

# ARTICLE 7 AMENDMENTS TO ORDINANCE

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## 7.1 GENERAL AMENDMENTS

This Article provides the process by which to amend the City of Saratoga Springs **Zoning** Unified Development Ordinance or any district boundary established by this Chapter.

### 7.1.1 Authority

The City Council shall have the authority to amend this Chapter, or any district boundary established by this Chapter, following the notice and conduct of a public hearing.

### 7.1.2 Proposal to Amend

Proposed amendments may be brought to the City Council:

1. By a City Council Member;
  2. By recommendation of the Planning Board, Design Review Commission, or Zoning Board of Appeals;
  3. On Petition.
- A.** In cases involving a Board recommendation or a Petition, the City Council shall determine whether the recommendation or Petition has merit for review and if it shall be considered.
- B.** No determination of merit shall be required if the owners of fifty percent (50%) or more of the frontage in any District, or part thereof, present such a Petition duly signed and acknowledged to the City Council requesting an amendment, supplement, change or repeal of the regulations prescribed for that District, or part thereof. The Council shall vote on the Petition within ninety (90) days after it is filed with the Secretary of the City Council.

### 7.1.3 Application and Fee

Every petition for an amendment to the Chapter shall be on forms prescribed by the City Council and shall be accompanied by a fee as established by the City Council.

### 7.1.4 Referral for Advisory Opinion

Prior to taking action on any proposed amendment to the **Zoning**

this Ordinance, the City Council shall seek an advisory opinion from the City Planning Board, and the Saratoga County Planning Board as required by General Municipal Law. For amendments to [Article 7.4 Historic Review](#) and [Article 7.5 Architectural Review](#), the Council shall also seek an advisory opinion from the Design Review Commission.

#### A. City Planning Board

The City Planning Board shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The Planning Board may hold a public hearing at their discretion. The scope of the Planning Board review shall include but not be limited to:

1. Whether the proposed revision is consistent with the Comprehensive Plan; and
2. Whether the proposed revision is not contrary to the general purposes and intent of this Chapter.

#### B. Design Review Commission

The Design Review Commission shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Design Review Commission finds that the proposed revision is not contrary to the intent and objectives of [Article 7.4 Historic Review](#) or [Article 7.5 Architectural Review](#), as applicable.

#### C. Saratoga County Planning Board

1. Any proposed amendment that meets the referral requirements of General Municipal Law Section 239-m shall be referred to the Saratoga County Planning Board for its review prior to the public hearing. No action shall be taken by the City Council until an advisory recommendation has been received from the County Planning Board or 30 calendar days have passed from when the County Planning Board received the full statement.
2. If the Saratoga County Planning Board recommends modification or disapproval of a proposed action, the City Council shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

### 7.1.5 **Public Hearing Notice Public Hearing and Notice**

- A. The City Clerk shall notice a public hearing for an amendment, including a description of the proposed amendment, ~~and shall provide notice as follows: as described in [Article 5.2 Public Hearing and Notification Procedures](#).~~ ~~## Note: Text below would be removed and coordinated into common section in Article 5.~~

1. ~~The City Clerk shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. If the amendment is requested by petition, the petitioner shall be responsible for payment for this notice. Prior to the hearing, the petitioner shall be responsible for filing with the City Clerk an affidavit from the newspaper confirming such publication and payment.~~

### 7.1.6 **Additional Public Notice**

- A. ~~A notice briefly describing every amendment shall be published once in a newspaper of general circulation in the City and specify that the entire amendment is available for inspection at the City Clerk's office. ## Note: Items B, C and D here relocated from 10.1.9 "Amendment Publication and Posting" to put all Public Hearing notification info together.~~
- B. ~~The amendment shall be posted conspicuously at or near the office of the City Clerk for at least two weeks following publication and a copy of the amendment or map shall be made available for inspection at the office of the City Clerk.~~
- C. ~~Affidavits of publishing and posting shall be filed with the City Clerk.~~
- D. ~~For all petitions involving zoning map amendments, the petitioner shall provide notice of the proposed amendment public hearing to neighboring property owners in the following manner:~~
1. ~~The petitioner shall obtain from the City the names and addresses of property owners within a geographic radius of 250 feet from the petitioner's subject property boundary.~~
  2. ~~The petitioner shall receive from the City Clerk a property owner notification and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 days but no more than 20 30 calendar days prior to~~

~~the scheduled public hearing. ## Note: Discuss option of requiring mailings in official City envelope marked "Public Hearing Notice".~~

- ~~3. Prior to the public hearing, the petitioner shall submit to the City Clerk confirmation of this property owner notification using a "certificate of mailing" provided by the U.S. Postal Service.~~
- ~~4. Failure to provide notice in exact conformance with these provisions shall not invalidate a City Council determination provided the City Council finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed change.~~

- E.** ~~Intermunicipal Notification. Pursuant to General Municipal Law Section 239-nn, if the land involved in an application lies within 500 feet of the boundary of another municipality, the City Clerk shall submit a copy of the official notice of the public hearing to the municipal clerk of the other municipality at least 10 days prior to the public hearing.~~
- F.** ~~Housing Authority Property. For amendments affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law, written notice shall be given to the Housing Authority at least 30 days prior to the public hearing.~~

### 7.1.7 Protest

- A.** A protest against an amendment to this Chapter must be signed by the owners of:
1. 20% or more of the land area included in the proposed amendment; or
  2. 20% or more of the land area immediately adjacent to and extending 100 feet from the land area included in the proposed amendment; or
  3. 20% or more of the land directly opposite thereto and extending 100 feet from the street, road or highway frontage of such opposite land.
- B.** A protested amendment shall require the favorable vote of at least four (4) Council members.

### 7.1.8 Effective Date

All amendments shall take effect upon publication. Map

amendments will also require proper registration on the City Zoning Map.

## 7.2 PLANNED UNIT DEVELOPMENT

A Planned Unit Development (PUD) is a district or floating zone wherein a planned mix of residential and non-residential uses is sanctioned by the City Council subject to restrictions calculated to achieve compatible and efficient use of the land in accordance with the City Comprehensive Plan. The intent of a PUD is to permit a mix of uses and arrangement of structures, not commonly possible under the requirements of **current zoning regulation** [this Chapter](#), to serve the public welfare of the community.

### 7.2.1 Legislative Authority and Applicability

- A.** The creation of a PUD shall constitute an amendment to **the Zoning** [this](#) Ordinance and shall require approval by the City Council. The provisions of a PUD do not apply to the specific area until the effective date of a **Zoning** Ordinance amendment established by resolution of the City Council.
- B.** A Planned Unit Development may be permitted in any area except the Rural Residential District and Public Water Supply and Wetland Protection District.

### 7.2.2 Planned Unit Development Objectives

In order to justify the establishment of a PUD as an alternative to current zoning regulation and carry out the intent of this Section, a PUD shall achieve the following objectives:

- A.** Provide for a development pattern of mixed-uses consistent with the objectives of the Comprehensive Plan.
- B.** Provide for a more efficient arrangement of land uses, buildings, circulation systems, infrastructure and open space than otherwise possible under current zoning.
- C.** Provide for diversity in residential housing opportunities at varied economic levels.
- D.** Provide for uses and amenities that fulfill an identifiable

- community need.
- E. Provide for enhanced open space and the preservation of natural resources.
  - F. Prevent soil erosion and enhance the preservation of trees, outstanding natural topographical and geological features.
  - G. Enhance integration of transportation systems including vehicular, pedestrian, bicyclist and transit.
  - H. Minimize adverse impacts of land development upon neighboring properties.
  - I. Provide for a more economically viable and environmentally sustainable land use pattern than would be possible through the strict application of other Articles of this Chapter.

### 7.2.3 Permitted Density

The maximum density permitted in any proposed PUD, or subsequent amendment thereto, shall not cumulatively exceed 20% in addition to the maximum density envisioned by either the current Comprehensive Plan or by the applicable zoning in effect immediately prior to the adoption of the original PUD, whichever is lower.

### 7.2.4 Application Procedures

- A. An eligible applicant for a proposed Planned Unit Development must be the owner(s), lessee or purchaser under contract for all properties subject to the application. A lessee or purchaser under contract must have written permission of the current property owner(s) to submit an application.
- B. Applications for a PUD shall be on forms prescribed by the City Council and shall be accompanied by a fee as established by the City Council.
- C. Every application for a PUD shall include the following:
  1. A narrative providing general project information.
  2. Proposed PUD legislation.
  3. Demonstration of achieving PUD Objectives found within this Section.

4. Project details to address the Planning Board evaluation criteria found in this Section
  5. Sketch plan to scale including the required site details found within [Appendix B](#).
  6. SEQRA Full Environmental Assessment Form ("long form [EAF](#)")
- D. Upon receipt of a complete application, the City Council shall determine whether the proposed PUD has merit for review and if it shall be considered. However, if the owners of fifty percent (50%) or more of the frontage in any District or part thereof present a PUD application to the City Council, the Council shall vote on the Petition within ninety (90) days after it is filed with the Secretary of the City Council.
1. If the City Council determines there is merit for review, the City Council shall then refer the complete application to the Planning Board for review and recommendation.
  2. If the Council determines the proposal does not merit further review, it shall not refer the application to the Planning Board and no further action on the application shall be taken.

### 7.2.5 Referral for Advisory Opinion

Prior to taking action on any proposed PUD, the City Council shall seek an advisory opinion from the City Planning Board, and the Saratoga County Planning Board as required by General Municipal Law. For proposed PUD locations within a historic or architectural district, the Council shall also seek an advisory opinion from the Design Review Commission.

- A. **City Planning Board.** The City Planning Board shall have 60 days from receipt of the application to render a favorable, favorable with conditions, or unfavorable written advisory opinion to the City Council, unless extended by mutual consent.
- B. **Planning Board Evaluation.** The Planning Board's advisory opinion shall include evaluation of the following:
  1. Consistency with the goals and objectives of the Comprehensive Plan.
  2. Consistency with the general purposes and intent of this Chapter and the intent and objectives of a PUD as expressed in this [Article Section](#).

3. Community need and adherence to sound planning and design principles in the proposed land use configuration, transportation system, open space, and storm water management concept.
  4. Positive and negative impacts to population, schools, traffic, utilities, recreation, taxes, and aesthetics.
  5. Availability and adequacy of utilities including water and sewer service.
  6. Availability and adequacy of transportation systems including accommodation for vehicular, pedestrian, bicyclist and transit needs.
  7. Potential for any adverse impacts on the surrounding neighborhood, including the character of the neighborhood, and any proposed mitigation to minimize possible detrimental effects.
  8. The height and bulk of buildings and their relation to other structures in the vicinity.
  9. Potential for adverse impacts on environmental resources including wetlands, surface water, floodplains, and plant and wildlife communities.
  10. General ability of the land to support the development including such factors as slope, depth to bedrock, depth to water table and soil type.
  11. Other factors as may be deemed appropriate by the City Council.
- C. The Planning Board may hold a public hearing at its discretion.
- D. The Council may, at any time, return the application to the Planning Board for additional review and recommendations.
- E. **Saratoga County Planning Board Referral**
1. Any proposed PUD that meets the referral requirements of General Municipal Law Section 239-m shall be referred to the Saratoga County Planning Board for its review prior to the public hearing. No action shall be taken by the City Council until an advisory recommendation has been received from the County Planning Board or 30 calendar days have passed from when the County Planning Board received the full statement.
  2. If the Saratoga County Planning Board recommends modification or disapproval of a proposed PUD,

the City Council shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

#### F. **Design Review Commission Referral**

If the PUD application is referred to the Design Review Commission, the Design Review Commission shall have 60 days to render a written advisory opinion to the City Council, unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Design Review Commission finds that the proposed PUD is not contrary to the intent and objectives of **Article 7.4 Historic Review** or **Article 7.5 Architectural Review**, as applicable.

### 7.2.6 Public Hearing and Notice

- A. Within 45 days of the receipt of the Planning Board advisory opinion, the City Council shall schedule a public hearing for consideration of the proposed PUD as described in Article 5.2 Public Hearing and Notification Procedures. ~~## Note: Text below would be removed and coordinated into common section.~~
- B. ~~The City Clerk shall notice the public hearing for a proposed PUD, including a description of the proposed PUD.~~
- C. ~~The City Clerk shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant(s) shall be responsible for payment for this notice. Prior to the hearing, the applicant(s) shall be responsible for filing with the City Clerk an affidavit from the newspaper confirming such publication and payment.~~
- D. ~~Property Owner Notice. For all applications to locate a proposed PUD, the applicant(s) shall provide notice of the proposed PUD public hearing to neighboring property owners in the following manner:~~
1. ~~The applicant(s) shall obtain from the City the names and addresses of property owners within a geographic radius of 250-500 feet from the petitioner's subject property boundary.~~
  2. ~~The applicant(s) shall receive from the City Clerk a property owner notification and shall send copies of only this notice to the identified property owners by first class mail. This notice shall be postmarked no~~

~~less than 7 days but no more than 20 calendar days prior to the scheduled public hearing.~~

- ~~3. Prior to the public hearing, the applicant shall submit to the City Clerk confirmation of this property owner notification using a "certificate of mailing" provided by the U.S. Postal Service.~~
  - ~~4. Failure to provide notice in exact conformance with these provisions shall not invalidate a City Council determination provided the City Council finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed change.~~
- E. On-Premise Signage.** The applicant shall obtain from the city a "Notice of Public Hearing" sign which shall be posted and secured conspicuously at the front of the property no less than seven days prior to the hearing. Such sign shall include the subject of review (Zoning Amendment) and the date and time of the hearing, and shall be returned to the city no less than 7 days after the hearing.
- F. Intermunicipal Notification.** Pursuant to General Municipal Law Section 239-nn, if the land involved in an application for a proposed PUD lies within 500 feet of the boundary of another municipality, the City Clerk shall submit a copy of the official notice of the public hearing to the municipal clerk of the other municipality at least 10 days prior to the public hearing.
- G. Housing Authority Property.** For the location of proposed PUDs that affect property within the protectively zoned area of a housing project authorized under the Public Housing Law, written notice shall be given to the Housing Authority at least 30 days prior to the public hearing.

## 7.2.7 Decisions

- A.** In rendering its decision on any proposed PUD, the City Council shall comply with all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- B.** Within 62 days of the close of the public hearing, the City Council shall act on the proposed PUD. As a condition of approval, the City Council may impose such reasonable conditions, requirements and restrictions as are directly

related and incidental to the proposed PUD.

- C.** If approved, the terms and conditions of the PUD shall be binding on all owners.
- D.** If the City Council approves the PUD, the legislation shall be adopted into ~~the City's Zoning~~ **this** Ordinance and the Zoning Map shall reflect the change.

## 7.2.8 Protest

- A.** A protest against a proposed PUD must be signed by the owners of:
  1. 20% or more of the land area included in the proposed PUD; or
  2. 20% or more of the land area immediately adjacent to and extending 100 feet from the land area included in the proposed PUD; or
  3. 20% or more of the land directly opposite thereto and extending 100 feet from the street, road or highway frontage of such opposite land.
- B.** A protested PUD shall require the favorable vote of at least four (4) Council members.

## 7.2.9 Subsequent Required Approvals

Every approved PUD shall be subject to Site Plan Review and Subdivision Regulations, as applicable.

## 7.2.10 Amendments to PUD

Proposed revisions that would substantively alter an approved PUD are subject to a zoning amendment process as identified in **10.1**.