

ARTICLE #: Revised as of 5-18-22
Ballston Spa Planned Development District (PDD)

Table of Contents

FINAL DRAFT ARTICLE #: 1

COMMERCIAL BUSINESS PLANNED DEVELOPMENT DISTRICT (PDD) 1

 §205-xx.^(b) INTENT, PURPOSE, AND APPLICABILITY..... 2

 §205-xx.^(b) PDD PROPOSAL. 3

 §205-xx.^(b) CRITERIA FOR PDD CONSIDERATION..... 4

 §205-xx.^(b) PDD PROCESS OVERVIEW..... 5

 §205-xx.^(b) PDD PROPOSAL SPECIFIC PROCEDURE. 5

 §205-xx.^(b) PROCEDURES BEFORE THE VILLAGE BOARD OF TRUSTEES..... 13

 §205-xx.^(b) EXPIRATION..... 13

 §205-xx.^(b) CHANGES AND AMENDMENTS. 13

§205-xx. Intent, Purpose, and Applicability

- A. It is the intent and purpose of the Village Board to establish modern land use regulations through enactment of this article, which will enable land development while the Comprehensive Plan is being updated and the zoning code subsequently revised, if necessary, in a manner that protects and promotes village character and quality of place. This article serves as a temporary bridge, and as an alternative to a complete moratorium, to span the time between enactment herein and when comprehensive, updated zoning is adopted.

Because this PDD is a temporary bridge between current zoning and anticipated future zoning, and because it contains input from many different sources, including paid consultants, elected officials, developers, and the lay public, this PDD is intentionally a hybrid compromise between traditional PDD language and form-based zoning. It is anticipated that this PDD will be replaced and supplanted by the revised zoning that will follow the completion of the Comprehensive Plan.

- B. The PDD is an overlay zone which applies to all property in the Village of Ballston Spa.
- C. Projects started under this ordinance shall continue to be subject to it through completion.
- D. The PDD shall be required for all development greater or equal to 15,000 of total Square Feet of Building Area within any five-year period on the same parcel(s). (BUILDING AREA definition (205.5)): The total floor area of each building, including open or enclosed porches or car ports, but excluding steps, uncovered porches, open fire escapes, awnings and canopies, bay windows, windowsills, cornices, eaves and other similar architectural features). This PDD shall be required if there is an addition to an existing building in which the addition equals 15,000 sq. ft. or more. The PDD will not apply to internal renovations of buildings in which the building is currently equal to or greater than 15,000 sq. ft., nor to additions that equal less than 15,000 sq. ft.
- E. Each parcel or portion of a parcel with an approved PDD may not seek another PDD within two (2) years after final approval.
- F. Proposals intending to meet an underserved need in the community or benefit the community at large are encouraged.
- G. In the Central Business District (CBD), Commercial District (CD), and Adult District (AD), projects shall continue an appropriate urban pattern where one is in place; where an appropriate urban pattern is not apparent, projects shall establish high-quality precedent, as embodied in the guidelines included in this PDD.

H. Building design is encouraged to contribute to a pattern of spaces and structures rather than a series of unrelated buildings and streets. All proposals shall consider the following:

1. Providing infill development and rehabilitation of existing areas with readily available services and infrastructure;
2. Promoting more efficient and economic uses of land, while respecting historic context and landscape features;
3. Protecting the existing scale and architectural character of historic buildings and streets by maintaining compatibility with the architectural context of the district and/or surrounding properties;
4. Encouraging land uses that reduce transportation needs and that conserve energy and natural resources;
5. Providing pedestrian and bicycle friendly environment that emphasizes street level activity through appropriate architecture, land use, and transportation design;
6. Encouraging institutional, cultural, office, residential and retail uses in mixed-use developments, capable of supporting activity in a lively setting;
7. Providing the fulfillment of housing needs appropriate to diverse age groups, lifestyles, and income levels;
8. Encouraging the preservation of natural site features by taking advantage of and connecting to parks, walking trails and water elements;
9. Protecting quality of life for neighborhood residents through adequate controls on light, noise, air pollution, traffic generation, and hours of operation.
10. Encourage the provision of public amenities including, but not limited to, public art/sculpture, street furniture, plantings, pedestrian scale lighting, public green space.
11. Incorporate green infrastructure and green energy systems to promote treatment of stormwater and conserve energy;
12. Design to accommodate people of all ages and abilities in accordance with village, state and federal standards.

§205-xx. PDD Proposal.

- A. Any person, corporation, partnership, or association having an ownership interest in a proposed Planned Development District, or any group of owners united in interest, acting jointly and in pursuant to any agreement to carry out the proposal in separate ownership, may propose a Planned Development District.

- B. A parcel, parcels, district or site proposed for a planned development district need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners indicate their express intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Village.

§205-xx. Criteria for PDD consideration.

In addition to the considerations above, the following criteria shall be addressed by the applicant and considered by the Village Board and Planning Board for all PDD proposals:

- (1) That the proposal reflects the conclusions and recommendations of adopted plans, including the Economic Development Plan, the Pedestrian and Bicycle Master Plan, and the existing Comprehensive Plan.
- (2) That the proposed development will benefit the neighborhood and community at-large.
- (3) That maintaining existing character of the neighborhood is encouraged and that adequate safeguards are provided to limit possible detrimental effects of the proposed development on adjacent properties, businesses and on the neighborhood in general.
- (4) That there is ample provision for water, sewer, storm and surface water drainage and other utilities. Projects shall be required to connect to the municipal water and sewer service.
- (5) That there is adequate access to the public, schools, police and fire protection, parks and recreational facilities, community facilities and public services.
- (6) That there are no negative social, economic, or cultural consequences likely to follow the proposed development.
- (7) That environmentally sensitive areas are protected as part of the proposed development.
- (8) That the location, height and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspectives in the vicinity.
- (9) That careful attention has been given to the patterns of pedestrian and bicycle circulation and to the effective use and design of open spaces, landscaping, exterior facade and amenities.
- (10) That vehicular access and circulation is adequate to and within the site, that parking and loading spaces are adequate and well located relative to the uses and structures served, that conflicts between vehicular traffic and other modal uses are avoided.
- (11) That the proposed installation of driveways, lighting, signs, landscaping, fencing, screening, and other site details are consistent with the proposed structures; with adjacent properties,

with the rights and interests of the public, and with the design qualities and objectives suggested by this chapter and the Planning Board.

§205-xx. PDD Process Overview.

- A. The PDD has five steps in the review and approval process. Step 1 is a pre-application meeting with the Planning Board Chair and Building Inspector. Step 2 is the initial review by the Board of Trustees, Step 3 is a detailed review by the Planning Board, Step 4 is a Public Hearing and, Step 5 is the final review and vote on the proposal by the Village Board of Trustees.
- B. PDD adoption requires an amendment to the law and Map(s); Amendments are discretionary acts of the Village Board of Trustees.
- C. Before any Subdivision Approval, Site Plan Approval or Building Permit is issued by the Planning Board or any other Village Department, the developer or their authorized agent shall apply for and secure approval of such PDD in accordance with the procedures of this Section.
- D. All proposals for Planned Development Districts shall initially be submitted through the Village Building Department.
- E. The applicant shall reimburse the Village for all engineering and other professional fees and administrative fees incurred in review of the development project. The Board of Trustees shall require payment by the applicant of an amount equal to the estimated cost of such fees to be held in escrow by the Village, which estimated cost shall be paid prior to the Village incurring any costs.

§205-xx. PDD Specific Procedure.

- A. Step 1: The applicant shall meet with the Chair of the Planning Board and the Building Inspector. The Planning Board Chair and Building Inspector shall familiarize the applicant with the PDD purpose and process.
- B. Step 2: Initial Board of Trustees Review
 - 1. The applicant shall prepare a concept plan that includes the following:
 - a. A map of the project including its relationship to surrounding areas, existing topography and buildings, and key features.
 - b. Narrative summary of the proposed project including proposed uses, approximate square footage of each land use, dwelling units, footprint, approximate location and arrangement of land uses, and a comparison to existing land uses adjacent to site and within the Village.

- c. A statement explaining how the proposed PDD complies with the policies and objectives of the Economic Development Plan and existing Comprehensive Plan.
 - d. Explanation of need for the project for the intended market.
 - e. If the development is to be phased, a general indication of how the phasing is to proceed.
 - f. The approximate proposed parking, traffic and pedestrian circulation plan, including major streets, pedestrian and bike paths, and trails.
 - g. The approximate location of any proposed major common open space and any proposed community and public facilities, and any floodplain, wetlands or other natural resource areas designated for preservation.
 - h. The proposed hours of operation for any commercial uses if known. Twenty-four (24) hour operations are discouraged.
 - i. A visual presentation of how the PDD will relate to and be compatible with adjacent and neighboring areas.
 - j. The Village Board may request additional materials after reviewing the initial concept plan.
- C. The applicant will send to the Village Board the above-described materials at least 10 days before a village board meeting, at which the plan will be discussed as an agenda item. The Board of Trustees shall provide feedback on the concept plan. The applicant will provide a second draft incorporating feedback at least 6 days prior to a second meeting, at which time the Board will decide, by majority vote, whether to approve the Concept Plan, approve with modifications, or disapprove.
- D. If the Concept Plan is approved or approved with modifications, the Village Board of Trustees shall refer the applicant to the Planning Board for detailed review.
- E. Step 3: Detailed Application Review with Planning Board
- 1. Proposals shall include detailed information regarding the proposed mix of uses, development density and scale, infrastructure improvements, community amenities, retained natural areas, and created open space. In addition to the site plan submission requirements outlined in the zoning code, the applicant should include the following information:
 - A. A location map showing existing uses and names of owners of abutting lands.
 - B. Delineation of the various residential areas on the site, indicating for each such area general extent, size, and composition in terms of total number of dwelling units.

- C. Approximate percentage allocation by dwelling unit type (i.e., single family, two-family, townhouse, multi-family), with proposed height, floor area, setbacks of all buildings; and calculation of percent of permeable area green space.
 - D. The location of any nonresidential uses and the approximate square footage of all non-residential uses.
 - E. The outlines of the interior roadways and sidewalk systems; intended road ownership, and all existing rights-of-way and easements, whether public or private.
 - F. Delineation of open space, trails or recreational areas.
 - G. A landscape plan showing the materials to be used and their treatment for private and common open space.
 - H. Enough information on land areas adjacent to the proposed PDD to show the relationships between the proposed development and adjacent areas, including adjacent buildings, land uses, zoning classifications, densities and intensities, circulation systems, public facilities, and floodplains, wetlands, and other natural resource areas.
 - I. The proposed treatment of the perimeter of the PDD, including land use restrictions, setbacks, landscaping, and other measures, such as screens, fences and walls.
 - J. A general statement on common open space ownership and maintenance jurisdiction.
 - K. A SEQRA Assessment Form.
2. Demonstration of connection to existing municipal water and sewer infrastructure.
3. In addition, the applicant shall demonstrate how they have incorporated the following Design Criteria as shown with architectural and engineering drawings:
- A. Building Siting
 - i. Buildings in the Commercial and Central Business Districts should be located close to the street right-of-way or close to interior streets.
 - ii. Buildings shall replicate the setbacks of existing buildings to create a consistently developed edge, to reinforce the established pattern of development, and to enhance pedestrian orientation. Where existing setbacks coincide with the right-of-way line, active street-level uses shall open into the pedestrian zone.

- iii. Building configurations should not create awkward, physically, or visually incompatible relationships with adjacent properties, buildings, and streetscapes.
- iv. Buildings fronting multiple streets should be consistent on each frontage with respect to scale and proportion.
- v. Buildings on corner lots should address both streets.
- vi. Building facades and main entrances should be oriented toward the street, a plaza, or a pedestrian way that directly leads to a street.
- vii. Buildings are encouraged to be sited to create active outdoor spaces. Spaces between building masses (e.g., alleys, recessed entries, courtyards) should maximize the comfort of users.
- viii. Public access should be provided to adjacent waterways where feasible.
- ix. Service areas, mechanical equipment, and refuse storage areas should be located to the rear or sides of buildings and be screened from view from the street or public space. The use of alleys is encouraged for mechanical, electrical, and utility equipment placement.

b. Building Proportion and Scale

- i. Height shall be evaluated on a parcel-by-parcel basis, considering the context of the surrounding development and shall not exceed three stories at the streetside or a maximum height of 42 ft. In the CBD, CD and Adult Districts, a maximum of 56 ft. in height shall be allowed with either a 28 ft. setback from the edge of pavement at ground level, or a minimum 15 ft. building recessed for the additional floor(s) above the third floor of the building. Building height exceeding three floors in the CBD, C and AD districts must be adjacent to a paved roadway of at least 32 ft. wide. In the R-1, R-2 and Industrial (M) districts the height shall not exceed 42 ft.
- ii. Impact of shading of adjacent parcels should be evaluated.

c. Building Facades

- i. Buildings are encouraged to use high-quality-materials and craftsmanship.

- ii. A mix of complementary building materials are encouraged for a consistent, systematic treatment of all exterior facades. Individual facade elements should respect the scale of adjacent building elements. Facades are encouraged to be organized into clearly defined base and upper stories with strong horizontal elements separating the two.
 - iii. Varying setbacks on wall surfaces should be encouraged to form entrances, express structural elements, or create special exterior areas incorporating planters, seating, and alcoves.
 - iv. Visible rear and side facades should incorporate characteristics similar to the front facade.
 - v. Building details at the ground or sidewalk level should create visual interest and enhance the pedestrian environment.
 - vi. Art or specifically designed ornamentation integrated into building facades is encouraged.
 - vii. Large areas of undifferentiated or blank facades facing the streetside are discouraged, and justification for such design is required.
 - viii. Transparency, the amount of window coverage that buildings offer, is encouraged, when appropriate.
 - ix. Awnings and canopies are encouraged at entries and display windows where appropriate.
- d. Building Entrances
- i. Entrances to individual stores or uses should be oriented toward the public street.
 - ii. Larger buildings that front multiple streets are encouraged to provide multiple entrances.
- e. Building Signage
- i. Signs in the PDD are subject to all existing sign regulations, as outlined in Village Code §205-12 through §205-18. In addition,
 - ii. Signs should fit the overall proportions of the building and be integrated into the building design. They should avoid dominating a building's facade.

- iii. Signs should-not impact surrounding residential areas with light pollution or obstruction of view.
- f. Sidewalks
- i. ADA compliant sidewalks at least 5 feet wide are required along all street sides, and sidewalks up to 8 feet in width are encouraged in the CBD, C and Adult Districts.
 - ii. New sidewalks should meet DOT standards.
 - iii. Existing sidewalks must be replaced or repaired to ADA and DOT standards.
- g. Screening
- i. Appropriate screening of parking lots, delivery areas, loading docks, dumpsters, mechanical equipment, utility service connections, ice and vending machines, freezers and coolers, and transformers should be provided.
 - ii. Screening should be accomplished by the incorporation of softscape and/or hardscape.
 - iii. Plant materials are encouraged for screening uses if they screen adequately year-round.
 - iv. Fences and walls used to screen equipment or service areas should be located and sized to conceal the equipment or area.
 - v. Fences and walls should reflect and complement the architectural style of the adjacent building and should incorporate similar materials to that of the adjacent building.
- h. Landscaping
- i. Tree plantings along the edge of private property facing the street are encouraged.
 - ii. Preservation and the creation of green space is encouraged.
 - iii. The use of green infrastructure is encouraged.
- i. Lighting
- i. Control of light intensity to limit light pollution and glare to residential areas is required. Light spillage over the property line cannot be more than 0.5 foot-candles.

- ii. Lighting of sidewalks and entrances should be a minimum of 2.0 foot-candles, not to exceed 5.0 foot-candles. Parking lot lighting should be a minimum of 2.0 foot-candles, not to exceed 10.0 foot-candles.
- iii. Permanent flashing, pulsating, or moving lights and noncommercial lighting fixtures are prohibited.
- iv. For pedestrian promenades and primary sidewalks, ornamental light fixtures are encouraged to enhance the pedestrian environment
- v. Lighting should be energy-efficient (LED, etc.).

j. Parking

- i. Use of joint parking facilities for residential and nonresidential uses, and creation of publicly shared single row parking along frontage is encouraged where there is no on-street parking. On-site parking, loading areas, and utilities should not impair the overall character of the streetscape or pedestrian facilities.
- ii. Sidewalks should be used to provide access to parking facilities.
- iii. Parking lots should be located at the side or rear of buildings rather than between a primary building façade and the street except where there is no on-street parking where a publicly shared single row off-street parking along frontage is encouraged.
- iv. Parking lots should be screened from the surrounding street network.
- v. Parking lots should incorporate islands and a minimum of 10% green space to provide shade and visual relief from large expanses of pavement.
- vi. Parking lot pavement materials should be reinforced concrete, asphalt, or a permeable alternative. Dirt surfaces are prohibited, with gravel or grass surfaces being discouraged and justification for design required.
- vii. Private residential garages are encouraged, with entrances opening onto a public street being discouraged.

k. Parking Structures, if proposed.

- i. Parking structures should be within or placed at the back of buildings whenever possible.
- ii. The inclusion of retail, commercial, or office uses is encouraged along street frontages on the ground floor of parking structures.

- iii. The primary entrances to parking structures should be visible and easily accessed from public streets and sidewalks.
 - iv. Parking structures that face on a street or public open space should have facades designed to be compatible with neighboring buildings.
 - v. The use of plant material as a screening element where facades face streets or residential properties is encouraged to enhance aesthetics and assist with storm water management.
- B. Upon submission of all plans and specifications for the development, the matter shall be placed on the agenda of the Planning Board at its next regular meeting.
- C. Step 4: The Planning Board shall hold a public hearing(s).
- D. The Planning Board shall consider the proposal input from its professional consultants, if any, and make findings based on the Criteria for Consideration and Design Criteria listed above.
- E. In making its decision, the appropriate SEQR form shall be used to evaluate the potential environmental impacts based on scale and location, and a report shall be made to the Village Board of Trustees which shall be the Lead Agency.
- F. The Planning Board may adopt a resolution recommending to the Village Board of Trustees that the parcel be rezoned to the designated PDD and shall transmit such resolution and the other supporting materials related to the proposal, to the Village Board of Trustees. The resolution may contain conditions, restrictions, or limitations that the Planning Board deems requisite to its recommendation.
- G. If the Planning Board declines to recommend rezoning, or in the event that the Planning Board does not act upon the proposal within a period of 90 days after the date that the complete application has been submitted as determined by the Planning Board, the applicant may submit the proposal directly to the Village Board of Trustees with a request that said Village Board of Trustees consider the proposal upon its own motion. The applicant shall, in such instance, make full disclosure to the Village Board of Trustees of the reasons for Planning Board's failure or refusal to approve. Before taking final action upon such proposals, the Village Board of Trustees shall hear and consider any statements or opinions of the Planning Board as to the merits of the proposal or reasons for its failure or refusal to approve.

§205-xx. Procedures before the Village Board of Trustees.

- A. Step 5: Upon receipt of a resolution of the Planning Board recommending a zoning amendment to include a PDD, the Village Board of Trustees shall proceed in accordance with the amendment provisions of §205-74 Amendments by the Village Board of Trustees.
- B. The Village Board of Trustees shall be the Lead Agency for SEQRA review.
- C. Referral to the Planning Board of the proposed amendment shall be deemed waived unless a substantial change in the proposal shall occur after the date of the Planning Board recommendation.
- D. Proposed zoning amendment shall include direction as to when further site plan review, subdivision review, or other approvals are required.

§205-xx. Expiration.

- A. If a PDD is approved by the Village Board of Trustees and 20% of total project construction has not been completed as measured by percent of total construction cost within 24 months from Village Board of Trustees approval of the zoning change, the approved PDD shall become null and void and the property shall revert to the zoning in effect at that time. Phases within an approved development must have fixed deadlines which shall also expire within 24 months of the start of the subsequent phase and will revert to the zoning in effect at that time. The Village Board of Trustees may grant up to two six-month extensions upon request by the applicant.

§205-xx. Changes and amendments.

- A. During the Planning Board site review, changes to any proposed structure within the PDD in which there are changes to the footprint, dimensions, setback, and/or building height of greater than 10%, or changes in greenspace of greater than 10%, will require approval by both the Planning Board and Village Board.