

## PROPOSED OUTLINE – UNIFIED DEVELOPMENT ORDINANCE

The following pages include a preliminary outline—including both a simple overview, and a detailed list—of the proposed format for the new Unified Development Ordinance (UDO).

The exact organization is subject to change during development.

Items in black text are intended to outline the proposed ordinance structure and organization. Items listed in [blue text](#) are intended to provide additional description, including the purpose of that section and samples of what types of material would be covered in it. It is not intended to be a comprehensive list of every item to be included.

---

### SIMPLE OVERVIEW

Cover, Credits, Table of Contents

Article 1 – INTRODUCTION

Article 2 – ZONING DISTRICTS

Article 3 – REQUIREMENTS FOR SPECIFIC USES

Article 4 – DESIGN OF SITES, BUILDINGS AND SIGNS ([Temporary working title](#))

Article 5 – APPLICATION & REVIEW PROCESS

Article 6 – VARIANCES

Article 7 – AMENDMENTS TO ORDINANCE

Article 8 – ADMINISTRATION & ENFORCEMENT

Article 9 – DEFINITIONS

Appendix A – PLANNED UNIT DEVELOPMENT DISTRICTS

### INTENDED FEATURES OF THE NEW ORDINANCE:

Some of the intended design features of the new ordinance include the following:

- Easier document navigation. Can jump to a specific section of the ordinance by clicking on the hyperlink reference or bookmarks within.
- See where you are in the ordinance. Each page would include a footer which indicates the current Article, Topic and Subtopic of that page.
- Hyperlinked definitions – Can jump to the definition of a word which is defined in the glossary.
- A detailed table of contents is provided at the beginning of each Article, for easy reference.
- A new document layout designed for easy readability.

## WHAT IS INCLUDED IN THE UDO:

The intent of the UDO is to unify and reorganize aspects of the current city code which relate to building and development. The following chapters of the city code are expected to be included:

**Chapter 240: Zoning Ordinance.** The existing “Chapter 240 Zoning Ordinance” would be removed and replaced by the new Chapter 240 Unified Development Ordinance.

**Chapter 241: Subdivision Regulations.** Existing “Chapter 241 Subdivision Regulations” would be removed and replaced with new language into Chapter 240 Unified Development Ordinance. Existing chapter 241 would likely be left empty and labeled as “RESERVED”.

**Chapter 242: Stormwater Management.** Existing “Chapter 242 Stormwater Management” would be removed and incorporated generally intact into Chapter 240 Unified Development Ordinance. Existing chapter 242 would likely be left empty and labeled as “RESERVED”.

**Chapter 120: Flood Damage Prevention.** Portions of Existing Chapter 120 Flood Damage Prevention relating to design and construction standards would be removed and incorporated into Chapter 240 Unified Development Ordinance, with references added to Chapter 120. Likewise, related definitions used in those portions would be copied to the new Chapter 240 as needed. The remainder of existing chapter 120 would be left in place.

**Chapter 220: Trees.** Elements from this chapter, including suggested edits identified in the Urban Forest Master Plan, related to land use board reviews would be incorporated into the new UDO. Chapter 220 otherwise would remain in the code, as it applies to city actions such as DPW responsibilities.

## A NOTE ABOUT THE ZONING DISTRICTS AND MAP

This proposed outline lists all of the existing zoning districts within the City of Saratoga Springs for the purposes of illustrating the proposed organizational structure of the new ordinance. The Advisory Committee is working to identify zoning districts or zoning district boundaries which may need to be revised to comply with the Comprehensive Plan.

---

## Proposed Outline of the Unified Development Ordinance

Items in **black text** below are intended to outline the proposed ordinance structure and organization. Items listed in **blue text** are intended to provide additional description, including the purpose of that section and samples of what types of material would be expected to be included in it. It is not intended to be a comprehensive list of every item to be included.

### Cover page, Credits page, Table of Contents

## Article 1 - INTRODUCTION

**OVERVIEW:** Article 1 is intended to introduce the UDO, explain what it is, its purpose, what it covers and how it works. A key principle of this introduction is outlining the efforts of the city to become a more sustainable place to live and work, and how this code hopes to achieve this. Included in this section are key findings and recommendations from the 2015 Comprehensive Plan, instructions for using the ordinance, its features, an explanation of Street Types, Frontage Types, Façade Types and Building Types, and how these four typologies work together to describe the desired development patterns for the city.

### Table of Contents – Full Document (Abridged)

#### 1.1 Introduction

- 1.1.1 **A Vision for the City of Saratoga Springs** (Narrative describing how the Comprehensive Plan was used to guide the development of this UDO, efforts to develop a code which promoted more sustainability, unifies different parts of the city code and is designed to be easier to use.)

#### 1.2 General Provisions

- 1.2.1 **Title and Authority** (includes authority of Planning Board, Zoning Board of Appeals, Design Review Commission. Would cross reference with existing Chapter 19, 34 and 51)
- 1.2.2 **Zoning Map and Overlays**
- 1.2.3 **Applicability** (This subsection will also outline the effective date of adoption and the process by which to handle any pending applications which were in effect at the time of adoption of this ordinance.)
- 1.2.4 **Interpretation of Language** (shall vs. should, etc)
- 1.2.5 **Interpretation of District Boundaries**

**1.3 Instructions – How the UDO Works** (Explanation of how the code is organized; the use of hyperlinks, bookmarks, page navigation; how Street Types, Frontage Types, Façade Types and Building Types are used, and how they work together; Explains how the ordinance describes **Guiding Principals**, **Design Considerations** and specific **Standards** to help clarify and direct the type of designs the city is looking for in each district.

**1.4 Approvals & Permit Types** (This is a one-page reference chart which lists each of the common approvals and permit types governed by the city, and points to the appropriate section of the UDO where information on that approval or permit can be found. [example: “See Section 5.4.3”])

**Architectural Review**

**Building Permits**

**Certificates of Occupancy**

**Demolition Permits**

**Floodplain Permits**

**Historic District Review**

**Land Disturbance Permits**

**Lot Line Adjustments**

**Planned Unit Developments**

**State Environmental Quality Review Act (SEQRA)**

**Sign Permits**

**Site Plan Reviews**

**Solar Permits** (or other type of solar approval, as eventually determined)

**Special Use Permits**

**Stormwater Management Permits**

**Subdivisions**

**Tree Removal Permits**

**Variances**

**Watercourse Activity Permits**

**Zoning Amendments**

## Article 2 – ZONING DISTRICTS

**Table of Contents** (For this specific Article only)

- General – all commercial districts: Assess current area and bulk requirements to determine if adjustments need to be made.
- Test removal of “total” side yard setback if we already have minimum setbacks for each side.
- Remove or revise unnecessary notes J and K from Area and Bulk Table if not needed.
- Clean up all uses of “Shall” and “Should” which remain.
- Update use schedule to include more emerging technology uses which could be added, particularly to industrial districts.

### 2.1 Residential Districts

**OVERVIEW:** This section is intended to provide all of the specific requirements, standards and guidelines which apply to the residential districts within the city. Each subsection of this article would describe a district, explain what the intended purpose of the district is, and describe the District Principals—which act as a “Constitution” of the most important development considerations to be adhered to. With these District Principals are the Area & Bulk requirements for the district and a listing of any specific requirements for the district. Design Considerations would be provided for most districts which describe and illustrate the desired forms, massing, scale and other considerations which the city seeks in that district. The specific districts, their names or order listed below may change during the development of the UDO.

- (General Note: Would establish height for accessory structures (typical each district) and establish lower height for residential structures (typical each district).

**2.1.1 Residential Districts Overview.** (This would provide a description of the big-picture goals and visions for the residential neighborhoods.)

**2.1.2 Listing of Residential Districts** (Includes purpose statement of each)

**2.1.3 Building Types** (Allowable building types in each residential district, define and consider appropriateness for each district) Includes Single family homes, Duplex, Fourplex, Cottage Court, Live-Work, Townhouse, Rowhouse, Apartment, Courtyard Apartment, Mixed-Use, Carriage House (accessory)

**2.1.4 Use Schedule** – All Residential Districts

- Assess all allowable uses to determine if they are appropriate for residential setting or if performance standards should be added.
- Barns and stables could be permitted as accessory use in SR-1, SR-2, with conditions.

**2.1.5 Rural Residential (RR)**

- Intent of District (Update description and intent of district to more accurately reflect contemporary agriculture uses and activities)
- District Guiding Principles
- Design Considerations (a.k.a. how to review projects in this district)
- Area & Bulk Requirements
- District Specific Requirements

**2.1.6 Suburban Residential 1 & 2 (SR-1, SR-2)**

- Intent of District
- District Guiding Principles
- Design Considerations
- Area & Bulk Requirements
- District Specific Requirements

**2.1.7 Urban Residential 1 & 2 (UR-1, UR-2)**

- Intent of District
- District Guiding Principles
- Design Considerations
- Area & Bulk Requirements

E. District Specific Requirements

- General Note – Residential districts from here down, experiment with adding a “context based” approach to setbacks and design review for new projects where it would be appropriate, such as older denser neighborhoods. A context based approach requires that any new redevelopment should be in keeping with the average conditions of all of the surrounding houses with regard to setbacks, height, scale etc to prevent development which is out of character for that neighborhood.)

**2.1.8 Urban Residential 3 (UR-3)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.1.9 Urban Residential 4 (UR-4, UR-4A)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.1.10 Urban Residential 5 (UR-5)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.1.11 Urban Residential 6 (UR-6)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.1.12 Urban Residential 7 (UR-7)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

## 2.2 Mixed-Use Districts

**OVERVIEW:** This section is intended to provide all of the specific requirements, standards and guidelines which apply to the commercial/mixed-use districts within the city. Each subsection of this article would describe a district, explain what the intended purpose of the district is, and describe the District Principals—which act as a “Constitution” of the most important development considerations to be adhered to. With these District Principals are the Area & Bulk requirements for the district and a listing of any specific requirements for the district. Design Considerations would be provided for most districts which describe and illustrate the desired forms, massing, scale and other considerations which the city seeks in that district. Basic design concepts—which may apply to any district—are separately referenced in Article 3 (Sustainable Design) as needed. The specific districts, their names or order listed below may change during the development of the UDO.

- During development of the UDO, an “existing” and “proposed” use schedule will be provided which will allow much easier side-by-side comparison of what is proposed for change so that people can compare them.
- Update use schedule to try and include more as-of-right uses, especially in Transect Zones where the form can be well regulated.
- Look at allowance of Car Rental Agencies
- Add/revise minimum dimensional requirements for parking setbacks, maximum pervious coverage, minimum landscaped percentage, etc., as needed by district.
- Clarify ground-floor commercial uses allowed vs. upper floor uses allowed, including acceptable locations for structured parking within the building.

**2.2.1 Mixed Use Districts Overview.** (This would provide a description of the big-picture goals and visions for the mixed use neighborhoods.)

**2.2.2 Listing of Mixed Use Districts** (Includes purpose statement of each)

**2.2.3 Building Types** (Allowable building types in each district, define and consider appropriateness for each district) Includes Single family homes, Duplex, Fourplex, Cottage Court, Live-Work, Townhouse, Rowhouse, Apartment, Courtyard Apartment, Mixed-Use, Carriage House (accessory)

**2.2.4 Use Schedule** – All Mixed Use Districts

**2.2.5 Highway General Business (HGB)**

- Assess purpose and need of this district to determine if it is still necessary.
  - A. Intent of District
  - B. District Guiding Principles
  - C. Design Considerations
  - D. Area & Bulk Requirements
  - E. District Specific Requirements

**2.2.6 Tourist Related Business (TRB)**

- Assess purpose and need of this district to determine if it is still necessary.
  - A. Intent of District

- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

### **2.2.7 Neighborhood Complimentary Use 1, 2 and 3 (NCU-1, NCU-2, NCU-3)**

- Add conditions and performance criteria which will reduce impact on nearby residential neighborhoods.
  - A. Intent of District
  - B. District Guiding Principles
  - C. Design Considerations
  - D. Area & Bulk Requirements
  - E. District Specific Requirements

### **2.2.8 Urban Neighborhood Transect 4 (T-4)**

- Revise 2-story requirement to clarify use and intent.
- Clarify intent of Transect zone for desire for mix of complementary uses
- Try to accommodate a mix of uses within a development instead of within a single building.
- Incorporate additional design guidance to promote a variety of heights, diversity of building layouts, roofs and facades. Dictate maximum height by stories instead of feet.
- Incorporate design standards for appropriate building scale to fit with the context of neighborhood character. Break up massing of larger buildings into smaller scale elements.
- Assess build-to lines for appropriate proximity to the street.
  - A. Intent of District
  - B. District Guiding Principles
  - C. Design Considerations
  - D. Area & Bulk Requirements
  - E. District Specific Requirements

### **2.2.9 Neighborhood Center Transect 5 (T-5)**

- Revise 2-story requirement to clarify use and intent.
- Clarify intent of Transect zone for desire for mix of complementary uses
- Try an option to accommodate a mix of uses within a development instead of limited within a single building.
- Incorporate additional design guidance to promote a variety of heights, diversity of building layouts, roofs and facades. Dictate maximum height by stories instead of feet.
- Incorporate design standards for appropriate building scale to fit with the context of neighborhood character. Break up massing of larger buildings into smaller scale elements.
- Assess build-to lines for appropriate proximity to the street.

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

#### **2.2.10 Urban Core Transect 6 (T-6)**

- Revise 2-story requirement to clarify use and intent.
- Clarify intent of Transect zone for desire for mix of complementary uses
- Try to accommodate a mix of uses within a development instead of within a single building.
- Incorporate additional design guidance to promote a variety of heights, diversity of building layouts, roofs and facades. Consider a maximum height by stories instead of feet to provide more variation.
- Incorporate design standards for appropriate building scale to fit with the context of neighborhood character. Break up massing of larger buildings into smaller scale elements.
- Assess build-to lines for appropriate proximity to the street.

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

### **2.3 Specialty Districts**

**2.3.1 Specialty Districts Overview.** (This would provide a description of the big-picture goals and visions for these districts.)

**2.3.2 Listing of Specialty Districts** (Includes purpose statement of each)

**2.3.3 Building Types** (Allowable building types)

**2.3.4 Use Schedule** – All Specialty Districts

#### **2.3.5 Office/Medical Business 1 and 2 (OMB-1, OMB-2)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

#### **2.3.6 Water Related Business (WRB)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations

- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.3.7 Institutional Educational (INST-ED)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.3.8 Institutional Horse Track Related (INST-HTR)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.3.9 Institutional Municipal Purpose (INST-MP)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.3.10 Institutional Parkland / Recreation (INST-PR)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.3.11 Warehouse District (WD)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

**2.3.12 Light Industrial (IND-L)**

- Assess purpose and need of this and other industrial districts to determine if they are up to date.
- Add/create area and bulk regulations for this district as they are currently missing.
  - A. Intent of District
  - B. District Guiding Principles

- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

### **2.3.13 General Industrial (IND-G)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

### **2.3.14 Industrial Extraction (IND-EX)**

- A. Intent of District
- B. District Guiding Principles
- C. Design Considerations
- D. Area & Bulk Requirements
- E. District Specific Requirements

### **2.3.15 Planned Unit Developments (PUD)**

- A. Listing of Established PUD Districts (Refers people to Appendix A for the full text of each district provisions.)

## **2.4 Overlay Districts & Special Areas**

**OVERVIEW:** This section is intended to describe each of the overlay districts within the city and provide all of the information needed for an applicant to understand what specific requirements each overlay has, including design requirements, how the design requirements supersede those of the underlying district, the review process required, and what boards have review jurisdiction.

**2.4.1 Districts Overview.** (This would provide a description of the various overlay districts and how they work, including a map showing their general locations)

**2.4.2 Listing of Districts** (Includes purpose statement of each)

**2.4.3 Historic District Overlay** (This section includes existing zoning Article 7.4)

- Show location of this overlay district on zoning map, including location of all designated city landmarks.
  - A. Intent of District
  - B. Location
  - C. Applicability (what actions subject to review, exempt from review)
- Add provision for the review of projects adjacent to historic district properties.
  - D. Design Review Commission (delegation, duties & authority)
- Strengthen design considerations and guidelines for reviewing historic projects or projects which can impact historic properties.
  - E. Review Standards and Considerations

F. Design Considerations

G. Maintenance & Repair

- Add provisions to prevent demolition by neglect

H. Demolition

- Add additional criteria and review considerations before a demolition permit can be granted.

I. Historic Review Applications (Opinions, decisions, expiration, extensions)

J. City Landmarks (Listing)

#### **2.4.4 Architectural Review Overlay** (This section includes existing zoning Article 7.5)

A. Intent

B. Location

C. Applicability (what actions are subject to review, exempt from review)

D. Design Review Commission (delegation, duties & authority)

E. Review Standards and Considerations

- Consider Transitional Buffers (This is a new concept, not currently found in the existing ordinance. It would occur on projects where a commercial district abuts a smaller scale residential district, and is intended to protect the residential neighborhood from looming tall buildings immediately adjacent to it. This provides transitional buffers which provide a graduated height reduction adjacent to smaller scale neighborhoods. It can also serve to avoid issues of potentially blocking adjacent solar access.)

F. Architectural Review Applications (Opinions, Decisions, Expiration, Extensions)

#### **2.4.5 Gateway Design Districts 1 and 2**

- Show location of overlay district on zoning map.
- Revise and consolidate gateway overlay section to clearly illustrate necessary design intent.
- Assess consolidation of the different overlay sub-types to determine if they are really needed.
- Discuss with city additional locations for this overlay, if any, or modification of boundaries.

A. Intent

B. Design Standards

- Revise and reorganize gateway design standards, redraft illustrations

C. Allowable Frontage Types

D. Allowable Street Types

#### **2.4.6 Incentive Zoning Districts** (this section includes much of existing Article 4.0)

A. Intent

B. Affordable Senior Housing (intent, location, requirements and incentives)

C. Public Open Space and Recreation (intent, location, requirements and incentives)

D. Affordable Housing (intent, location, requirements and incentives)

- Revise incentive zoning districts section to provide optional incentives for affordable units in different districts where it is desired.
- Assess what districts each incentive is permitted in to determine if they are appropriate or should be changed.

- Provide for partial incentive where development is not 100% senior housing.
- Incorporate incentives for affordable housing in downtown areas where it is close to vital services and shopping.
- Look at units within a larger building as well as stand-alone house units as part of a larger subdivision.
- Provide a waiver of minimum square footage requirements for approved incentive housing options provided they meet desired conditions.
- Assess if 2<sup>nd</sup> floor requirement for all senior housing is really needed.
- Define a minimum amount of public open space, recreation space, or affordable housing which is needed to obtain the density bonus, with possible sliding scale.
- Clarify actual design or performance standards to qualify, such as affordable housing being integral to overall design (not segregated)
- Confirm with city the intent for incentive to go through subdivision process.

#### **2.4.7 Corridor Lodging District**

- Discuss with the city the performance and need of this overlay district to determine if it needs to be adjusted or if it should be eliminated.
  - A. Intent
  - B. Location
  - C. Requirements

#### **2.4.8 Public Water Supply & Wetland Protection**

- Show location of this overlay district on zoning map.
  - A. Intent
  - B. Location
  - C. Restrictions

#### **2.4.9 Watercourse Protection District**

- Show location of this overlay district on zoning map.
  - A. Intent
  - B. Location
  - C. Requirements
  - D. Permits

#### **2.4.10 Country Overlay Area**

- A. Intent (include intent language from Comprehensive Plan)
- B. Location (Reference the Country Overlay Area Map in the Comprehensive Plan)
- C. Special Design Considerations (Include design recommendations which applicants and the land use boards should consider for new projects in this area.)

## **Article 3 – REQUIREMENTS FOR SPECIFIC USES**

**OVERVIEW.** Article 3 is intended to outline all of the specific performance standards for certain primary uses and accessory uses, helping also to provide review guidance for land use boards. Includes existing Article 6.3 and Article 6.4 of the zoning ordinance.

**Table of Contents** (For this specific Article)

### 3.1 Requirements for Specific Uses

#### 3.1.1 Intent

#### 3.1.2 Telecommunication Facilities and Towers

#### 3.1.3 Vehicle Fueling Stations

#### 3.1.4 Mobile Homes / Manufactured Homes

- Clarify definitions of these uses to match Department of State to show distinction from modular homes.

#### 3.1.5 Adult Uses

### 3.2 Requirements for Accessory Uses (This section would include existing zoning Article 6.4)

#### 3.2.1 Intent

#### 3.2.2 Outdoor Eating and Drinking Facilities

#### 3.2.3 Home Occupations

- Define different intensity levels of home occupations, based on factors such as accessory structure use, number of workers, vehicles, parking, signs and visible outdoor activity.
- Define additional performance standards for home occupations to ensure compatibility with neighborhood character.

#### 3.2.4 Temporary Accessory Dwellings

#### 3.2.5 Historic Carriage House / Accessory Structure Conversions (Note—this is not a simple issue for many reasons—and may require a separate special planning and design study of where such conversions or secondary detached dwellings would and would not be appropriate and an extensive development of context-based design guidelines.)

- Consider a procedure where a very limited number of accessory dwelling unit conversions may be approved a year, for a limited “trial period” of one or two years in limited areas. The city council may elect to renew the trial period, or terminate it based on performance.
- Establish specific conditions and performance standards under which these accessory dwelling conversions may be permitted. Would apply to existing structures only – not new.
- The intent of this provision would be to provide a mechanism for the adaptive re-use and preservation of existing historic carriage houses.

#### 3.2.6 Wall and Fences

#### 3.2.7 Swimming Pools

#### 3.2.8 Antennas and Satellite Receivers

#### 3.2.9 Alternative Energy Generation Equipment

- Explore the adoption of all or part of the Central New York Regional Planning and Development Board and/or the Land Use Law Center at Pace Law School’s Model Ordinance for Solar Photovoltaic Systems.

#### 3.2.10 Short-Term Rental Occupancy

- Incorporate Short-term rental ordinance from city attorney. Coordinate into UDO.

#### 3.2.11 Storage of Vehicles

- Incorporate new provisions prohibiting the storage of vehicles, boats, trailers, RV and similar equipment in residential front yard areas, including enforcement and fines.

## Article 4 – DESIGN OF SITES, BUILDINGS & SIGNS

**OVERVIEW:** Article 4 is intended to define all of the basic design considerations and requirements for site design and architecture which are governed under this ordinance. This includes Street Types, Frontage Types, Façade Types, Building Types, site design layout, parking lot design, stormwater management, landscaping, pedestrian amenities, signs and exterior lighting. It also provides basic Architectural Design concepts which would apply generically to any district, but which can also be referenced here for specific purposes.

For example, Article 3 may include an illustration of how the mass of a larger building can be broken up into smaller articulations of ‘A’, ‘B’ and ‘C’ sizes. This generic concept can be used to direct the design in almost any district without noting what those sizes are. However, it can also be specifically referenced in the T-5 District with the requirement that the size of ‘A’ can be no more than 50 feet, etc. Simultaneously, that same illustration can be referenced in the T-4 District with the requirement that the size of ‘A’ can be no more than 40 feet. In this way, Article 3 acts as a central clearinghouse of design standards which apply both generically—and specifically—to any district as needed.

**Table of Contents** (For this specific Article)

### 4.1 Intent

**4.2 Street Types** (Includes illustrations of the allowable types. Street Types define a set of different street width and design configurations for different scenarios, based on the findings and recommendations of Complete Streets Plan. Street types are road profiles from curb to curb.)

#### 4.2.1 Applicability

- Include provision for the city to require specific street types, pedestrian amenities, lighting, etc as deemed appropriate for “whole site” project development that creates private streets. Otherwise they default to the allowed types for the district.

#### 4.2.2 Street Types & Design

- Incorporate complete street plan design concepts into allowed street types
- Show desired street profiles from complete streets plan
- Include reader references to standard national design resources, such as AASHTO, NACTO, etc.

#### 4.2.3 Required Streetscape Improvements / Waivers

- Clarify when and where waivers for streetscape improvements may be permitted.

#### 4.2.4 Restoration After Construction (performance bond, letter of credit, etc)

**4.3 Frontage Types** (includes illustrations of the allowable types for commercial districts. Frontage Types refer to a specific set of design options for the front yard area between the edge of the street and the front façade of the building. The Frontage Type defines what is

permitted in this area—dimensional standards for parking, greenspace, street trees, landscaping, pedestrian walkways, etc.)

#### **4.3.1 Frontage Types & Design**

- Frontage Types apply to commercial districts only.
- Ensure there are minimum performance standards for urban frontage space along liner buildings, parking structures and similar elements to avoid dead zones.

#### **4.3.2 Public Space Allowance**

- Add provision where outdoor public space can optionally be provided, in-lieu of build-to, with minimum design requirements.

#### **4.3.3 Planting Areas & Tree Beds**

- Incorporate specific requirements regarding removal of street trees and adding new street trees. Add provision for the timely or phase replacement of lost street trees.
- Incorporate provisions from Urban and Community Forestry Master Plan.
- Show minimum standards for street trees and planting beds.

#### **4.3.4 Pedestrian Amenities**

- Include standards for pedestrian amenities from Complete Streets Plan.

### **4.4 Façade Types** (defined, illustrated)

### **4.5 Building Types** (defined, illustrated)

### **4.6 Subdivision Design** (Note that this section provides guidance on the desired designs for subdivisions, however the legal process of reviewing and approving them is covered in the Application & Review Process section.)

**3.6.1 Conventional** (Includes design guidelines illustrating desired layout types, principals, and examples of what to avoid.)

**3.6.2 Conservation** (Includes design guidelines illustrating desired layout types, principals, and examples of what to avoid.)

### **4.7 Site Design & Parking** (Where appropriate, would direct people to reference the city standards construction details, such as curb cuts, sidewalks, tree planting beds, etc. which would be available outside of the code from the city.)

#### **3.7.1 Site Design Requirements**

- Includes relationship to surrounding context, building orientation, sun orientation,

**3.7.2 Parking Requirements** (parking lot layout, dimensional requirements, min/max number of parking spaces by district.)

- Revise and clarify parking waiver ability of Planning Board to set more specific criteria or safeguards in order to qualify for waiver, set temporary conditional approval during trial period, etc. Set a threshold where board can waive certain requirements without zoning board variance approval. Review allowable districts where this threshold waiver may be obtained, consider different thresholds for different districts. Add ability to waive certain dimensional requirements.
- Add provision for in-lieu fees to offset no required minimum parking.

**4.8 Landscaping** (General landscaping requirements, tree buffers, fencing and shielding. This subsection would provide common design types that would be referenced from other parts of the ordinance.)

- Add provision for permeable parking surfaces to count toward landscaped percentage, or not count against total coverage maximum.

**4.9 Stormwater Management**

- Introduction and purpose. Would include requirements or incentives for bioswales and raingardens, references to latest Stormwater Management Design Manual.

**4.9.1 Stormwater Management Solutions** (Desired use of Bioswales, raingardens, etc. Reference to specific stormwater SWPPP requirements in Article 5.)

**4.10 Pedestrian Amenities**

**4.10.1 Bicycle Parking** (by district)

**4.10.2 Transit Accommodations** (bus stops)

**4.10.3 Seating Areas**

**4.10.4 Trails / Multi-Use Paths**

**4.11 Exterior Lighting** (Includes standard lighting design for city property and minimum requirements for private property. Incorporate or reference International Dark Sky Association (IDA) and the Illuminating Engineering Society of North America (IESNA) Model Lighting Ordinance.)

**4.11.1 Allowable Lighting Methods**

**4.11.2 Allowable Lighting Levels**

**4.12 Architectural Design** (Architectural design guidelines and standards. As noted above in the overview, this section would include basic architectural design concepts and requirements which would apply to any district. It can also be referenced to specify a certain design intent.)

- Provide design guidelines and samples of desired parking structures and liner buildings.
- Requirement/incentive for solar collectors

**4.12.1 Relationship to Site** (Includes relationship to surrounding context, sun orientation, tree shading, incentives for solar collector installs)

**4.12.2 Height & Roof Design** (Includes requirement or incentives for green roof or solar construction)

**4.12.3 Scale & Massing** (including how to add additions to older structures)

**4.12.4 Proportion** (includes horizontal and vertical expression)

**4.12.5 Fenestration** (Includes requirement or incentives for passive solar shading)

**4.12.6 Rhythm**

**4.12.7 Entranceways**

**4.12.8 Materials & Colors**

## 4.13 Signs

### 4.13.1 Intent

### 4.13.2 Applicability

### 4.13.3 General Requirements

- Add requirements for sign package reviews of multiple tenant properties.

### 4.13.4 Sign Size

- Develop a more fine-grained approach to sign size which would permit different sizes and types in different districts where they are most appropriate.
- Define/revise handling of commercial signs in residential districts.

### 4.13.5 Sign Lighting (allowable methods, performance standards)

- Incorporate or reference International Dark Sky Association (IDA) and the Illuminating Engineering Society of North America (IESNA) Model Lighting Ordinance.

### 4.13.6 Permitted Signs

- A. Wall Sign (number, size calculation, allowable lighting methods, etc.)
  - Revise ordinance to permit more flexibility in wall sign placement to allow for vertical or projecting design where appropriate.
- B. Wall Lettering
- C. Awning Lettering
- D. Window Sign
- E. Menu Sign
- F. Plaque Sign
- G. Freestanding Sign
- Include provision for “residential subdivision” signs for similar off-street townhouse, apartment or condo developments, provided it meets certain criteria.
- H. Directory Sign
- I. Yard Sign
- J. City Wayfinding (Would incorporate existing information on the city wayfinding signage program)

### 4.13.7 Exempt Signs (temporary & permanent)

- Provide additional options for temporary civic/cultural event signage.
- Provide some allowance for temporary banners for new/pending business awaiting final sign, with conditions.

### 4.13.8 Prohibited Signs

- Clarify and strengthen ordinance regarding non-conforming signs.
- Clarify prohibition or limit on digital or video signs, neon, decorations or other advertisements to close potential loopholes.
- Clarify prohibition on vehicle signs, signs mounted on abandoned vehicles, vehicles left in right-of-way and similar common enforcement issues. Strengthen enforcement and penalties.

### 4.13.9 Additional District Requirements

### 4.13.10 Enforcement & Fines

- Reference enforcement section in Article 8

## Article 5 APPLICATION & REVIEW PROCESS

**OVERVIEW.** The purpose of Article 5 is to detail the legal process and steps required for the review and approval of any permits or plans authorized in the ordinance. Although design standards for many of these items are provided in Article 4, this Article would provide the actual legal framework for how the reviews are processed.

### Table of Contents (For this specific Article)

- General – revise Review and Approval procedures, establish a pre-application meeting.
- Enhance public notification procedures, such as requiring on-premise signage, describe process by which people can sign up for email notifications.
- Provide land use boards with ability, by majority vote, to seek advisory review of application by others, such as sustainability director, etc.
- Develop an administrative review track for simple applications
- Set criteria for “early determination of major non-compliance” to catch projects which are far off track early in the design stage and make course corrections.
- Outline how complex projects can be required to have review with a technical advisory committee (TAC) prior to formal application for a coordinated review and/or supplemented by review with design/engineering consultant.

### 5.1 Site Plan Review (This section includes existing zoning Article 7.2)

### 5.2 Special Use Permit (This section includes existing zoning Article 7.1)

- Incorporate additional provisions regarding noise impacts on nearby properties.

### 5.3 Architectural Review (References design requirements in Overlay section)

### 5.4 Historic Review (References design requirements in Overlay section)

- Add provision that historic preservation design standards also apply to city/municipal projects.

### 5.5 Subdivisions Includes much of the contents of existing Chapter 241 of the city code, however rewritten and reorganized. Improvements can be made in terms of clarifying expectations for the applicants, streamlining the review process—in particular process for review of standard subdivisions—the most common type of application—and process for conservation subdivisions which are also important but the current regulations can be simplified. Integrate recommendations of Urban Forestry Master Plan and complete streets policy. This Article would provide the legal authority and detailed process for subdivision design and approval, and would refer to Site Design Standards for illustrations and guidelines of desired layouts, forms, etc.

- Rewrite and reorganize this section

- Separate conventional from conservation
- Allow for small subdivision vs. large
- Clarify expectations

#### **5.5.1 Intent & Authority**

- Follow NYS enabling legislation
- Incorporate additional provisions from current ordinance
- Under authority and purpose it does not make it clear that no person shall subdivide property, or otherwise create a lot or sell a parcel that does not legally exist as a lot.

#### **5.5.2 Applicability**

- Further, for the unified definitions (see Glossary) the current definition of “lot” is not clear in terms of subdivision/zoning jurisdiction and enforcement. The definition includes as a lot those parcels merely having been surveyed or described by meets and bounds and does not clarify whether or not these parcels have been legally created and available for development and have been properly subdivided and approved by the planning board or otherwise legally existing as a separate developable lot.

#### **5.5.3 General Requirements**

- Approved plan required
- Consider solar orientation analysis

#### **5.5.4 Review Procedures**

##### A. Conventional Subdivision

- Short-version procedure for one additional lot (or similar) subdivision (clarify public improvements may likely be required)
- Process from sketch to preliminary to final
- Continue to integrate SEQR review for all subdivision procedures

##### B. Conservation Subdivision

- Consider mandatory sketch review and include conceptual site conservation analysis at this phase, outlining the general areas of development and areas to protect with agreement and resolution of big-picture issues.
- Consider processing preliminary plat much like conventional plat once the concept (sketch plan) is mutually acceptable.
- Refer to desired design concepts in Article 3 Sustainable Design.
- Clarify conservation subdivision (refers to “Country Overlay Area”) in comprehensive plan. Applies to all subdivisions in RR and SR-1 districts.

##### C. Cluster Subdivision

- Cluster Development (Section 241-13) (limited to UR-1 and SR-2) – this is limited to these two zones, but is not being taken advantage of--consider incentivizing or eliminating.

##### D. Lot Line Adjustments

- Clarify lot line adjustments (where no new lot or no non-conforming dimensions of a lot are created) for administrative review and approval (and do not include these actions under the definition of a subdivision).

#### **5.5.5 Other Referrals & Reviews**

#### **5.5.6 Inspections**

### **5.5.7 Attachments/Appendices/Miscellaneous**

## **5.6 Stormwater Management**

### **5.6.1 Stormwater Pollution Prevention Plans** (this subsection includes all of existing Chapter 242 Stormwater Management)

- A. Applicability (and exemptions. i.e. when required)
- B. Contents of SWPPP
- C. Performance & Design Criteria (reference to design solutions in Article 4)
- D. Reference to enforcement section in Article 8.

## **5.7 Land Disturbance Permit**

## **5.8 Watercourse Activity Permit**

## **5.9 Floodplain Permit**

## **5.10 Building Permit**

## **5.11 Sign Permit**

## **5.12 Solar Permit / Model Ordinance**

- Define (in glossary) different levels of solar installations so that they can be regulated differently and permitted in different areas of the city as appropriate.
- Consider, in addition to the NYS Unified Solar Permit already used by the city for common solar installs, additional permits or approvals which might be required for larger solar installs.
- Clarify solar collector as accessory use or not, depending on installation type/size.
- Define and recommend screening and buffering requirements which may be required.
- Consider inclusion of neighborhood/community solar install as a principal use.

## **5.13 Tree Removal Permit** (add this as a new element)

## **5.14 Demolition Permit**

- Add provision for 30-day waiting period prior to demolition permit, except in cases where it poses imminent threat to safety. Establish basic criteria for determination.
- Add provision for salvage of façade or significant historic features in lieu of demolition.

## **5.15 Certificate of Occupancy**

**5.16 Other Permits and Approvals** (Includes reference to additional required permits such as curb cuts, utility connections and State or Federal provisions which may apply.)

## **Article 6 VARIANCES & INTERPRETATION APPEALS**

(This section includes existing zoning Chapter 8)

- Update this section to direct the Zoning Board of Appeals to review the specific design considerations of the district when determining if a requested variance meets the legal criteria, including issues such as “whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties”, and is in conformance with the stated District Principles,
- Authorize the ZBA to develop and maintain a standardized process or definition by which neighborhood character is defined for the purposes of making these determinations.

### **6.1 Variances**

- 6.1.1 Intent**
- 6.1.2 Delegation to Zoning Board of Appeals**
- 6.1.3 Appellate Authority**
- 6.1.4 Area Variance**
- 6.1.5 Use Variance**
- 6.1.6 Minimum Variance**
- 6.1.7 Conditions of Approval**

### **6.2 Interpretation Appeals**

## **Article 7 AMENDMENTS TO ORDINANCE**

### **7.1 General Amendments** (This section includes existing zoning Article 10)

- 7.1.1 Intent**
- 7.1.2 Authority**
- 7.1.3 Proposal to Amend**
- 7.1.4 Application and Fee**
- 7.1.5 Referral for Advisory Opinion**
- 7.1.6 Public Hearing Notice**
- 7.1.7 Protest**
- 7.1.8 Amendment Publication and Posting**
- 7.1.9 Effective Date**

**7.2 Planned Unit Developments** (The purpose of this section is to provide the legal framework for the review and approval of a Planned Unit Development. This section would include much of the contents of existing zoning Article 10.2. The current ordinance would be improved by including a more clear and objective determination that the benefits of a proposed PUD including any specific additional amenities to be provided are equal to or greater than the additional increase in density or change in use authorized by the PUD. Specific requirements would be developed to advance this objective. The specific conditions and zoning language of existing PUDs which have already been approved will be referenced separately as on file with the city.

**7.2.1 Intent**

**7.2.2 Legislative Authority and Applicability**

- Include provision that the city can require specific street types, pedestrian amenities, lighting, street trees, etc. as deemed appropriate for “whole site” project development that create private streets. Otherwise it would still default to the allowed types for the underlying district.
- Consider including community amenities and benefits as part of a PUD so the process includes consideration that public benefit obtained is in proportion to the changes in the base zoning requested.

**7.2.3 Objectives**

**7.2.4 Permitted Density**

**7.2.5 Application Procedures**

**7.2.6 Referral for Advisory Opinion** (refine evaluation procedures)

**7.2.7 Public Hearing & Notice**

**7.2.8 Decisions**

**7.2.9 Amendments**

## Article 8 ADMINISTRATION & ENFORCEMENT

**Overview.** The purpose of Article 6 is to include the legal administrative portions of the ordinance, incorporating the existing zoning Article 9 and Article 10.

**Table of Contents** (For this specific Article)

**8.1 Administration** (This section includes existing zoning Chapter 9)

**8.1.1 Intent**

**8.1.2 Zoning Officer Designation**

**8.1.3 Zoning Officer Authority and Duties**

**8.1.4 Financial Security**

**8.1.5 Insurance Requirements**

**8.1.6 Fees**

## 8.2 Non-Conforming, Uses, Structures and Lots

### 8.2.1 Intent

### 8.2.2 Determination of Conformity

### 8.2.3 Non-Conforming Uses

### 8.2.4 Non-Conforming Structures

### 8.2.5 Non-Conforming Lots

- Require that parcels that are owned by an adjacent owner that are not legally subdivided and are not in separate ownership prior to the “grandfather” date need to be combined into one lot.

## 8.3 Enforcement

- Try to unify the various enforcement sections found in parts of the code for subdivisions, stormwater management, signs, etc into a single location if possible.
- Provide penalties or other corrective/enforcement actions including illegal subdivisions.
- Clarify and strengthen sign ordinance penalties.

### 8.3.1 Violations

### 8.3.2 Penalties and Fines

### 8.3.3 Civil Enforcement

### 8.3.4 Court Action

### 8.3.5 Non-Exclusivity of Remedies

## 8.4 Legal Status (This section includes existing zoning Article 11)

# Article 9 DEFINITIONS

- Combine all definitions from subsections of city ordinance into one section. Cross-check for duplicates, conflicts and consistency with usage in ordinance. Identify terms in ordinance which are missing from definitions.
- Clarify definition of height to not include accessory appurtenances such as chimneys, spires, cupolas, etc.
- Revise definition of agricultural uses to expand activities, include agri-tourism, production for consumption on-site (tastings, events, tours) and retail sales.
- Clarify definition of corner lot to explain remaining two sides of the lot are “sides”.
- Clarify definition of “story”, especially with regards to required 2-story development.
- Clarify definition of “Multifamily”.
- Update definition for “accessory residential structure” to include potential for finished and/or habitable spaces.
  - Clarify definitions in ordinance related to dwelling units, and the specific features such as bathrooms, kitchens, etc which differentiate between a normal habitable space used for a playroom or office from an accessory dwelling unit.

- Add a definition for accessory structure. Clarify the inclusion of antennas, satellite dishes, solar panels, HVAC equipment etc and how those relate to required setbacks or distance separations.
- Review and clarify definition of “Alley” in consideration of primary frontage access, coordinate with Street Types.

## **Appendix A PLANNED UNIT DEVELOPMENT DISTRICTS**

- Appendix A would include all of the specific PUD legislation regarding each of the individual Planned Unit Developments which have been approved within the city.