

## **Common Plan of Development – Overlay (CPD)**

### ***Definition to be added to Article III Definitions***

**COMMON PLAN OF DEVELOPMENT** – Any major subdivision or development plan where a contiguous area is divided or used for the purpose of developing multiple separate and distinct construction activities that may take place at different times on different schedules under one common approved plan. The common plan as approved by the Town of Sidney Planning Board must be reviewed and evaluated for development potential as one action and all potential impacts must be evaluated cumulatively to determine mitigation and buildability. The plan must be filed accordingly in the Delaware County Clerk’s Office.

### ***Article IV – Section 400 Districts to be amended to include:***

“CPD” Common Plan of Development Overlay

### ***Article V-B Common Plan of Development (CPD) Overlay District to be added***

**Section 500-B. Description** - This is an overlay district and includes all lands shown on the Common Plan of Development Overlay Map(s) on file in the Town Clerk's office and hereby declared to be part of this Local Law. All zoning standards of the underlying district shall apply in addition to the standards and requirements of this section. The Common Plans of Development shown on the map(s) include:

1. Gallop Hill Subdivision as approved by the Town of Sidney Planning Board (08/26/1988)
2. Hamlet View Estates as approved by Town of Sidney Planning Board approval (09/01/1987)
3. Alpine Lake Subdivision as approved by the Town of Sidney Planning Board (06/17/1987)
- ~~4. Wheat Hill Subdivision as approved by the Town of Sidney Planning Board (02/06/1987)~~
- 5.4. Any Common Plan of Development as approved as a CPD by the Town of Sidney Planning Board after the adoption of this Section.

**Section 501-B. Purpose** - The purpose of these overlay zones is to protect the integrity and design of development plans purposefully created to meet the goals and objectives of the Town of Sidney as identified in the Town of Sidney Comprehensive Plan. The integral role of these overlay zones is intended to preserve the rural character of the Town of Sidney while protecting

and preserving such important features as the natural environment and sensitive land areas mitigated through the plans approval process.

Sensitive natural features that shall be considered in developing within a Common Plan of Development District shall include, but not be limited to:

Steep slopes

Wetlands, streams and waterbodies

Soil types and poorly drained soils

Scenic vistas

Cultural resource areas, including those of potential historic significance

### **Section 502-B. - Determination of Applicability**

1. The Code Enforcement Officer shall decide during the application process for subdivision, site plan review or other approvals as required by this or other laws enforced by the Town of Sidney, whether a particular proposal will be located within a mapped CPD zone. All applications for approval, with the exception of residential building permit applications, within the mapped CPD shall be referred to the Town of Sidney Planning Board for review and recommendation, or in the case of Subdivision and Site Plan Review, approval.
2. The Planning Board shall, as part of the review process, determine the applicability of the CPD requirements for a particular application. The Planning Board shall apply the CPD requirements of minimum lot size, frontage and land use to each application prior to making a recommendation to the Code Enforcement Officer for all applications with the exception of Subdivision and Site Plan Review.
3. The Planning Board shall consider all standards and applicability of the CPD prior to approval of Subdivision or Site Plan Review for any application within the mapped CPD.
4. The standards applied for development of lots shall include the most restrictive standards of both the underlying district and the overlay district.
5. Any conflict with these standards or their applicability shall be referred to the Town of Sidney Zoning Board of Appeals for an interpretation.

**Section 503-B. - Permitted Principal Uses** - Same as underlying district.

**Section 504 - B. - Permitted Accessory Uses** - Same as underlying district.

**Section 505-B. - Special Permit Uses** - Same as underlying district.

Special permit uses require an application for approval to the Town of Sidney Planning Board. Site plan review may also be required, depending upon the nature and complexity of the application.

**Section 506-B. - Other Provisions and Requirements** - Any property within the CPD shall comply with the requirements of this section prior to the issuance of a building permit or other permit required by the Town of Sidney. Any application requiring Subdivision, Site Plan approval or a Special Use Permit, from the Town of Sidney Planning Board shall be required to notify in writing via certified mail all properties within 1,000 feet of the outside border of the property of the proposed application. Proof of mailing shall be provided at time of application.

**Section 507-B. - Density, Height, Area, and Yard Requirements**

1. Minimum lot size: ~~two times the average lot size in the approved plan.~~10-acres
2. Minimum frontage: ~~equal to the average frontage of developed lots within the approved plan or 150', whichever is greater.~~150 feet
3. Maximum height: Same as the underlying district
4. Front setback: Same as underlying district OR in cases where adjacent lots are developed no new building line shall cross the front plane of the closest buildings on adjacent lots.
5. Side and rear setback: Same as underlying district
6. Maximum lot coverage: No more than 30% coverage of any lot
7. Maximum lot depth to width ratio: No more than 4 to 1