



**City of Saratoga Springs  
Unified Development Ordinance (UDO)  
Technical Review Advisory Committee (TRAC)**

**Meeting Minutes  
January 17, 2017**

**4:00 p.m.**

**Saratoga Springs Music Hall**

**PRESENT:**

Susan Barden, Senior Planner; Brad Birge, Admin of Planning & Economic Development; Tina Carton, Parks, Open Space, Historic Preservation /Sustainability; Vince DeLeonardis, City Attorney; Amy Durland, Planning Board; Tamie Ehinger, Design Review Commission (Skype); Meg Kelly, Deputy Mayor; Kate Maynard, Principal Planner; and Susan Steer, Zoning Board of Appeals.

**CONSULTANTS:** John Behan and Michael Allen, Behan Planning and Design

**ABSENT:** None

**CITY OFFICIALS:** Mayor Joanne Yepsen

**PUBLIC:** Maureen Curtin, Samantha Bosshart, Geoff Bornemann, Tom Denny, Matt Jones

**RECORDING OF PROCEEDING**

The proceedings of this meeting were taped for the benefit of the secretary. Because the minutes are not a verbatim record of the proceedings, the minutes are not a word-for-word transcript.

**OPENING REMARKS:**

Mayor Yepsen opened the meeting at 5:17 p.m. and thanked everyone for coming to the TRAC meeting. She introduced the TRAC committee members and she thanked the members for their time and the public for attending.

Tina Carton then read the agenda for the meeting. She stated that there were copies of the agenda and the first public comment on the outline by Sustainable Saratoga.

**PUBLIC COMMENT:**

Tina Carton opened the public comment period at 5:21 p.m. Tina Carton stated that public comment will be limited to two minutes per individual.

Tom Denny of East Avenue, Saratoga Springs stated he was here to pose a couple of questions regarding the draft outline. Clarify what is the UDO unifying and what is it excluding. He would like clarification and an understanding that the UDO is unifying Chapter 240 in the City Code, 241 Subdivision Regulations, and the Standard Construction details. He also questioned if it would include Chapter 167 PUDs, Chapter 242 Stormwater Management, and Chapter 120 Flood Water Management. He thought it would be helpful to instead of calling it a draft UDO to call this a draft Charter 250, etc. He then stated that the document should clarify and include a statement on what the City did intend to replace and modify in the following chapters. Additionally as a member of Sustainable Saratoga, he stated he was most interested in the Urban Forestry and Community Master Plan and how it would be included and unified in the UDO.

Geoff Bornemann from Sustainable Saratoga stated that Sustainable Saratoga did submit written comments on the draft outline. Sustainable Saratoga is very pleased that the process is moving ahead. They do not understand the difference in the blue text versus the black text in the outline. Mr. Bornemann is concerned that the blue text is the limit and the scope of the UDO and what it will include. He stated that there were a number of items in the diagnostic report that were not included in the draft outline. Sustainable Saratoga is confused on the decision process for development of the outline and would like clarification on what will and will not be included. If the blue text is the limit to the content, Sustainable Saratoga will submit additional comments on the draft outline.

Tina Carton closed the public comment period at 5:26 p.m.

#### Discussion on TRAC By-Laws

The by-laws were distributed to the committee prior to the meeting as well as posted online to the City website as part of the agenda – similar to the process of the Land Use Boards. Tina Carton then reviewed the content of the TRAC by-laws and read off the names of the membership of the committee. Tina Carton then stated that comments were received from committee members prior to the meeting regarding the language surrounding the public comment. The document was edited with edits highlighted in red and sent to the committee prior to the meeting. The edits were exclusively in the public comment section of the document and changed public comment prior from three to two minutes per speaker and added language limiting public comment to the start of meetings. This was cited as being consistent with City Council procedure. There were concerns that unlimited public comment would extend the meetings over the two hours that they are currently scheduled.

Tina Carton then opened the meeting to comments on the by-laws. Amy Durland stated that during the comprehensive plan process there were also public comments at the end of each meeting and these were limited to one minute. A discussion then took place on how successful this was for the comprehensive plan process. Brad Birge and Susan Barden both thought that public comment at the end of comprehensive plan meetings was meaningful to the process. Susan Steer then stated that it should be at the chair's discretion in case the meeting was lengthy and a second public comment would extend the meeting over the allotted time. It was decided to amend the document and include this additional comment period with language about at the discretion of the chair. Tina Carton stated that she would make these changes and redistribute the document.

#### Election of Chair and Liaison to City Council

Meg Kelly voted to have Brad Birge chair the committee and Tina Carton to assume the role of the liaison. No other members were suggested. Brad Birge did state that he did have some scheduling conflicts. The committee stated that the chair could appoint a chair in their absence.

Vince DeLeonardis formally nominated Brad Birge as chair and Tina Carton as liaison. Both passed with unanimous vote.

### Presentation on UDO Draft Outline (Behan Design and Planning)

Tina Carton introduced Michael Allen from Behan Planning and Design. Michael Allen then gave an overview of the draft outline. Behan's main goal of the UDO project is to streamline the current zoning ordinance and make it more user friendly. Michael then presented to the committee a one page sample draft design concept of street types and frontage types that would be included in the new UDO to illustrate the new look and feel of the document. He explained new summary sheets of approval processes that will serve as reference sheets. Behan will place the most commonly referenced information in the front of the document with the more technical or administrative part of the code at the end of the document.

He then described the organization of the articles in the UDO. For each district, he described that the beginning of each article will include a use schedule for the district followed by bulk requirements and setbacks, the intent of the district, district principles and guidelines, and any special requirements per district. He then went through each article and explained their intended purpose. Article 5 Architectural Standards will include vertical elements and provide general guidance to any zone. Article 6 contains Site Design Standards which include the vertical elements such as ground landscaping and parking, site plan layout and so forth. Article 7 contains use requirements. These may include new requirements for items such as outdoor seating at restaurants and noise.

Some evidence that we hope to include to make better navigation will be the addition of hyper links for the online version. On the bottom of the code, it will list the chapter and subsection to act as a reference guide. There will also be hyper links to the zoning definitions. The zoning map will have all of the districts plus overlay districts, proposed trails such as the Greenbelt Trail, and each of them will be able to be turned off and/or on by district. All of the information will be in one place and not on separate places as currently exists. Behan is still experimenting with having the layers turn off and on. They hope to include an interactive PDF as part of the process.

He then explained that the blue text is a meant to be descriptive and get in a little more detail of what will be in each section. Tina Carton had requested that all elements of the diagnostic report be addressed in the outline but Behan thinks that this approach would make the document too lengthy and cumbersome. The Zoning Diagnostic houses all of this information and the outline is there to express the strategy for organizing – the structure of the new UDO – and not cover each and every point.

The discussion was then opened up for questions.

### Discussion on UDO Draft Outline

Amy Durland and Brad Birge both asked if the committee should concentrate on the structure and organization. Behan agreed with this approach.

Amy then asked about the structure of the outline and asked why Enforcement was found in 8.8 and not in the Article 11 Administration. Tina Carton then questioned what was included in 8.8 versus Article 11 in the 10.3 Administration and Enforcement subheading. Amy then questioned

the residential / non-residential distinctions and if transect zones deserve a special article to themselves. Brad then discussed if combining use schedules early in the document would be beneficial to applicants. Amy stated that the Albany UDO outline includes a special district for mixed-use zones.

Michael then gave Behan's rational for how the districts were organized in this version and stated that during the outline development process there have been other methods tried. The T-4 zone is technically a residential zone but there may be a method to organize multi-use zones in a new article and keep the truly residential zones separate. The issue is the current numbers of zones makes the distinctions cumbersome – he will reconsider the current organization of transect/multi-use districts.

Brad Birge discussed the organization of the outline. The main concern regarding the current organization was how applicants are introduced to the zoning ordinance. The outline presented by Behan starts with districts and then proceeds to the site design and architectural standards. From his experience, applicants would benefit from having the policy first with graphic representation - district rational and conceptually what the City is trying to achieve by the districts - before diving into specific regulations. Behan will consider how to give the rational for all of the districts earlier in the document to better lay the groundwork for the specifics later. Susan Steer spoke of how the Land Use Boards would benefit with better guidance on the intent of districts when interpreting the ordinance for applications.

Amy Durland then discussed the placement of the standard construction details in the outline. Michael stated Behan's intent and how their intent had changed and evolved over the course of development of the material to date. Kate Maynard provided commentary on how the current standard details are utilized by the Planning Board and how they are edited and updated.

The need to update material then led the committee to discuss what type of content may require changes and updates – such as contact information and content driven by federal and/or state regulation. John Behan stated that they will consider how materials and contact information should be included in the UDO and what should remain stand alone with links as well as methods to provide direction to applicants on where and how to find the relevant material.

Amy Durland then addressed the question of what would be included in the new UDO that was brought up during the public comment period by Tom Denny. Brad Birge described in detail what was originally intended to be consolidated into the UDO. Michael Allen described that Behan is trying to incorporate all of the need to know information into the code but they recognize that there will be instances where they cannot move everything. They will work to integrate the Tree Ordinance into the code into the areas where it specifically belongs – it may not be ported in its entirety as it currently is organized.

Amy Durland discussed Article 5: Architectural Standards. Within this article, Section 5.6 is currently titled Power and Energy Efficiency. The committee suggested renaming this section to better align with its intent. They then would like to ensure that water, energy efficiency, renewable power generation and green infrastructure are properly integrated into appropriate sections of the UDO. While elements of sustainability and environmental standards are dotted through the draft outline, only in Article 5 are they consolidated. Alternatively, Kate Maynard questioned if sustainability and environmental standards should be a standalone article.

The committee then discussed Behan's process for tracking the issues raised in the Zoning Diagnostic Report, the process for tracking the resolutions of the issues, and the format that Behan will use to make this transparent. Michael Allen ensured the committee that they will be addressing the concerns in the diagnostic report, but they indicated that they do not have plans to log resolutions to each issue in the diagnostic report. While the diagnostic report numbered each

issue, Behan will not be referencing these moving forward. Behan does not want to use footnotes in the draft UDO since it upsets the formatting of the document but does plan on having a tracking process. The committee then clearly requested that Behan should develop a proposal and present to the committee this formal tracking method.

Taime Ehinger pointed back to the earlier discussion on architectural review. From a user perspective, it would make sense to replicate design and review guidelines for ease of the applicants and Land Use Board guidance throughout the UDO even if it is repetitive. Michael Allen then stated that there would be duplication of architectural and design overlay requirements within sections of the UDO. Brad Birge raised concern that the architectural standard article may be confused with the architectural review language in the current ordinance. Architectural review is specific to the gateway overlay districts while architectural standards in the draft outline cover, as described earlier, vertical elements and are much larger in scope.

The committee then discussed the language used to describe Article 10: Review and Approvals.

Tina Carton then asked Behan if all of the scope within the draft document will be part of the UDO process and what would be completed outside of the UDO process. As an example, the draft outline references an electronic zoning map with layers that turn on and off. Behan stated that the creation of this electronic map was not part of its original proposal, but in experimenting with the creation of the new zoning map this idea emerged. They will try to do what is outlined.

The draft outline seems to include building permits and other permits which are governed by city or state code and not the zoning ordinance. Michael Allen wanted to bring permits into the UDO since this is where applicants will look for information. From the planning staff perspective, the draft outline organization is not the most user friendly and looks forward to Behan reorganizing this section.

The committee then discussed what the expectations were for commenting on the draft outline. Tina Carton will be the point of contact for the City and all committee comments should be directed to her email. Tina Carton requested comments within the next five business days. She will consolidate all comments and send them to Behan. Behan will then address the comments and get a new draft outline back to the committee prior to the next meeting.

Behan expressed that the outline has changed many times and it is expected to still change during the development of the UDO. Behan would like the committee to concentrate their review on the structure. The schematic working draft will help illuminate many of the questions this evening. Michael hopes that the public and the committee consider this as a “big picture” look at the sections and articles, but their placement will evolve over the course of the project.

#### PUBLIC COMMENT:

Brad Birge opened the second public comment period at 6:43 p.m.

Matt Jones of Saratoga Springs asked if the draft UDO outline was available online. Tina Carton explained that it is included in the agenda on the City website as well as the Technical Review Advisory Committee By-Laws. The process is consistent with the current posting of Land Use Board agenda materials. Behan will place the draft outline on the project website.

Committee meetings will be at 4 p.m. in the Music Hall on the first and third Tuesday of each month.

#### ADJOURNMENT:

The next TRAC meeting will be held on February 7<sup>th</sup> at 4 PM in the Music Hall.