

May 19, 2021

Ms. Tamie Ehinger, Chair  
Saratoga Springs Design Review Commission  
City Hall  
474 Broadway  
Saratoga Springs, NY 12866

Dear Ms. Ehinger and Members of the Design Review Commission,

**RE: #20210471 – ADVISORY OPINION ON UNIFIED DEVELOPMENT ORDINANCE (UDO)**

The City Council has requested that the Design Review Commission provide them with an advisory opinion on the Unified Development Ordinance (UDO). Sustainable Saratoga has reviewed and made extensive comments to the City Council on the first and second drafts of the UDO. We want to share with the Commission some of our concerns about the lack of adequate building and site guidelines for a large geographic portion of the community – the “country” part of the “City in the Country”.

The 2015 Comprehensive Plan sets forth the following vision for the community:

“Saratoga Springs is the “City in the Country.” This concept reflects a city with an intensively developed urban core and an economically vibrant central business district, with well-defined urban edges and an outlying area of rural character, comprised of agriculture, open lands, natural and diverse environmental resources, and low density development.”

The “country” part of the “City in the Country” is defined in the 2015 Comprehensive Plan as the “Country Overlay Area”. The Country Overlay Area is defined on page 61 of the Comprehensive Plan as the City’s “Greenbelt”.

On pages 61 and 62, the 2015 Comprehensive Plan provides:

“The balance between the “city” and the “country” is fundamental to the general health, welfare and economic viability of the community. This has been reiterated by the community time and time again. Therefore, this plan sets out to reinforce the “country” within the City’s jurisdiction through a County Overlay Map. Since the development of the towns surrounding Saratoga Springs is indeed beyond the City’s control, the City must take proactive measures to preserve the greenbelt surrounding the urban core.”

“The Country Overlay Map also intended to provide support for existing overlay design requirements such as the City’s Gateway Overlay districts, which protect the character of the City’s important gateways.”

On page 48, the 2015 Comprehensive Plan includes the following recommended action:

“3.4-1 Maintain and promote the “City in the Country” form that includes an intensively developed urban core, an economically vibrant central business district, and residential neighborhoods with well-defined urban edges and an outlying area of rural character,



comprised of agriculture, open lands, natural and diverse environmental resources and low density residential development.” (emphasis added.)

In summary, the 2015 Comprehensive Plan says that the City must protect the rural character of the Greenbelt – the “country” part of the “City in the Country”.

The geographic areas included within the Greenbelt are:

- All the Rural Residential (RR) zoning district mapped in the UDO
- Almost all of the Commercial Gateway – Rural (CG-R) zoning district mapped in the UDO

We believe that the draft UDO does not do enough protect the rural character of the Greenbelt. In our view, the UDO takes a step backward and actually eliminates design protections in the current zoning ordinance.

The following is our analysis of this key problem. We urge the Commission to advise the City Council of the draft UDO’s failure to adequately protect the City’s Greenbelt.

**1. THE DEVELOPMENT DESIGN STANDARDS FOR THE RURAL RESIDENTIAL (RR) DISTRICT (THE GREENBELT) ARE WEAKENED AND DO NOT MEET THE OBJECTIVES OF THE 2015 COMPREHENSIVE PLAN.**

The draft UDO does not propose any building and site design guidelines for most of the development in the Rural Residential (RR) district. In recent years most of the building or rebuilding in the RR district has been done on single family lots, not in clustered subdivisions.

Your Commission undertakes Architectural Review (Article 7.5) for building-permit-required activity along six of the major roads that run through the RR district in the Greenbelt. However, the UDO proposes no design standards for landscaping or non-building permit activities. Nor does the architectural review ordinance have any criteria relating to rural character; instead, it is largely concerned with compatibility with adjacent structures, whether they be rural or non-rural in character.

The draft UDO does nothing new to protect the “rural character” of this development activity in the RR district. In fact, we believe it takes a step backward.

The UDO does propose some new design standards for conservation subdivisions in Article 16.10 that cover some of the new development in the Greenbelt. However, we believe the guidelines have the following significant problems:

- While some guidelines are purported to be mandatory, most of them are meaningless because they do not provide enough definition or illustrations. It is not helpful to require building or site design to have “rural character” without defining that or illustrating it.
  - Article 421-12D of the existing Subdivision Regulations has an extensive set of concise, well-illustrated, voluntary “rural design and siting standards,” but these were not included or strengthened in the proposed UDO.



- We believe the lack of strong design standards is not consistent with the 2015 Comprehensive Plan because:
  - The Comprehensive Plan mandates protection of the rural nature of the Greenbelt.
  - The Comprehensive Plan provides for clear distinction between character of the urban core and the outlying RR district.

In summary: The design standards for the RR are not consistent with the 2015 Comprehensive Plan in that:

- The UDO fails to provide any meaningful design standards for structures and site changes that will preserve the required rural character of the Greenbelt. Without clear design standards, the vision for the City in the Country will be more difficult to maintain. Detailed, mandatory design standards should be established for conservation subdivisions, as well as all residential and nonresidential uses allowed in the Greenbelt, to achieve the vision for the “Country” portions of the City in the Country.
- Design standards in conservation subdivisions are weak and not illustrated. If the City is not going to improve the proposed standards, then the existing voluntary design standards for conservation subdivisions should be retained and made mandatory. They should also be expanded to include all residential areas. Graphics need to be added to the UDO to illustrate the standards.
- Design standards are not presented for nonresidential uses that are allowed in the RR district (other than the non-rural oriented architectural review along the major roads). The rural character of the Greenbelt cannot be preserved without meaningful and mandatory design standards for ALL uses in the Greenbelt.
- The Comprehensive Plan recommends several actions to enhance the Land Use Review Process, including the use of graphic representations of design. Graphics should be included in the design standards.
- Detailed, mandatory design standards for all development for the entire RR district should be established. We believe this could best be done by strengthening the existing Article 421-12D of the Subdivision Regulations with an extensive set of concise, well-illustrated, rural design and siting standards.

**2. THE DEVELOPMENT DESIGN STANDARDS FOR THE COMMERCIAL GATEWAY RURAL DISTRICT ARE WEAKENED AND DO NOT MEET THE OBJECTIVES OF THE 2015 COMPREHENSIVE PLAN.**

The UDO-proposed building and site design guidelines for the CG-R district are presented on pages 4-9 through 4-22. We believe the guidelines have the following significant problems:

- There are not enough clear distinctions between the guidelines for the CG-U and CG-R districts. The distinction between these districts should be much greater. While purportedly mandatory, most of the guidelines are meaningless, because they do not provide enough definition or illustrations. It is not helpful to require building or site design to have “rural character” without defining or illustrating it.

Your Commission undertakes Architectural Review (Article 7.5) of activities requiring building permits along two of the major roads that run through the CG-R district, which is part of the Greenbelt. However, the UDO proposes no design standards for landscaping or activities that do not require building permits. In addition, the architectural review ordinance does not have any



criteria relating to rural character; instead it is largely about compatibility with adjacent structures, whether they are rural or non-rural in character.

The building and site design guidelines in the current zoning ordinance in the geographic area now proposed as the CG-R district are found in Article 3.2 “Gateway Overlay District – Zone A”.

- We have advocated that these guidelines, which should be made mandatory instead of voluntary, are more appropriate and include detailed illustrations that better convey the desired rural character for building site layout.

We believe the lack of strong development standards is not consistent with the 2015 Comprehensive Plan because:

- The Commercial Gateway-Rural zoning district is all within the Comprehensive Plan’s designated “Country Overlay Area”. The Country Overlay Area is defined on page 61 of the Comprehensive Plan as the City’s Greenbelt. It is also the “country” part of the “City in the Country”. These areas are described and mapped in the 2015 Comprehensive Plan. The Country Overlay area is required to have a rural, not urban, character.
  - As stated above, the Comprehensive Plan requires an urban city core that is distinct from the outlying rural area (see page 48 of the Comprehensive Plan).
- The Comprehensive Plan includes the following recommended actions:
  - On page 25, 3.2-7 “Encourage high quality aesthetically pleasing gateways into the city.”
  - On page 48, “Identify priority gateways in the City, such as Route 50 and South Broadway, and develop/review guidelines for appropriate area-specific amenities and treatment.”

In summary: The proposed new development standards for the CG-R are weaker than the current one and represents a step backwards. Therefore, they are not consistent with the 2015 Comprehensive Plan in that:

- The UDO fails to provide any meaningful design standards for structures and site changes that will preserve the required rural character of the Route 50 and Route 9 gateways which are in the designated Greenbelt. Without clear design standards, the vision for the City in the Country will be more difficult to maintain.
- Detailed, mandatory design standards should be established for all uses in the CG-R district within the Greenbelt, to achieve the vision for the “Country” portions of the City in the Country. We believe this could best be done by strengthening the existing standards in Article 3.2 “Gateway Overlay District – Zone A”.

### **3. THE DESIGNATION OF COMMERCIAL GATEWAY RURAL (CG-R) AND ITS DESIGN STANDARDS FOR THE AREA ON SOUTH BROADWAY IMMEDIATELY SOUTH OF CRESCENT AVENUE ARE NOT CONSISTENT WITH THE COMPREHENSIVE PLAN.**

The 2015 Comprehensive Plan’s Future Land Use Map classified this area as “Specialty Mixed Use-Park” and not as “Specialty Mixed Use-Gateway”. The intention of the plan was to make a



clear distinction between the two future land use categories. The draft UDO inappropriately designates this geographic area as a Commercial Gateway-Rural (CG-R) zoning district.

We believe that the proposed uses and design guidelines for the CG-R are not consistent with the 2015 Comprehensive Plan because the “Specialty Mixed Use-Park” land use category, described on page 59 and 60 of the 2015 Comprehensive Plan and shown on the Plan’s Future Land Use map, provides:

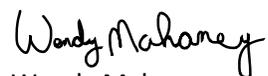
- This area should “support research and development, creative economy workplaces, “green and clean” technology businesses, and other low to moderate uses that do not negatively impact this critical gateway to the City.”
- “Future growth in this area should be designated as a campus-like setting to create a distinctive gateway that complements the beauty of the adjacent Spa State Park.”

In summary: The proposed uses and design guidelines of designation of this area as a CG-R zoning district are not compatible with the unique description expressed in the 2015 Comprehensive Plan in that, to be consistent with the Comprehensive Plan, a new zoning designation matching the uses and design features set forth in the plan need to be developed.

In this letter we have only focused on the key issues of trying to establish better building and site development standards for the “rural character” of the Greenbelt – the “country” part of the “City in the Country”. We appreciate that the draft UDO proposes new standards for the “city” part of the “City in the County”. But we believe that there must be greater protections for the Greenbelt.

We appreciate the opportunity to comment on these important UDO issues.

Sincerely,

  
Wendy Mahaney  
Executive Director

cc: Amanda Tucker, Senior Planner

