinations thereof, may be considered:
- (1) **Residential Use.** Residences may be of a variety of types, including one-family dwellings, two-family dwellings, multiple family dwellings, condominium units and townhouses, but not including mobile homes. In developing a balanced community, the use of a variety of housing types and densities shall be deemed most in keeping with the objectives of this Article; the applicant shall demonstrate that he or she is reaching as broad an economic market as possible.
  - (2) **Commercial, Service and Other Non-residential Uses in Primarily Residential PDD.** These uses may be permitted (or required) where such uses are scaled primarily to serve the residents of the residential PDD. Consideration shall be given to the project as it exists in its larger setting in determining the appropriateness of such uses. In no case shall more than fifteen percent (15%) of the gross site area be permitted for commercial uses, services, or non-residential uses other than open space and nonprofit recreation.
    - (a) **Intensity of Land Use.** Relatively high land use intensity (exclusive of heavy industry uses) or dwelling unit density may be permitted if it is demonstrated that a generally positive dwelling, working and/or recreational environment is thereby produced. In determining the suitability of land use intensity or dwelling unit density proposed for a PDD, each case shall be considered separately. Due consideration shall be given to applicants that demonstrate appropriate access to water and sewer facilities. Proposed land use intensity ratings and/or dwelling unit densities shall be completely documented by all facts, opinions and judgments used to justify the selection of the intensity rate or unit density. Greater density than normally allowed in the area is intended to promote clustering and maintenance of open space. Modification of density requirements as contained in the lot size standards of the particular underlying Zoning District in this Law may impact individual lots within a PDD, but, in no case shall they result in an overall density in excess of that normally allowed in the entire site of the development area. Consideration of cluster development may be discussed.

(b) **Common Property.** Common property in a PDD is a parcel or parcels of land together with the improvements thereon, the use and enjoyment of which is shared by the owners and occupants of the individual building sites and/or the community in general. When common property exists (and such may be required), the ownership of such common property may be either public or private; when common property exists in private ownership, satisfactory arrangements shall be made for the improvement, operation and maintenance of such common property and facilities thereon, including but not limited to private streets, drainage facilities, drives, service and parking areas, open space and recreation areas. Developers shall provide a satisfactory means of ensuring operation and maintenance of such areas.

(3) **Commercial Uses.** A PDD comprised primarily or entirely of commercial uses may be permitted to allow for planned commercial developments which are intended to encourage the development of land as planned commercial sites; encourage flexible and creative concepts of site planning; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of conventional commercial zoning districts and to provide a stable environment and use which is compatible with the character of surrounding areas. Any primarily commercial PDD may be designed to allow non-residential uses, including commercial or retail uses, recreational uses, industrial uses, offices, clinics and professional uses (and combinations thereof) but shall, in no event, allow any heavy industry. Residential uses including multiple family dwellings, condominiums, apartments and townhouses of medium to high density, and above-store or above-office flats to provide affordable housing in close proximity to employment areas may also be permitted, provided that in no case shall more than fifteen percent (15%) of the gross site area be permitted for residential uses or uses other than open space and nonprofit recreation.

§165-54.4 **Overview.** Establishment of a Planned Development District project shall require two steps:

- A. Approval of a preliminary development plan and amendment of the Zoning Map by the Town Board to establish a Planned Development District by Local Law;
- B. Authorization to proceed with the specific project plan in a Planned Development District by the Planning Board.

§165-54.5 **Application Procedures for PDD Approval.** For full approval of a proposed PDD the applicant shall (1) secure a lawful zoning district change for his/her property from its present district to a PDD, which process shall be that of amending the Zoning Law and Map to include the proposed PDD designation and all the related specifications, and use and dimensional regulations specific thereto; (2) after the

zoning district change, it shall be required that the subdivision and platting of all lands on the proposed PDD be subject to Section \_\_\_\_ of this Law; and (3) before construction and occupancy of buildings or land, the proper permit(s) shall be secured by the applicant in accordance with this Law. The Town Board may utilize its powers under the Municipal Home Rule Law or the Town Law to accomplish the change of zoning.

When any PDD is proposed, before any permit for erection of a permanent building in such PDD shall be granted, and before any subdivision plat or any part thereof may be filed in the Madison County Clerk's office, the applicant or his or her authorized agent shall apply for and secure approval of such PDD in accordance with the following procedures:

- A. **Pre-application Discussion Stage.** Prior to formal application the applicant may present the proposed PDD to the Town Planning Board and Town Board in rough sketch and written descriptive form to obtain initial opinions concerning the suitability of the concepts and general elements of the development, and to ensure the required procedures for the PDD application are fully understood by the applicant. In this stage, it is advised that most of the items in this Article be addressed at least in rough form by the applicant. Conceptual approval at this stage shall not be considered binding in any way.
  
- B. **Application for PDD Zoning.** Formal application for the establishment of a PDD shall be made to the Town Board in a plan (drawn to scale) and written report (narrative) form. Prior to Town Board action, to insure that the proposed PDD is within the intent of the comprehensive planning activities of the Town, the Town Board shall, after receiving the application, refer it to the Town Planning Board for the purpose of review and recommendations. The Town Planning Board shall have sixty-two (62) days from its next regularly scheduled meeting within which to report. As deemed appropriate, either the Town Board or the Town Planning Board may submit the PDD application to the Madison County Planning Board for an informal review. As applicable and in accordance with Sections 239-l and -m of Article 12-B of the New York State General Municipal Law, the Town Board shall refer the PDD application for formal review and recommendations to the Madison County Planning Department, which shall have thirty (30) days or an agreed-upon longer period from its next regularly scheduled meeting within which to submit its report. Failure of either the Town Planning Board or the Madison County Planning Department to report shall not prohibit the Town Board from additional action or to request a response.

Acceptability of a PDD proposal shall be based upon the Town Board's judgment concerning the overall quality of the PDD proposal, and the extent of its impact upon the Town and its citizens, and their or others' nearby properties. In order for the Town Board to adequately evaluate the PDD proposal, the application (in its plan and written form) shall address the following areas, and the information shall be furnished therein in a reasonably complete manner.

- (1) **Project Particulars.** The applicant(s) shall include the name and location of the project; name(s) and address(es) of the owner(s); names and addresses of the applicants (if different) a legal description of all property; the names of the owners of abutting properties and those within 1,500 feet of the property, and the current use of such abutting properties.
- (2) **Type of Development.** The type of development shall be fully described, including at least the following information (depending on the nature of the property).
  - (a) **Residential.** Total acreage of residential area and each residential portion of the development; total number of dwelling units and number in each residential portion; percentage and numbers of dwelling units by type (single family, condominium units, townhouses, etc.); dwelling unit density per gross site acreage; estimated population of the development and estimated number of school-age children.
  - (b) **Commercial.** Total acreage of commercial area; gross leasable floor area in square feet; land use intensity rating; general description of commercial types and their general requirements for receiving and delivering goods.
  - (c) **Recreational.** Recreational uses, including a narrative and brief description of the proposed recreational opportunities to be offered and plan for management of same.
- (3) **Staging of Development.** Description on plan and in written report of the planned staging of the project (and whether such staging may be required).
- (4) **Natural Site.** A description of the natural site shall be included with at least the following information: soil characteristics and limitations; extent of and treatment intended for the site's vegetative cover (especially trees); topographical features (on topographic map); existing and proposed site drainage; foreseeable needs of the site for construction precautions; existing conditions of and the projected effects upon the ground and surface waters of the site and community; possible air pollution hazards.
- (5) **Site Planning and Design Considerations.** Descriptions and illustrations (in the form of a plan or map with key) of the following: proposed uses, site ingress and egress; parking; on-site pedestrian and vehicular circulation; general landscaping treatment; general location and arrangement of buildings and other structures; locations of all facilities; and general visual description.

- (6) **Transportation and Traffic.** Descriptions of at least the following: existing streets serving the area; the level of service provided by existing streets in terms of traffic count and street traffic capacities; expected modifications for existing street systems required by project; estimated daily automobile trips generated by the residential and other uses; availability of public transportation to site; design considerations for deterring on-site and area congestion.
- (7) **General Market Information.** Describe the need for the proposed land uses in their proposed locations and their proposed quantities; and the intended market structures for the residential units (prices and rents, describe whether low-income, middle-income, luxury, etc.).
- (8) **Projected Fiscal Impacts on Town.** Calculations of projected Town revenues and expected costs to be incurred by the Town as a result of the proposed development.
- (9) **Utilities and Related Services.** Describe the following and detail their intended locations on the plan(s): the method and projected quantities of wastewater (sewage) from the development; demand and source of supply for water; level of service needed and available for fire protection; demands for and availability of natural gas and electricity; projected quantities of and method of disposal for solid wastes
- (10) **General Effects of Development on Neighborhood and Community Appearance and Land Use.** Description of effects on the appearance; relationship of project to predominant character and land use in area (compatibility).
- (11) **Relationship of Proposed PDD to Official Town and Madison County Development Policies.** Information on how the proposed PDD relates to local and area-wide goals and policies as stated in plans and regulations.
- (12) **Development, Operation and Maintenance of Open Space and Common Properties.** A general statement concerning the responsibility for development, operation and maintenance of open space and common properties, and proposed methods for their implementation.
- (13) **Developer Competence.** Evidence in the applicant's behalf to demonstrate their competence to carry out the plan and their awareness of the physical and financial scope of the project.
- (14) **Full Environmental Assessment Form (EAF).** Applicant shall provide a fully completed Part 1 of the Full EAF to the reviewing boards.
- (15) **Other.** Any other such information as the Town Board (or Planning Board) deems to be reasonably pertinent to the adequate consideration and evaluation of the proposed project.

**C. Planning Board Review of Planned Development Plan.**

- (1) The Town Board shall refer the completed application to the Planning Board for its review and recommendation.
- (2) The Planning Board shall review the application to determine whether it is complete and may request clarification and additional information from the applicant regarding any aspect of the application. The Planning Board and the applicant may negotiate refinements or modifications in the preliminary development plan proposals or other aspects of the application. This negotiating process is intended to permit changes in the original application that will allow the project to meet the objectives of this Chapter. The applicant may terminate negotiations at any time by asking the Planning Board to proceed with its review procedures at its next regular meeting. The Planning Board shall determine, in the exercise of its discretion, the use or uses to be combined within the Planned Development District in accordance with the purpose of this Section.
- (3) The Planning Board shall review the application and evaluate the development plan with consideration of the following:
  - (a) Consistency with the stated purposes of a Planned Development District;
  - (b) Extent of departure from the requirements and standards of the local law otherwise applicable to the property and the advantages and amenities resulting from such departure;
  - (c) Relation to the existing character of the vicinity;
  - (d) Location, bulk and height of buildings and uses in relation to one another and to other structures and uses in the vicinity;
  - (e) Vehicular and pedestrian traffic circulation, its relation to existing traffic facilities and patterns and the probable amount of traffic generated;
  - (f) Adequacy of existing and proposed utilities, fire protection and other services;
  - (g) Protection of the environment;
  - (h) Purpose, location and amount of common open spaces.
  - (i) Architectural and landscaping design; and
  - (j) Sufficiency of terms and conditions for protection of the integrity, conservation and maintenance of the plans.

- (4) The Planning Board shall recommend to the Town Board, within 60 days of the official submission date to the Planning Board, approval, approval with modifications or disapproval of the development plan, giving reasons therefor. The time period for Planning Board recommendation may be extended by mutual consent of the applicant and the Planning Board.
- (5) The Town Board shall hold a public hearing as required for any amendment of this Chapter and shall consider the report and recommendations of the Planning Board, and all other comments, reviews and statements pertaining thereto. The Town Board may act to amend the Zoning Map to establish and define the type and boundaries of the Planned Development District, and in order to protect the health, safety and general welfare of the community, may establish additional requirements and specific conditions restricting the nature, density, or design of proposed land use and development, and may request that the applicant submit an amended preliminary development plan conforming with such requirements and conditions prior to final action by the Town Board to establish a Planned Development District.
- (6) Upon approval by the Town Board of a preliminary development plan and establishment of a Planned Development District, the plan shall be filed with the Town Clerk and shall serve as a permanent record to guide future action.
- (7) Before taking final action on amending the Zoning Map, the Town Board shall refer such matters to the Madison County Planning Agency in accordance with the provisions of General Municipal Law §239-m.

D. **Public Hearing.** Within sixty-two (62) days after receiving a report from the Town Planning Board and commencement of the environmental review process, the Town Board shall schedule and conduct a public hearing for the purpose of considering the change in zoning district to PDD for the applicant's plan in accordance with the procedures required under Section 265 of the New York State Town Law.

E. **Town Board Action.** Within sixty-two (62) days after the close of a public hearing the Town Board shall render its decision on the PDD application. If the Town Board grants the PDD zoning by local law or other permissible means, the Zoning Map shall be so noted, and this Law shall be amended so as to define the legal boundaries of the PDD, but such action shall have effect only of granting permission for consideration of development of the specific proposed land uses in accordance with the use and dimensional specifications, plans and related materials filed with the Town Board and related to the specific PDD shall be subject to further review and approval of the Planning Board. Such specifications, plans and related materials are to include, if deemed necessary by the reviewing board to protect the public health, safety and welfare of the Town, any conditions and requirements for the applicant to meet. The approved plan and the related attachments shall be deemed an

amendment to this Law and shall serve as continuing land use controls for the specific PDD; the first such zoned PDD shall be designated “PDD-1”, with subsequent unrelated PDD to be numbered in continuing sequence.

F. **Annual Review of PDD.** The Town Board may review the PDD annually in order to determine the amount and quality of the progress made by the developer toward fulfilling the specifications and plans and any attached conditions. Based upon the progress made by the developer, the Town Board may reconsider the PDD and further amend this Law in relation to it if progress is not to the satisfaction of the Town Board or not in keeping with the staging approved by the Town Board. If no progress is made on the site of the PDD within the first year after approval, the Town Board may consider changing the zoning of the property to the original or other zoning district classification. Little or no progress on the PDD site by the developer does not guarantee the Town Board will take action to change the zoning, especially if the developer demonstrates to the satisfaction of the Town Board that the developer is acting in continuing good faith and, where applicable, the preliminary plat plans are in preparation.

G. **Subdivision Plat Approval.** If any portion of a PDD property is intended for sale or other form of transfer, whether immediate or future, the development shall be considered a subdivision of land and shall be subject to the “Subdivision Regulations of the Town of Cazenovia”; where the requirements and the specifications of the subdivision regulations are in conflict with the PDD plan approved by the Town Board the approved plan shall take precedence.

§165-54.6 **Design Standards and Specific Requirements.** The following uses shall be permitted in the Town of Cazenovia only in accordance with the procedures of this Article, and in addition to the other provisions of this Article, the following requirements shall apply to the specific planned developments:

A. **Townhouse Developments** shall be permitted subject to the following provisions:

- (1) Rows of attached townhouses shall average no more than eight (8) dwelling units, unless otherwise authorized.
- (2) Each building in which dwelling units are located shall meet the front, rear, and side yard setbacks established for the Planned Development District (PDD) Plans.
- (3) Each building in which dwelling units are located shall be placed upon a plot of land that is sufficiently large so that, if subdivided and placed into individual ownership in conjunction with a dwelling unit therein will permit each subdivision to meet the requirements of this Section.
- (4) The development shall not cause more than thirty percent (30%) of the total land area to be built upon.

- (5) At least two (2) off-street parking spaces shall be provided for each dwelling unit having three (3) or fewer bedrooms, and at least three (3) off-street parking spaces for each dwelling unit having more than three (3) bedrooms, unless otherwise authorized. Spaces may include garage spaces.
- (6) If subdivided in order to permit individual ownership of dwelling units in conjunction with a portion of the parcel upon which the building is located, each lot so created shall meet the following minimum standards (unless otherwise authorized by the Town Board).
  - (a) total lot area = twice the habitable floor area of the dwelling unit
  - (b) side yard setback = end units, twenty-five (25') feet  
= center units, zero (0') feet
  - (c) front yard setback = when dwelling units in the building share common rear interior walls, seventy (70') feet  
= when dwelling units in the building have front and rear yards, thirty-five (35') feet
  - (d) rear yard setback = when dwelling units in the building share common rear interior walls, zero (0') feet  
= when dwelling units in the building have front and rear yards, thirty-five (35') feet

**B. Additional Standards for Planned Development Districts.**

- (1) **Area/density.** All Planned Development Districts shall have a minimum area of 50 acres, and all development within the districts shall not exceed density specifications determined by the Planning Board for the intended use and compatible with this section.
- (2) **Setbacks.** The minimum setback of a building from an adjacent district boundary for any manufacturing, other industrial, research or business use shall be 150 feet unless specifically waived or varied by the Planning Board. District boundary setbacks for other permitted uses shall be determined by the Planning Board in accordance with the stated purpose of this section.
- (3) **Roads.** All roads, whether to be offered for dedication to the Town or not, shall be constructed in accordance with Town standards as established in Chapter 146, Subdivision of Land, and, in addition, according to any additional requirements deemed necessary by the Town Engineer and/or the Town Highway Superintendent and as set forth in the resolution of approval of the final plan.

- (4) **Open spaces and recreation areas.** Suitable and satisfactorily located areas of every Planned Development District, which includes residential uses, shall be designated and reserved for open spaces, and/or recreational purposes. Improvements and facilities to be provided as part of the open spaces and recreation areas, and provisions for maintenance shall be acceptable to the Town and the responsibility of the applicant.
- (5) **Access.** Access, insofar as practicable, shall be provided for by ingress and egress on to non-major or collector streets to minimize the number of accesses on to highways.
- (6) **Landscaping, fencing, screening.** Appropriate natural screening and buffering, such as plantings, shall be required to minimize, among other things, the adverse visual impact of the intended use.
- (7) **Signs.** Notwithstanding the provisions of this chapter, any sign to be erected within the district, whether attached or detached, shall be approved by the Planning Board. All signs must be immediately removed if the use is discontinued for more than 30 days.
- (8) **Open storage.** There shall be no open storage except for enclosed refuse containers located in areas approved by the Planning Board.
- (9) **Architectural review.** All structures, including fences, plantings and landscaping, shall be subject to an architectural review by the Planning Board to ensure that the proposals are compatible with the purpose of this Section.
- (10) **Natural resources.** The development plan shall, insofar as is practicable, maintain the greatest open space in the areas of greatest visibility and shall protect natural resources such as woods, wetlands, swamps, aquifers, etc.
- (11) **Scenic vistas.** The development plan shall locate structures, parking and open spaces, insofar as is practicable, in such a manner that scenic vistas are not impaired.
- (12) **Outdoor lighting.** The development plan shall ensure that outdoor lighting is dark sky compliant and will not adversely impact neighboring properties or the scenic and rural character of the Town.
- (13) **Bonding.** The development plan shall state the manner in which the applicant intends to comply with any applicable bonding requirements set by the Planning Board.
- (14) **Reimbursement of Town's Incurred Reasonable and Necessary Expenses.** Each application shall be accompanied with a deposit of fees to offset the reasonable and necessary engineering, legal and other professional fees incidental to the review and potential approval of the

proposed project in accordance with the Town’s “Development and Project Fees Law” (Chapter 75 of the Code of the Town of Cazenovia).”

**SECTION 4. VALIDITY & SEVERABILITY.**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5. EFFECTIVE DATE.**

This Local Law shall be effective upon its filing with the New York Secretary of State.