

SUSTAINABLE SARATOGA'S 12 PRIORITY UDO AMENDMENTS

In response to the City's request for public comments, Sustainable Saratoga has recommended changes to the Draft #1 and Draft #2 versions of the Unified Development Ordinance. The City did not accept most of those recommendations.

While there are many great things in the proposed UDO, Sustainable Saratoga has identified key concerns with the UDO and proposed 12 priority amendments that we feel must be addressed. We shared these priority amendments with the City Council in April 2021. Below is a slightly revised version of these amendments, which were adjusted after meeting with City staff.

1. Remove the following uses from the Rural Residential (RR) zoning district:

Removed 16 of the proposed 45 uses:

- Animal Care Facility – Small Animal with No Outdoor Area (belongs in urban core)
- Campground (too intensive – definition should be revised)
- Community Center (belongs in urban core)
- Country Club (too intensive – definition should be revised)
- Educational Facility – Primary or Secondary (belongs in urban core)
- Greenhouse/Nursey – (too intensive – definition should be revised; see amendment #2)
- Inn (belongs in urban core)
- Lodging House (belongs in urban core)
- Marina (too intensive – definition should be revised)
- Micro-Production of Alcohol (too intensive – definition should be revised; see amendment #2)
- Private/Social Clubs (belongs in urban core)
- Rooming Houses, Small Owner Occupied (belongs in urban core)
- Rooming Houses, Medium Owner Occupied (belongs in urban core)
- Rooming Houses, Small Non-Owner (belongs in urban core)
- Rooming Houses, Medium Non-Owner (belongs in urban core)

Sustainable Saratoga's objections to many of the uses being included in the RR districts are largely based upon the current definition of these uses. The definitions fail to provide appropriate limits on size and intensity of the uses. Other uses belong in the urban core, where they are more easily accessible by the public, and contribute to a vibrant and distinct urban core.

2. Revise the definition of 2 key agriculturally-oriented uses in the RR zoning district:

Sustainable Saratoga would like to support the following two agriculturally oriented uses to be included in the RR district, but can't do so without revisions to their definitions:

- Revise Greenhouse/Nursey – (too intensive - definition would allow a "Home Depot" type store)

Existing Definition:



DDD. Greenhouse/Nursery

1. Definition

An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

Proposed Definition: Alternative A

DDD. Greenhouse/Nursery

1. Definition

An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. Any indoor sales and display area shall be limited to 500 square feet of less. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

Proposed Definition: Alternative B

DDD. Greenhouse/Nursery

1. Definition

An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold. ~~and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.~~ If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

- Revise Micro-Production of Alcohol (too intensive - definition allow tasting room drinking establishment)

Existing Definition:

WWW. Micro-Production of Alcohol

1. Definition

A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises.



Facilities include a tasting room and may include retail areas for the purchase beverages manufactured on-site and related items.

2. Standards

In the RR District, the micro-production of alcohol products is allowed only when the following standards are met:

- a. The lot is in active agricultural use.
- b. The facility has a valid New York State license for a farm brewery, winery, distillery, cidery, or meadery.
- c. No eating and drinking establishments are located on-site. A tasting room is permitted.

Proposed Definition:

WWW. Micro-Production of Alcohol

1. Definition

A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead. ~~for distribution and consumption on premises. Facilities include a tasting room and may include retail areas for the purchase beverages manufactured on-site and related items.~~

2. Standards

In the RR District, the micro-production of alcohol products is allowed only when the following standards are met:

- a. The lot is in active agricultural use.
- b. The facility has a valid New York State license for a farm brewery, winery, distillery, cidery, or meadery.
- c. No eating and drinking establishments are located on-site. A tasting room is not permitted.

3. Revise design standards for the Rural Residential (RR) district:

Sustainable Saratoga believes that the current UDO needs to do more to protect the rural character of the RR district, which can best be accomplished with mandatory design standards. To get most (but not all) of the RR zoning district under better “rural design standards”:

- Delete the proposed “design standards” for the Conservation Design subdivisions in Article 16.10 (page 16-7).
- Add (with slight wording changes) the entire “Rural Design and Siting Standards” found in Chapter 241 Article IVD of the current Conservation Subdivision Regulations (page 48) to make these the new “design standards” for the “design standards” for Conservation Design as a new Article 16.10
 - Wording should indicate that these design standards are mandatory and that they can only be waived by the DRB or PB upon a written decision as why the exemption is necessary.



- Add to the Architectural Review Approval Standards in Article 13.9G (page 13-22) a statement that the standard for architectural review for all properties located in the Rural Residential zoning district are subject to the new “design standards” in Article 16.10.

4. Remove the following uses from the Gateway Commercial - Rural (GC-R) zoning district:

- Adult Care Facility (belongs in urban core)
- Animal Care Facility – Small Animal with No Outdoor Area (belongs in urban core)
- Animal Grooming Establishment (belongs in urban core)
- Art Gallery (belongs in urban core)
- Arts and Fitness Studio (belongs in urban core)
- Broadcast Facility TV/Radio – No Antenna (belongs in urban core)
- Campground (too intensive – definition should be revised)
- Car Wash (belongs in urban core)
- Community Center (belongs in urban core)
- Country Club (too intensive – definition should be revised)
- Cultural Facility (belongs in urban core)
- Dwellings – Multi-Family Above the Ground Floor (belongs in urban core)
- Dwellings – Multi-Family Residential Only Structure (belongs in urban core)
- Dwellings – Single-Family – Attached (belongs in urban core)
- Dwellings – Townhouses (belongs in urban core)
- Dwellings – Two-Family (belongs in urban core)
- Eating and Drinking Establishments – More than 40 seats (belongs in urban core)
- Educational Facility – Vocational (belongs in urban core)
- Financial Institutions (belongs in urban core)
- Food Pantry (belongs in urban core)
- Funeral Home (belongs in urban core)
- Greenhouse/Nursery – (too intensive; see amendment #2)
- Health Spa (belongs in urban core)
- Hotel – More than 20 guests (belongs in urban core)
- Industrial Design (belongs in urban core)
- Industrial Artisan – No Outdoor Storage or Activity (belongs in urban core)
- Inn (belongs in urban core)
- Marijuana Dispensary (belongs in urban core)
- Medical/Dental Offices (belongs in urban core)
- Micro-Production of Alcohol (too intensive; see amendment #2)
- Office (belongs in urban core)
- Passenger Terminal (belongs in urban core)
- Private/Social Club (belongs in urban core)
- Professional Service Establishments – More than 2,000sf GFA (belongs in urban core)
- Reception Facility (belongs in urban core)
- Residential Care Facility (belongs in urban core)
- Retail Goods Establishments- More than 2,000sf GFA (belongs in urban core)
- Social Service Center (belongs in urban core)
- Specialty Food Service (belongs in urban core)



Sustainable Saratoga’s objections to uses being included in the RR districts are, in part, based upon the current definition of these uses. The definitions fail to provide appropriate limits on size and intensity of the uses.

5. Revise design standards for the Gateway Commercial - Rural (GC-R) zoning district:

To get all of the GC-R zoning district under better “rural design standards”:

- Delete the proposed “design standards” for the GC-R in Article 4.6 B (page 4-19). The UDO can keep the current proposed design standards for the GC-U in this article
- Add with slight wording changes the entire “Gateway Design District 1: Route 50, Route 9” found in Article 3.2 of the existing zoning ordinance to make these the new “design standards” for the GC-R zoning district.
 - Wording should indicate that these design standards are mandatory and that they can only be waived by the DRB or PB upon a written decision as why the exemption is necessary.

6. Increase stream corridor protection:

Sustainable Saratoga is concerned that some of our water resources are not receiving adequate protection. The City lacks the data it needs to accurately determine the location and number of smaller streams within the city, and these important headwater streams impact the health of downstream ecosystems and provide resilience in the face of climate change.

In Article 7.1 E 1 the UDO proposes to regulate streams that have a width of between 10 and 50 feet. To ensure greater environmental protection for watercourses, the following changes in section should be made:

- There should be a buffer requirement for all perennial streams, and clear criteria for how stream width is determined.
- There should be a 50-foot riparian buffer for all intermittent streams.
- The buffer measurement should start from the high-water mark on the stream bank and not from the center of the stream. If the stream width is determined by the high-water mark, or bank-full width, the buffer should also be measured from this point.

7. Increase wetland buffer:

Sustainable Saratoga is concerned that some of our wetland resources are not receiving adequate protection. The City currently lacks the data it needs to accurately determine how many smaller and isolated wetlands exist that are not currently protected by state and federal wetland regulations. Wetlands provide essential habitat for many organisms, flood control, water quality improvement, resilience in the face of climate change and many more important functions and services.

In Article 7.1 D the UDO proposes a regulated 100-foot buffer for Class I and II NYS wetlands and a 50-foot buffer for Federal wetlands. To ensure greater environmental protection for wetlands, the following change in section should be made:



- There should be a 100-foot buffer for all state and federal wetlands, and smaller buffers (perhaps 50 ft) around currently unprotected smaller or isolated wetlands.

8. Increase green building incentives:

In Article 4.4 B “Commercial Mixed-Use District Development Bonus the UDO offers density bonus for green buildings. The City should increase the incentives for green building in the following ways:

- Expand the density bonus beyond height incentives in the Commercial Mixed-Use Districts to include density bonuses in other development zones.
- Expand green building incentives beyond density bonuses, and consider incentives such as:
 - Reducing the public civic space requirement for high performance and net-zero construction and for buildings that are built to be free of fossil fuels.
 - Incentivizing green roofs through reduction in the stormwater management fee to the extent that the green roof reduces impervious surface.
- Increase the points awarded for high performance and net-zero construction.
- Increase the points awarded for air and ground source heat pumps
- Expand incentives to include the following:
 - Buildings that are free of fossil fuels.
 - Placement of heating/cooling systems and distribution inside actively heated and finished spaces. Does not apply to outdoor condensing units for heat pumps.
 - Award a bonus for re-purposing existing buildings for a different use while maintaining at least 50% of the existing building structure and envelope (based on surface area).

9. Increase building front yard setback where is there is inadequate public ROW for sidewalks and trees:

In Article 18.8 illustration and dimensions are provided for various city street segments. This section specifies widths for street trees and sidewalks. In the core area of the city there are numerous public streets where the right-of-way widths are substandard. In these situations, there is inadequate room for the standard width sidewalks and street tree belts. To correct this problem:

- Add a requirement that the Planning Board has authority in new developments on existing streets with substandard widths to appropriately increase the front building setbacks to accommodate the required sidewalk and tree belt width depicted in the standards set forth in Article 18.8 and provide the necessary land donation or easement for public access. This provision already exists in Appendix H or the current Subdivision Regulations but should be expanded to include other areas of the City.

10. Add soil opening requirements for street trees:

In Article 11.8.C the UDO proposes requirements for street trees. The section should be amended to include the following requirement:

- Along streets where there is continuous concrete paving from building to curb, soil openings for trees must be a minimum of 40 square feet per tree.



11. Extend landscaping requirement for 1 and 2 family homes and limit PB exemption authority:

In Article 11.4 the UDO sets forth various site landscaping requirements except on parcels with single-family, single-family - attached, and two-family dwellings. This section should be amended as follows:

- Delete the exemption for single-family, single-family attached, and two-family dwellings.
- Limit and define the exemption authority of the Planning Board.

12. Amend land disturbance activity permit to over construction and pre-construction activity:

In Article 13.7 the UDO proposes requirements for Land Disturbance Activity Permits, but it fails to require street protections standard. Article 13.7 D should be amended as follows:

- Add a statement that the Planning Board in its reviews should require all tree cutting activity to meet the standards set forth in Article 11 of the UDO.

