



City of Ithaca

Planned Unit Development Overlay District (PUDOD)

The City of Ithaca is committed to creating a work environment and community that values and supports diversity and inclusion and to developing laws, policies and procedures that are mindful and inclusive of our diverse community.

The Planned Unit Development Overlay District is intended to allow flexibility in zoning regulations for projects that are found to be beneficial to the community and that are expected to further the goals of the City Comprehensive Plan.

I. Objective

Any project located within the boundaries of the PUDOD, as shown on the map entitled “Boundaries of the Planned Unit Development Overlay District-April 2018”, is eligible to apply for a Planned Unit Development (PUD). The purpose of the PUD is to encourage and allow more creative development of land than is possible under standard zoning district regulations. A PUD allows for flexibility in planning and design, while through the process of review and discussion, ensures efficient investment in public improvements, a more suitable environment, and protection of community interest. A PUD should be used only when long-term community benefits will be achieved through high quality development, including, but not limited to, reduced regional traffic demands, greater quality and quantity of public and/or private open space, community recreational amenities, needed housing types and/or mix, innovative designs; and for the protection and/or preservation of natural resources. It is intended to relate to both residential and nonresidential development, as well as mixed forms of development. There may be uses, now or in the future, which are not expressly permitted by the other terms of this chapter but which uses would not contravene the long range Comprehensive Plan objectives if they adhere to certain predetermined performance and design conditions. The PUD is intended to be used to enable these developments to occur even though they may not be specifically authorized by the City Zoning District Regulations.

II. Requirements

With the approval of the City Common Council, a PUD may be established on any located within the PUDOD. The establishment of any such zone shall lie in the sole discretion of the City Common Council, as a legislative body. It shall be established by amending the Zoning Ordinance to permit such establishment. The enactment and establishment of such a zone shall be a legislative act. No owner of land or other person having an interest in land shall be entitled as a matter of right to the enactment or establishment of any such zone.

In a PUD, buildings and land may be used for any lawful purpose permitted in the zone where it is located, plus any other uses which the Common Council may authorize upon findings that such additional uses:

- Further the health and welfare of the community; and

- Are in accordance with the City Comprehensive Plan
- Does the project create at least one long term community benefit

All development restrictions, including, but not limited to, yard size, height restriction, building coverage, and lot size, shall be as set forth in the legislation rezoning the area to a PUD established by the City Common Council. In addition, the City Common Council may impose any conditions or limitations that are determined to be necessary or desirable to ensure that the development is in conformance with the City's Comprehensive Plan, including limiting the permitted uses, location and size of buildings and structures, providing for open space and recreational areas, and requiring bonds or other assurances of completion of any infrastructure to be built as part of the development.

No structure shall be erected or placed within a PUD, no building permit shall be issued for a building or structure within a PUD, and no existing building, structure or use in a PUD shall be changed, unless the proposed building and/or use is in accordance with a site plan approval.

III. Application Process

A developer proposing a project that does not conform to the existing zoning requirements may apply for a PUD to be placed on property under their control. It is anticipated that a PUD application requires a minimum of 4 months from the time of submitting the application to the point where a conditional approval is granted by the Common Council and the applicant can begin the site plan review process.

The application process is as follows:

1. Staff/Developer Pre-Application Meeting.

A developer seeking alternate zoning for their property must first contact the Department of Planning, Building, Zoning, and Economic Development for a pre-application meeting. Staff will explain the requirements, the application process, the timeline, and the fees associated with a PUD request.

2. Application Submission.

The developer must submit a completed PUD application along with the required fee. The application must include a conceptual development plan and an explanation of the request for alternate zoning. The conceptual plan must include the proposed sizes of yards, maximum heights and stories of all proposed buildings, maximum lot coverage, adjacent uses and adjacent zoning.

3. Planning and Economic Development Committee. *(Scheduled on a first come first serve basis, within 60 Days of receipt of completed application and fee)*

The Planning and Economic Development Committee of the Common Council will consider the application for completion and will schedule a public information session. The developer will be expected to be present at this meeting. The

Planning and Economic Development Committee direct staff to circulate the application and to schedule a public information session.

4. Circulation.

Staff will circulate the proposal for review and comment from City Boards/Committees, the Tompkins County Planning Department, and any neighboring property owners within 500 feet of the proposed project. Staff will also schedule an internal Planning Coordination Committee to review the project and comment on the proposal. Comments and concerns will be forwarded to the developer and to the Common Council for their consideration.

5. Public Information Session.

Within 90 days of receiving a completed application the City will schedule a Public Information Session, at which the developer will be responsible for presenting information about the project and answering questions from the public. The City will advertise the public information session with a press release to the local media. The developer is responsible for posting the property at least 5 days prior to the Public Information Session, with the date, time, and location of the meeting.

6. Sketch Plan Review.

Once the public information session has been completed the project applicant may choose to go before the Planning Board for a review of the project sketch plan.

7. Committee Recommendation. *(Scheduled for next available Committee meeting after the Public Information Session is completed)*

Once the comments have been received the Planning and Economic Development Committee will consider the proposal along with the comments and will make a recommendation to the Common Council. The recommendation may include additional requirements or limitations to either mitigate undesirable impacts or to ensure that the development conforms to the goals of the City's Comprehensive Plan.

8. Site Plan Review Application.

Applicant submits a site plan review application and begins the environmental review process. The applicant may choose to submit their application at any point after the Planning and Economic Development Committee has made their recommendation to the Common Council.

9. Conditional Approval.

The Common Council will consider the request and may pass a resolution granting a conditional approval subject to further site plan review approval and instructing staff to take the project through the environmental review process.

10. Declaration of Intent to Act as Lead Agency.

Planning Board declares its intent to be the lead agency for the environmental review of the project and the PUD and notifies all other involved agencies, including the Common Council.

11. Common Council Involvement.

As a part of the environmental review process for the project and the PUD, the Planning Board will update the Common Council after each Planning Board meeting where the project is considered and will request ongoing written comments from the Common Council.

12. Environmental Review/Site Plan Review.

The Planning Board will be the lead agency for the environmental review and site plan review of the project. The project will undergo the normal site plan review process

13. Planning Committee Review and Circulation.

Once the PUD legislation is in a draft form, the project will be presented to the Planning Committee and they will circulate the document for comments, hold a public hearing and then make a recommendation to the Common Council.

14. Common Council Consideration of the PUD.

When the project has completed the environmental review process and received site plan approval, it will return to the Common Council for final consideration of the adoption of the PUD. Final Council approval, if any, shall be granted via ordinance.

IV. Expiration

A developer who receives PUD approval will have 24 months to begin construction of their project. If construction on the property has not been developed in accordance with the approved plan after 24 months, the PUD will automatically be revoked, unless otherwise stated by the Common Council, and the property will return to the previously approved zoning restrictions. In the case of extenuating circumstances the developer may apply to the Common Council for an extension of PUD approval.

If the site plan changes significantly, as determined by the Director of Planning and Development, it may require re-consideration by the Common Council. The Director of Planning and Development may determine that the changes are minor and do not require re-approval.

V. Application and Processing Fees

A developer wishing to apply for a PUD will pay a flat fee of \$5,000.00 (five thousand dollars). This fee will cover all advertising costs, as well as staff processing time. Half of the fee (\$2,500.00) will be credited towards the site plan review application fee. The application fee is due at the time that the full application is submitted.



City of Ithaca

Application for Planned Unit Development (PUD)

Part 1. – Applicant Information

Application Date: ___/___/___

1. Applicant Information

Applicant Name(All principal owners of 15% or more must be listed): _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Property Owner (If different from applicant): _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

2. Property Information

(Applicant must provide either proof of ownership or an owner's authorization)

Property Street Address: _____

Tax Parcel Number: _____

Legal description of Property: _____

Zoning District : _____ Area: _____ Frontage: _____

Current Uses: _____

3. Project Information

Project Name: _____

Project Narrative and Summary of Community Benefits (attach additional sheets as needed): _____

Project Location: _____

Property Size (acres) – both existing & proposed: _____

Building Size (square feet) – both existing & proposed: _____

Proposed Project Start & Completion Dates: _____

Approx. # of rental housing units: _____

Approx. # of for-sale housing units: _____

Approx. SF of office: _____

Approx. SF of retail/commercial: _____

Approx. SF of community/non-profit use: _____

Approx. SF of light industrial/high-tech: _____

Approx. SF of industrial/manufacturing: _____

Approx. SF of other uses specify: _____

Part 4. – Project Costs

Cost of New Construction: _____

Value of Improvements: _____

Value of Equipment to Be Acquired: _____

Other: _____

Total: _____

Part 5. – Criteria and Potential Project Benefits

Minimum Qualification Criteria

A PUD can only be established if the following criteria are all determined to have been met:

- Does the project further the health and welfare of the community; and
- Is the project in accordance with the City Comprehensive Plan
- Does the project create at least one long term community benefit
- Is the property located within the established PUDOD

PUD Approval Considerations

In addition to meeting the minimum criteria, the following will also be considered when evaluating whether to grant a PUD for a proposed project:

- (1) Please demonstrate why this project can't move forward under existing zoning. Why should a PUD be a desirable way to regulate development on this site?
- (2) Will the project provide for public access pedestrian linkages (active recreation)?
- (3) What are the heights of buildings in this project? How do building masses and locations compare to each other and to other structures in the vicinity?
- (4) Are there available and adequate transportation systems within the PUD for pedestrians, bicycles, and motor vehicles, including transit? What is the impact on the external transportation network?
- (5) What is the character of the neighborhood in which the PUD is being proposed? Are there safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general?

- (6) How do the proposed open space and recreational systems function within the PUD and in relation to the City's overall open space and recreational systems?
- (7) What is the general ability of the land to support the development, including such factors as slope, depth to bedrock, depth to water table and soil type?
- (8) What potential impacts are there on environmental, historical, and architectural resources? Does the proposed PUD serve to protect these resources?
- (9) What potential impacts are there on local government services?
- (10) Is there available and adequate water service?
- (11) Is there available and adequate sewer service?
- (12) Will the PUD provide several of the community benefits listed below that contribute to making the project a long-term asset for the community?

Potential Community Benefits Resulting from the PUD Project

- (1) What will be the increase to the tax roll value of new real property?
- (2) How many FTE jobs will be created as a result of the project? Will the project result in job creation of positions that pay at least a living wage?
- (3) Will the project result in job creation of which at least 51% will be held by persons earning 80% or less of Area Median Income?
- (4) Will the applicant provide affordable housing at rents that do not exceed Fair Market Rents occupied by households earning no more than 80% of Area Median Income, adjusted for family size (must determine duration)?
- (5) Will the project fill vacant store fronts?
- (6) Will the project involve environmental remediation?
- (7) Is the project a historic preservation project (in accordance with the Secretary of Interior's standards)?
- (8) Will the project be assisting/contracting/renting to MWBEs?
- (9) Will the project provide free (reduced cost) community space in the project (for example to a 501c3 non-profit)?
- (10) Will the project produce large-scale alternative energy, local energy or combined heat/power that results in a significant reduction in greenhouse gas emission?
- (11) Will the project result in high tech job creation?
- (12) Does the project contain the redevelopment of a Brownfield site?
- (13) Will this project provide any other community wide benefits?