

Paul Beyer, Director of Smart Growth
Governor's Smart Growth Cabinet
Albany, NY

PLANNED UNIT DEVELOPMENT (PUD)

Description:

There is no statutory definition of a Planned Unit Development (PUD) in New York State.¹ However, in general, the term "Planned Unit Development" describes a *type* of development, as well as the regulatory process itself, that permits a developer to meet community land use goals without being bound by existing zoning requirements; for example, a PUD may be used to encourage clustering of buildings, incorporate a variety of building types, promote energy-efficiency systems, allow mixed land uses, and create housing for specific resident groups. Most PUDs offer a variety of housing types built around a commercial center, and open spaces are often created for public enjoyment.

According to the New York State Legislative Commission on Rural Resources, a PUD is a planning tool that offers municipalities "a constructive way to incorporate many innovative land use techniques (such as incentive zoning and cluster development) within a single, coordinated development plan . . . encouraging the efficient use of public facilities and services while also conserving open space, and restoring main streets as centerpieces of community pride."²

A PUD designation permits great flexibility to allow more creative, imaginative, innovative design in site planning, zoning, and building design—a blank slate, of sorts. This flexibility permits the developer to incorporate amenities in the project that exceed those that could have been achieved under the general provisions of the municipality's zoning regulations—creating a designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, all within one contained development or subdivision.

A PUD is a special type of floating overlay district (see Overlay Zoning Districts in the *Resource Manual*) that generally does not appear on the municipal zoning map until a PUD designation is requested and a project is approved. When a PUD designation is applied (to a single building, a multi-unit development, or to a large or small area of land), the zoning commission/board usually mandates that standards be developed that are specifically tailored to the PUD project. The PUD is planned and built as a unit, thus fixing the type and location of uses and buildings over the entire project. PUDs differ from "mapped overlay zones" in that a PUD is usually planned and negotiated between the municipality and one single developer, whereas the provisions of an overlay zone district apply to multiple developers who choose to develop a project or area that lies with the overlay district.

References:

¹ John Nolan (2001), *Well Grounded: Using Local Land Use Authority to Achieve Smart Growth*. Washington, DC: Island Press.

² New York State Legislative Commission on Rural Resources (Fall, 2005), *A Guide to Planned Unit Development*. Albany, NY: NYS Legislative Commission on Rural Resources.

Benefits:

- The flexibility inherent in using PUDs as a planning tool allows a municipality to custom-design an area or a development to achieve specific community goals and benefits; for example, the design of compact, walkable, mixed-use communities can offer various housing alternatives and amenities that effectively respond to the needs and preferences of all residents, but that also address specific mobility and accessibility needs of older adults and individuals with disabilities, can support successful aging-in-place of elderly adults, and can meet the specific housing needs of distinct population groups such as single parents, grandparents raising grandchildren, empty-nesters, low-income families, young working adults, and others.
- Open spaces, protected for the benefit of all residents, are often incorporated into PUDs.
- Typically in PUDs, homes with smaller yards (which require minimal upkeep) and apartments for people at different life stages are within close proximity to one another—encouraging interaction and socializing among inhabitants of different ages.
- Unlike conventional zoning, which often limits density and consumes larger lots more quickly, PUDs can be designed for greater density and with flexibility in set-backs.
- Larger PUDs have conveniently close, mixed uses—making shopping, dining, working, and recreating close to home more feasible.

Impediments or barriers to development or implementation:

- Without education and repeated discussions during the planning process, neighbors often oppose denser, mixed-use, and mixed-income development that differs from their familiar low-density subdivisions.
- Because PUDs usually involve one owner of a large parcel of land, such development opportunities are more rare; purchasing and assembling parcels to create sufficient space can be costly, complicated, and time-consuming.
- Municipalities may not have the resources and expertise to create a PUD, which may compromise a positive outcome for the community. For example, because the process of creating a PUD leaves so much discretion to the local governing board and planning board at the time the project is proposed, uncooperative developers can sometimes take advantage of board members' inexperience, with resulting projects providing a much greater benefit to the developer than to the community.

Resource—statutory authority:

- Planned Unit Development districts:
 - General City Law, §81-f;
 - Town Law, §261-c;
 - Village Law, §7-703-a.

Resource—examples and ordinances:

- New York State Legislative Commission on Rural Resources (Fall, 2005), "A Local Law in Relation to the Establishment of Planned Unit Development Districts and the Review of Planned Unit Development Plans" (pp. 1-6), *A Guide to Planned Unit Development*. Albany, NY: NY State Legislative Commission on Rural Resources. Includes photos of examples of projects designed as Planned Unit Developments.
http://www.dos.ny.gov/lg/publications/Planned_Unit_Development_Guide.pdf.
- Allisonville Meadows Planned Unit Development Ordinance, Town of Fishers, Indiana: http://www.fishers.in.us/egov/docs/1087406705_520080.pdf.
- Planned Unit Developments:
 - Village of Hagaman, Montgomery County, NY
 - River Bridge, Palm Beach County, FL
 - King farm, Rockville, MD
 - Corning, Steuben County, NY
 - Longs Peak, Boulder County, Boulder, CO

Resource—written and web:

- New York State Legislative Commission on Rural Resources (Fall, 2005), *A Guide to Planned Unit Development*. Albany, NY: NYS Legislative Commission on Rural Resources.
http://www.dos.ny.gov/lg/publications/Planned_Unit_Development_Guide.pdf.
- Kevin Nelson (February, 2012), *Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes*. Washington, DC: U. S. Environmental Protection Agency.
http://www.epa.gov/dced/pdf/rural_essential_fixes_508_030612.pdf.
- Steve Smith (2007), "I-69 Planning Toolbox," *Directing Development and Growth*. Indiana, Indianapolis: State Department of Transportation:
 - Complete *Planning Toolbox*:
<http://www.in.gov/indot/div/projects/i69planningtoolbox/growth.html>.
<http://www.in.gov/indot/div/projects/i69planningtoolbox/list.html>.
 - "Planned Unit Developments" section of toolbox:
http://www.in.gov/indot/div/projects/i69planningtoolbox/_pdf/Planned%20Unit%20Developments.pdf.
- John Nolan (2001), *Well Grounded: Using Local Land Use Authority to Achieve Smart Growth*. Washington, DC: Island Press.

- Chapter 6—"Balancing Development and Conservation": Section D: Planned Unit Developments, pp. 226-232.