

Article III
Land Use District Regulations

§ 145-55 **Planned Community.**

- A. Purpose. The use regulations in this article are intended to provide use and design flexibility to encourage community development on appropriate large properties, where such development fits into the rural character of the Town and protects its scenic, historic, and environmental resources. This regulation provides a procedure for master planned development of properties of over 400 acres, to promote housing, lodging, commerce, tourism, recreation, and open space protection. In exchange for granting permission for use flexibility and more intensive development than is allowed by the underlying zoning, the Town seeks to achieve significant protection of open space resources, especially scenic viewsheds, ridgelines, water resources, and ecosystems.
- B. Conservation analysis requirement. For any application for subdivision or any development that involves uses other than those allowed in the RU & RC Districts, the applicant shall prepare a conservation analysis of the land as described in § _____. This shall be submitted to the Planning Board, which shall make conservation findings prior to the preparation of any master development plan. For projects for which a draft environmental impact statement has been submitted prior to the adoption of this section, the environmental analysis included in the environmental impact statement may substitute for the conservation analysis.
- C. Regulatory: The following regulations apply, superseding the regulations of the underlying districts:
 - (1) Allowable uses. Within the Planned Community, the following uses are allowed:
 - a) All uses allowed in the RU & RC Districts, as shown on the Use Table in § _____
 - b) Residential: Single Family, Duplex (not more than 30% of total units), Multifamily (not more than 30% of total residential units).
 - c) Lodging facilities, hotel-condominiums, meeting rooms, and conference facilities.
 - d) Restaurants.
 - e) Retail, recreational, and service businesses associated with the Planned Community use.
 - f) Office and other professional business uses.
 - g) Outdoor Amphitheaters (500 maximum occupants).
 - h) Such other uses as may be approved by the Planning Board in issuing a special permit for a development plan consistent with the purposes of the Planned Community.
- D. Special permit for master development plan.
 - a) For any development that involves any uses other than those allowed in the RU & RC Districts, the applicant shall prepare a master development plan for the entire project site. This master development plan may also include uses allowed in the RU & RC Districts.
 - b) The master development plan shall require special permit approval by the Planning

Board and shall be consistent with the Town of Dover Comprehensive Plan. A master development plan shall be based upon the conservation analysis and shall include a conceptual site plan showing, at a minimum, an open space system (including preserved open space), access and road layouts, proposed buildings, including their uses, footprint, height, and total square footage, proposed recreational facilities, proposed utilities, including water supply and wastewater disposal, and a phasing plan if the project is to be built in phases. The master development plan shall also contain such other information as the Planning Board deems necessary to determine whether or not the Plan complies with the requirements of this § _____ and other sections of this chapter. The master development plan shall contain a management plan for the future management of the proposed development as a unified entity.

- c) Where buildings will be visible from public roads, trails, or other publicly accessible areas, the applicant shall provide the Planning Board with a visual assessment report, including appropriate modeling and simulations and photography assessing the visibility from key viewpoints including existing tree lines, surrounding topography, and proposed elevations shall be required.
- d) Architectural Standards. The Planning Board shall require the submission of proposed elevations of buildings and proposed architectural standards and covenants. These architectural standards and covenants may substitute for any of the design standards which would otherwise be required by § _____ or any other section of this chapter. Proposed signs and sign standards may substitute for the signage requirements in § _____.
- e) Dimensional regulations. Lot and bulk controls and off-street parking requirements shall be defined as part of the proposed master development plan. Said controls and requirements shall be subject to review and approval by the Planning Board. As part of the master development plan review process a Dimensional Table that is specific to the proposed project shall be developed by the applicant for review and approval by the Planning Board.
- f) Setbacks to Neighboring properties. The location of any primary structures with a use of Business, Commercial, Lodging, Recreation, Restaurant, or Residential within the proposed project shall be subject to a minimum setback of 200 feet from any adjacent property line for parcels that are not part of the project.
- g) Landscape Plan. Applicant shall provide a community master landscape plan showing all existing natural land features, trees, forest cover, and all proposed changes to these features, including size and type of plant materials to be used. The plan shall show sample landscape plans for the different residential and commercial uses.
- h) Stormwater Analysis. The Applicant shall provide a community stormwater pollution prevention plan.
- i) Traffic Analysis. The planned development will not create a traffic hazard in an existing residential neighborhood. The Applicant shall provide a Traffic Impact Analysis completed by a Professional Traffic Operations Engineer (PTOE) or similar level of expertise.
- j) Road Access. The planned development shall demonstrate that it is sufficiently accessible to state or county roads to ensure that its traffic load will not unduly interfere with any proximate residential areas. The Planned Community shall have direct frontage on at least one state or county road.
- k) The Planning Board shall review the special permit application as provided in § _____.

_____ and may attach such conditions as it finds necessary to ensure that the master development plan will be in harmony with surrounding land uses and the purposes of the overlay district. All required subdivision, site plan, and special permit reviews shall be consolidated in one master development approval, and no separate approval proceedings shall be required.

- l) Any revision of the master development plan shall require a site plan amendment. Any change of use within a master development plan shall require a special permit amendment.
 - m) Upon approval of the master development plan and conceptual site plan with attached conditions on use and dimensional standards, site plan approval only shall be required to implement individual components of the proposed plan. To the extent that design details necessary for site plan approval have not been provided in the master development plan, they shall be provided at the site plan approval stage.
- E. Phasing Plan. The applicant shall submit a phasing plan as part of the master development plan. This plan shall identify specific development areas of the project and the associated infrastructure required to support the phase.
- F. Minimum open space and protection of viewsheds and other resources. A minimum of 60% of the total land area of the parcel shall be preserved by a conservation easement as open space, as provided in § _____, based upon the conservation analysis. Priority in open space protection shall be given to land within identified viewsheds and ridgelines, historic resources, unique ecosystems, prime agricultural land, and water resources. Open space land preserved under this subsection may include farmland and farm structures, ponds, streams, wetlands, and recreational land such as golf courses, cross-country ski trails, equestrian trails, and hiking trails. It shall not include land lying under nonagricultural structures taller than 20 feet, nonagricultural buildings larger than 200 square feet in footprint area, or land that is covered by impervious surfaces other than trails or cart paths.
- G. Maximum impervious surface coverage and dimensional standards.
- a) Maximum impervious surface coverage, as defined in § _____, shall be 25% of the total site area, excluding preserved open space areas and roadways. Onsite land and buildings used exclusively as employee housing for the Planned Community project shall be excluded from the calculation of impervious surface coverage, as an incentive to provide such housing on site.
 - b) The density and dimensional standards in § _____, all other density and dimensional regulations in this chapter other than those contained in this § _____, and the parking and loading requirements in § _____ shall not apply and are superseded by this subsection.
 - c) No more than 15% of the total footprint area may be used for retail establishments that sell goods and supplies.
 - d) Maximum building height shall be 45 feet.
 - e) Dimensional and density standards shall be as approved by the Planning Board in the master development plan, based upon the physical characteristics of the site, the character of the proposed development, relevant performance standards in this chapter, and the requirements of the SEQR process.
- H. Open space buffer requirements. A master development plan in the Planned Community

shall provide open space buffers of at least 100 feet from the property line of any existing residential uses that are not within the Planned Community. Such buffers may be wooded or open and may contain trails but may not contain any parking, roads, non-agricultural buildings or other recreational structures. This requirement shall not apply where the residential uses to be buffered lie across a state or county highway from the Planned Community.

- I. Traditional neighborhood layout. The layout of streets, blocks, public spaces, and buildings in the Planned Community shall follow the principles of traditional neighborhood development described in § _____ to the extent practical, unless the Planning Board determines that this requirement does not apply as provided in § _____.
- J. Development area treated as a unit. Regardless of the form of ownership of the property or of its division into separate parcels, the open space, buffer, and other dimensional requirements in this section shall apply to the entire area covered by a master plan of development and not to any individual parcels or lots which are portions thereof.
- K. Water And Sewer. The Planned Community shall be served by central public water and sewer services. Either created for the project or existing systems willing to accept sewer or provide water flow.
- L. Roads. The Planned Community shall be served by privately owned and maintained roads that have been constructed in accordance with Town standards and requirements.
- M. Enhanced Stormwater. The Planned Community shall meet the Enhanced Phosphorus Removal Standards as required by NYS for Watersheds Requiring Enhanced Phosphorus Removal. The owner or operator must prepare a Stormwater Pollution Prevention Plan (SWPPP) that includes Stormwater Management Practices (SMP) designed in conformance with the applicable sizing criteria outlined in the current NYSDEC SPDES Construction General Permit and the performance criteria for Enhanced Phosphorus Removal Standards included in the NYS Stormwater Design Manual. All common stormwater facilities shall be privately owned and maintained by the community.
- N. A Planned Community project will restore and/or preserve any existing on-site historic structure, consistent with federal and state guidelines for National Register listing.
- O. Bond. Prior to adoption of a Planned Community, the Town Board shall receive recommendations on the requirements for performance bonds and their recommended amounts from the Planning Board acting in concert with the Town Engineer and Town Superintendent of Highways. Prior to adoption of a Planned Community, the Town Board shall stipulate the dollar amount of performance bonds to be deposited with the Town Clerk to assure the petitioner's conformance with the Town of Dover highway, sanitary sewer, water, stormwater, and such other minimum standards as may be found applicable by the Planning Board and Town Board.
- P. Modification and waiver of certain requirements.
 - a) The Planning Board may waive specific requirements of the Stream Corridor Overlay District where streams and water features are integrated into the master development plan, provided that the plan provides for water quality protection and mitigation of water quality impacts consistent with the purposes of the Stream Corridor Overlay District.
 - b) The Planning Board may waive the Forty-five-foot height limit, provided that a visual impact analysis is performed in the course of the SEQRA review, to ensure

that no significant views are adversely impacted, that any impacts on views are mitigated to the maximum extent practical, and that the building is sited to minimize visual impacts by taking advantage of natural topography. No building shall be more than five stories in height, counting the stories from average grade at the front of the building, and excluding any story contained within a roof. No waiver shall be granted without consultation with fire officials, who shall, if appropriate, make a recommendation to the Planning Board that the applicant provide equipment necessary to ensure adequate fire protection.

- c) Where porous pavement or other partially permeable surfaces are used, the Planning Board may adjust impervious surface coverage requirements upward if it determines, based upon the recommendation of the Town's Engineer, that such increases are appropriate, and that the requirements for maintaining the permeability of such surfaces can reasonably be achieved by the community on annual basis.