

**Topic:** Zoning; Stormwater Management  
**Resource Type:** Regulations  
**State:** New York  
**Jurisdiction Type:** Municipal  
**Municipality:** City of Saratoga Springs  
**Year:** 2012  
**Community Type - applicable to:** Rural; Suburban; Urban  
**Title:** City of Saratoga Springs Zoning Ordinance  
**Document Last Updated in Database:** May 30, 2017

***Abstract***

The purpose of the City of Saratoga Springs Zoning Ordinance is to encourage physical development while promoting public health, safety, and welfare. The ordinance is intended to classify, designate, and regulate the location and use of buildings, structures, and land for agricultural, residential, commercial, industrial, or other uses, and to divide the City into districts best suited to carry out the regulations set forth in the General City Law and provide for their enforcement. The regulations and district boundaries identified in the Zoning Map are also intended to facilitate the efficient and economical provision of public utilities, provide privacy and protection for families and residential areas, prevent traffic congestion, gradually eliminate nonconforming uses, conserve the value of land and buildings while enhancing the appearance of the City as a whole, encourage flexible design and development of land, protect natural resources, and safeguard the heritage of Saratoga Springs by promoting the use of historic districts and landmarks. Section 7.3.2 regulates certain activities to prevent pollution and manage storm water runoff during land development. A Storm Water Pollution Prevention Plan (SWPPP) is required for different land disturbance activities. Residential development (single and two-family development) activities involving land disturbance of 1.0-5.0 acres shall require a basic SWPPP; residential development activities involving land disturbance exceeding 5.0 acres shall require a full SWPPP; non-residential and mixed-use development exceeding 0.1 acre shall require the submission of a full SWPPP.

***Resource***

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CHAPTER 240  
OF THE CITY CODE OF THE CITY OF SARATOGA SPRINGS, NEW YORK  
ZONING ORDINANCE  
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## **1.0 GENERAL PROVISIONS**

### **1.1 TITLE AND AUTHORITY**

This Chapter shall be known and may be cited as the "City of Saratoga Springs Zoning Ordinance" and is enacted pursuant to Article 2A, Chapter 20.24 and 25 of the General City Law.

### **1.2 ADOPTION OF ZONING MAP AND OVERLAYS**

The "Zoning Map of the City of Saratoga Springs, New York" and overlay districts, as described within this Chapter, are hereby incorporated as part of this Ordinance.

### **1.3 INTENT AND PURPOSES**

A. The intent of this Chapter is to encourage appropriate and orderly physical development; promote public health, safety, and general welfare; classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial or other uses in appropriate places; and to divide the City of Saratoga Springs into districts of such number, shape and areas as may be deemed best suited to carry out these regulations and provide for their enforcement.

B. The regulations and district boundaries identified in this Chapter and upon the Zoning Map are made with the following additional purposes:

1. Facilitation of efficient, economical, and adequate provision of public utilities and services;
2. Assurance of adequate sites for residential, agricultural, industrial, commercial and other appropriate uses;
3. Provision of privacy for families and the maximum protection of residential areas;
4. Prevention and reduction of traffic congestion so as to promote efficient and safe circulation of vehicles and pedestrians;
5. Gradual elimination of nonconforming uses;
6. Conservation of the taxable value of land and buildings while enhancing the appearance of the City of Saratoga Springs as a whole;
7. Encouragement of flexibility in the design and development of land;
8. Protection of the general environment in compliance with the objectives of applicable Federal and State statutory and regulatory programs;
9. Protection of the natural resources of the community including but not limited to the protection of the water resources of the City;
10. Safeguarding the heritage of the City of Saratoga Springs by preserving districts and landmarks in the City which reflect elements of its cultural, social, economic, political, artistic and architectural history;
11. Promoting the use of historic districts and landmarks for the education, pleasure and welfare of the citizens of the City.

### **1.4 CONSISTENCY WITH COMPREHENSIVE PLAN**

The City of Saratoga Springs Zoning Ordinance is consistent with the adopted Comprehensive Plan. Any amendments to this Chapter and all development approvals shall be consistent and in accordance with the adopted Comprehensive Plan.

An amendment to this Chapter, whether text or district boundary, is consistent and in accordance with the Comprehensive Plan if it complies with the goals, objectives, policies, and strategies and any vision statement contained in the Comprehensive Plan.

**1.5 APPLICABILITY AND CONFORMITY**

A. This Chapter applies to all land, uses and structures situated within the City of Saratoga Springs. This Chapter and associated maps shall be kept in the Office of the City Clerk and shall be made available to the public.

B. No land shall be created, modified or used unless in a manner expressly permitted and in conformity with the regulations and district boundaries of this Chapter.

C. No structure shall be erected, moved, modified or used unless in a manner expressly permitted and in conformity with the regulations and district boundaries of this Chapter.

**1.6 EXEMPTION FOR CERTAIN GOVERNMENT ACTIVITIES**

A. Whenever an action is proposed by any Federal or State agency, department, branch or division of the United States or New York State which involves the exercise of direct governmental functions consistent with the purposes and jurisdiction of such agency, department, branch or division of the United States or New York State, such action shall be exempt from the provisions of this Chapter.

B. Any action proposed by any Federal or State agency, department, branch or division of the United States or New York State which is proprietary in nature and does not involve the exercise of its governmental functions shall fully conform to all of the requirements and procedures set forth in this Chapter.

C. Any action proposed by the City of Saratoga Springs, regardless of whether it is governmental or proprietary, shall be exempt from the provisions of this Chapter. Notwithstanding this exemption, the City may seek non-binding advisory review from any City land use board for any proposed City action.

D. Any action proposed by any other local municipality or governmental entity, regardless of whether it is governmental or proprietary, shall fully conform with the provisions of this Chapter.

E. All such proposed actions shall be referred to the Zoning Officer for review. After review, the Zoning Officer shall determine whether the proposed action is eligible for exemption.

**1.7 INTERPRETATION OF DISTRICT BOUNDARIES**

Where there is uncertainty as to the boundary of any district contained within this Chapter or as shown on City maps, the following rules shall apply:

A. Unless shown to the contrary on a City map, the boundary lines of districts are

the center lines of streets, or such lines extended, the center lines of railroad rights-of-way, the center lines of creeks and waterways.

B. Where district boundaries are indicated as approximately following the City boundary line, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines.

C. If a center line or right-of-way line of a street, highway, railroad, public utility, or watercourse, which is approximately coincident with a district boundary, is moved up to a distance of 50 feet, the district line shall be automatically adjusted to be coincident with such line.

D. Where a zoning district boundary line divides a lot or land in single ownership as existing at the time of this enactment, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending into the remaining portion of the property for a distance not exceeding 100 feet.

### **1.8 WORD USAGE**

As used in this Chapter:

A. The masculine includes the feminine; the singular includes the plural; and the present tense includes the future tense.

B. The word "person" includes an individual, firm or corporation.

C. The word "shall" is always mandatory.

D. The word "lot" includes the word "plot" or "parcel."

E. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended or designed to be used or occupied."

F. A building or structure includes any part thereof.

## **10.0 AMENDMENTS TO ORDINANCE**

### **10.1 GENERAL AMENDMENTS**

#### **10.1.1 INTENT**

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

#### **10.1.2 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.

#### **10.1.3 PROPOSAL TO AMEND**

Proposed amendments may be brought to the City Council:

- By a City Council Member,
- By recommendation of the Planning Board, Design Review Commission, or Zoning Board of Appeals,
- 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.

#### **10.1.4 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.

#### **10.1.5 REFERRAL FOR ADVISORY OPINION**

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

##### **10.1.5.1 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:

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

**10.1.5.2 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.

**10.1.5.3 SARATOGA COUNTY PLANNING BOARD**

A. 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.

B. 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.

**10.1.6 PUBLIC HEARING 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.

B. 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.

**10.1.7 ADDITIONAL PUBLIC NOTICE**

**10.1.7.1 MAP AMENDMENT PROPERTY OWNER NOTICE**

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.

A. 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.

B. 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 calendar days prior to the scheduled public hearing.

C. 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.

D. 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.

**10.1.7.2 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.

**10.1.7.3 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.

**10.1.8 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.

**10.1.9 AMENDMENT PUBLICATION AND POSTING**

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.

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.

**10.1.10 EFFECTIVE DATE**

All amendments shall take effect upon publication. Map amendments will also require proper registration on the City Zoning Map.

## **10.2 PLANNED UNIT DEVELOPMENT (PUD)**

### **10.2.1 INTENT**

A Planned Unit Development 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, to serve the public welfare of the community.

### **10.2.2 LEGISLATIVE AUTHORITY AND APPLICABILITY**

A. The creation of a PUD shall constitute an amendment to the Zoning 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.

### **10.2.3 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:

1. Provide for a development pattern of mixed-uses consistent with the objectives of the Comprehensive Plan.
2. Provide for a more efficient arrangement of land uses, buildings, circulation systems, infrastructure and open space than otherwise possible under current zoning.
3. Provide for diversity in residential housing opportunities at varied economic levels.
4. Provide for uses and amenities that fulfill an identifiable community need.
5. Provide for enhanced open space and the preservation of natural resources.
6. Prevent soil erosion and enhance the preservation of trees, outstanding natural topographical and geological features.
7. Enhance integration of transportation systems including vehicular, pedestrian, bicyclist and transit.
8. Minimize adverse impacts of land development upon neighboring properties
9. 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.

**10.2.4 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.

**10.2.5 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”)

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.

**10.2.6 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.

**10.2.6.1 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.

**10.2.6.1.1 PLANNING BOARD EVALUATION**

- A. 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.
  - 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.
- B. The Planning Board may hold a public hearing at its discretion.
- C. The Council may, at any time, return the application to the Planning Board for additional review and recommendations.

**10.2.6.2 SARATOGA COUNTY PLANNING BOARD**

- A. 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.
- B. 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.

**10.2.6.3 DESIGN REVIEW COMMISSION**

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.

**10.2.7 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.

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.

**10.2.7.1 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.

A. The applicant(s) 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.

B. The applicant(s) 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 calendar days prior to the scheduled public hearing.

C. 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.

D. 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.

**10.2.7.2 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.

**10.2.7.3 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.

**10.2.8 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 Ordinance and the Zoning Map shall reflect the change.

**10.2.8.1 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.

**10.2.9 SUBSEQUENT REQUIRED APPROVALS**

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

**10.2.10 AMENDMENTS TO PUD**

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

## **11.0 LEGAL STATUS**

### **11.1 INTERPRETATION**

It is the legislative intent that, in adopting this chapter, all of its provisions shall be liberally construed to protect and preserve the public health, safety, or general welfare of the City of Saratoga Springs.

### **11.2 CONFLICT WITH OTHER LAWS**

The provisions of this chapter shall be held to be minimum requirements. Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted rules, regulations, ordinances, the more restrictive provisions, or higher standards, shall apply. In case of any difference of meaning or implication between different parts, sections, or subsections of the text of this chapter, the specific shall control the general.

### **11.3 REPEALER**

All prior Zoning Ordinances or enactments, together with all changes and amendments thereto, are hereby repealed and superseded by this chapter. Violations of prior ordinances shall remain violations to the extent that they violate this chapter.

### **11.4 SEVERABILITY**

The provisions of this chapter are severable. If any provision of this chapter is held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

### **11.5 SAVING CLAUSE**

The adoption of this Chapter shall not affect or impair any act done, or right acquired, or liability incurred prior to the time this article takes effect.

### **11.6 EFFECTIVE DATE**

This chapter shall take effect and be in force from and immediately after its passage, publication of notice of adoption thereof and posting, as prescribed by law.

**2.0 BASE ZONING DISTRICTS**

**2.1 INTENT**

To fulfill the intent and purpose of this Chapter, the following tables identify zoning districts and district intents (Table 1), districts use schedule (Table 2), and districts area and bulk schedule (Table 3).

**TABLE 1: ZONING DISTRICTS AND DISTRICT INTENTS**

RESIDENTIAL ZONING DISTRICTS	DISTRICT INTENT
Rural Residential (RR)	To provide low density residential and agricultural uses in order to preserve open space and a rural character. Limiting topography, soil condition, slopes and lack of public infrastructure also warrant the low densities.
Suburban Residential – 1 (SR-1) Suburban Residential – 2 (SR-2)	To provide low to medium density single family residential uses reflecting the availability of public infrastructure.
Urban Residential – 1 (UR-1) Urban Residential – 2 (UR-2)	To provide medium density single family residential uses where public infrastructure is available.
Urban Residential – 3 (UR-3)	To conserve, maintain and encourage single family and two-family residential uses.
Urban Residential – 4 (UR-4) Urban Residential – 4A (UR-4A)	To accommodate a mix of-single, two-family and multi-family residential uses.
Urban Residential – 5 (UR-5)	To accommodate multi-family residential development at moderately high densities and to encourage a mixture of housing types.
Urban Residential – 6 (UR-6)	To accommodate the development of mobile home parks.
Urban Residential – 7 (UR-7)	To accommodate the development of affordable housing units in two-family residential dwellings.
NEIGHBORHOOD COMPLEMENTARY USE – 1 (NCUD-1) NEIGHBORHOOD COMPLEMENTARY USE – 2 (NCUD-2) NEIGHBORHOOD COMPLEMENTARY USE – 3 (NCUD-3)	To accommodate primarily single family and two family residential development with some select and limited non-residential uses where appropriate. Non-residential uses are intended to provide sales and services within walking distance of surrounding residential areas.
TRANSECT-4 URBAN NEIGHBORHOOD (T-4)	To accommodate development of neo-traditional neighborhoods with primarily residential uses incorporating a mix of unit types and small-scale commercial uses where appropriate.



CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 1: ZONING DISTRICTS AND DISTRICT INTENTS (CONT'D)

TABLE 1: ZONING DISTRICTS AND DISTRICT INTENTS (CONT'D)	
COMMERCIAL ZONING DISTRICTS	DISTRICT INTENT
OFFICE/MEDICAL BUSINESS (OMB-1) OFFICE/MEDICAL BUSINESS - 2 (OMB-2)	To accommodate business, medical and professional office uses as well as health related institutional facilities in the OMB-2.
WATER RELATED BUSINESS (WRB)	To accommodate commercial uses that are dependent upon and supportive of activities that utilize recreational waters.
TOURIST RELATED BUSINESS (TRB)	To accommodate commercial uses and services that are intended to serve the needs of tourists.
HIGHWAY/GENERAL BUSINESS (HGB)	To accommodate higher intensity commercial uses and services that are not intended to be competitive with uses located in the Downtown District.
TRANSECT-5 NEIGHBORHOOD CENTER (T-5)	To accommodate a wide variety of residential and non-residential uses, building and frontage types. This district also focuses on providing quality streetscape amenities and civic spaces to enhance pedestrian activity.
TRANSECT – 6 URBAN CORE (T-6)	To accommodate highest intensity and diversity of retail, business and upper floor residential uses. This district focuses on high quality design and materials consistent with historic downtown form and promotes an active pedestrian oriented public realm.
INSTITUTIONAL ZONING DISTRICTS	DISTRICT INTENT
Institutional Educational (INST-ED)	To accommodate uses that supplement and complement the operation of education-oriented facilities.
Institutional Horse Track Related (INST-HTR)	To accommodate uses that supplement and complement the horse track operations.
Institutional Municipal Purpose (INST-MP)	To accommodate uses associated with the operation and function of local government.
Institutional Parkland/Recreation (INST-PR)	To accommodate areas identified for passive and active recreation.
INDUSTRIAL ZONING DISTRICTS	DISTRICT INTENT
Warehouse District (WD)	To accommodate industrial or warehouse-oriented business uses.
Light Industrial (IND-L)	To accommodate light industrial and related business uses in areas where the intensity of the uses will have minimum adverse impacts on neighboring uses.
General Industrial (IND-G)	To accommodate light, moderate and heavy industrial uses in areas where the intensity of the uses will have minimum adverse impacts on neighboring uses.
Industrial Extraction (IND-EX)	To accommodate mining and associated extractive uses.

## 2.2 USE SCHEDULE

The following types of uses are identified in the Use Schedule by District.

### A. Principal Permitted Uses and Structures

Includes those principal uses and structures which may be lawfully established in a particular district provided it conforms with all the requirements applicable to that district.

### B. Uses and Structures Subject to Site Plan Review

Includes those principal and/or accessory uses that are subject to Site Plan Review and approval by the Planning Board, per Section 4.2.

### C. Uses and Structures Subject to Special Use Permit and Site Plan Review

Includes those principal and/or accessory uses that require issuance of a Special Use Permit by the Planning Board, per Section 4.0, and Site Plan Review and approval by the Planning Board, per Section 4.2.

### D. Permitted Accessory Uses and Structures

Includes those residential and non-residential accessory uses and structures which may be lawfully established in a particular district provided they conform with all the requirements applicable to that district. These uses and structures are intended to be clearly incidental and subordinate to the principal uses on a lot.

### E. Prohibited Uses

Prohibited uses are those uses that shall not be permitted.

1. Except within Transect-4 (T-4), Transect-5 (T-5) and Transect-6 (T-6), all uses not specifically mentioned or described by category in the use schedule are prohibited.
2. Within the T-4 and T-5 Districts within the "Excelsior Avenue Outer Area" Special Development Area, as identified in the City's Comprehensive Plan, general retail is prohibited; however, ancillary retail may be allowed related to principal uses.
3. Within the T-4 and T-5 Districts within the "Northern South Broadway Area" Special Development Area, as identified in the City's Comprehensive Plan, auto sales and services are prohibited.
4. Within the Transect-6 District, the following uses are prohibited: Automobile sales, motor vehicle repair establishments, car washes, vehicle fueling stations, auto junk yards, drive-in establishments (other than those associated with financial institutions and drug stores), manufacturing, self-storage facilities and warehouse.

## 2.3 DISTRICTS AREA AND BULK SCHEDULE

Lot and building dimensional requirements are established in each zoning district as provided in Table 3. In addition, the following shall apply:

### A. Principal Buildings

Only one principal building may be established on any one lot provided that the minimum area, width and dimensional requirements of the district are met for each principal building with the following exceptions:

1. In the RR District, more than one principal building for additional single-family homes and related accessory structures are permitted.
2. In the UR-4, UR-4A and UR-5 Districts, more than one principal building for single and two-family uses are permitted.
3. In any multi-family residential district, commercial, institutional or industrial district, more than one principal building may be permitted with Planning Board approval.
4. In the WD, the minimum area, width and total side yard requirements for multiple warehouse or storage structures (including self-storage) on any one lot shall be 50 percent of that otherwise required.

B. Front Yard Setback UR-1, UR-2 & UR-3

The minimum front yard setback requirement shall be reduced as follows: If neither of the existing principal structures on the immediately adjacent parcels to the said property meet the minimum front yard setback, then the average of the two front yard setbacks shall be used. For corner lots: "adjacent" parcels shall include those across an intervening perpendicular street and shall exclude parcels not fronting on the same side of the same street.

C. Intersection Obstructions

At all street intersections, there shall be no obstruction to vision exceeding thirty (30) inches in height (other than an existing building, post, column or tree) within the triangle formed by the edge of pavement at the intersection and measuring thirty (30) feet along each street.

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 2: USE SCHEDULE

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Rural Residential (RR)	Agriculture, Single Family Residences	None	Animal Kennel, Farms, Riding Stable, Nurseries,  Golf Course & Clubhouse, Private/Civic Clubs, Religious Institutions, Cemeteries, Heliport, Marinas & Docks,  Neighborhood Bed & Breakfast, Neighborhood Rooming House	Farm Stand, Barns & Stables,  Residential Accessory Structures, Outdoor Athletic Field and Court Facilities, Private Docks,  Home Occupation, Temporary Accessory Dwelling,  Family Day Care, Group Family Day Care,
Suburban Residential-1 (SR-1) Suburban Residential-2, (SR-2)	Single Family Residences	None	Private Schools, Religious Institutions,  Neighborhood Bed & Breakfast, Neighborhood Rooming House	Same as RR except: no Barns & Stables
Urban Residential-1 (UR-1)	Single Family Residences	None	Private Schools, Religious Institutions,  Neighborhood Bed & Breakfast, Neighborhood Rooming House  Senior Housing, Senior Assisted Care Facility	Barns & Stables  Residential Accessory Structures, Outdoor Athletic Field and Court Facilities, Private Docks,  Home Occupation, Temporary Accessory Dwelling,  Family Day Care, Group Family Day Care,
Urban Residential-2 (UR-2)	Single Family Residences	None	Same as UR-1, plus: Cemeteries	Same as UR-1

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

**TABLE 2: USE SCHEDULE**

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Urban Residential-3 (UR-3)	Single Family Residences, Two Family Residences	None	Private Schools, Religious Institutions, Private/Civic Clubs,  Funeral Homes, Cemeteries,  Neighborhood Bed & Breakfast, Neighborhood Rooming House  Senior Housing, Senior Assisted Care Facility,  Convenience Sales (<2,000 gross sq. ft.)	Same as UR-1
Urban Residential-4 (UR-4) Urban Residential-4A (UR-4A)	Single Family Residences, Two Family Residences	Multi-Family Residences, Accessory uses and structures for Multi-Family Residences	Private Schools, Religious Institutions, Neighborhood Bed & Breakfast, Neighborhood Rooming House  Senior Housing, Senior Assisted Care Facility  Convenience Sales (<2,000 gross sq. ft.)  In addition UR-4A permits, if less than 1,200 gross sq. ft.: Artist Studios, Office, Service Establishments	Residential Accessory Structures for single and two-family residences  Home Occupation, Temporary Accessory Dwelling,  Family Day Care, Group Family Day Care,
Urban Residential-5 (UR-5)	None	Multi-Family Residences, Accessory Uses and Structures for multi-family residences	Same as UR-4 & UR-4A	Same as UR-4 & UR-4A
Urban Residential-6 (UR-6)	None	Mobile Home Parks	Same as UR-2	Same as UR-4 & UR-4A
Urban Residential-7 (UR-7)	Single Family Residences, Two Family Residences	None	Neighborhood Bed & Breakfast, Neighborhood Rooming House  Senior Housing, Senior Assisted Care Facility	Same as UR-4 & UR-4A

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 2: USE SCHEDULE

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Neighborhood Complementary Use -1 (NCU-1)	Single Family Residences, Two Family Residences	None	Day Care Centers, Neighborhood Bed & Breakfast, Neighborhood Rooming House, Corridor Bed & Breakfast, Corridor Rooming House,  Convenience Sales (<2,000 gross sq. ft.), Eating & Drinking Establishments (<40 seats),  Permitted if less than 1,200 gross sq. ft.: Art Gallery, Artist Studios, Retail, Service-Establishments, Office	Residential Accessory Structures,  Home Occupation, Temporary Accessory Dwelling,  Maintenance/Storage Facilities
Neighborhood Complementary Use -2 (NCU-2)	Single Family Residences, Two Family Residences	None	Same as NCUD-1, except: No Day Care Center, No Retail, No Eating & Drinking Establishments	Same as NCUD-1
Neighborhood Complementary Use -3 (NCU-3)	Single Family Residences, Two Family Residences	None	Multifamily Residences, Senior Housing,  Permitted if less than 1,200 gross sq. ft.: Art Gallery, Artist Studios  Permitted if less than 1,800 gross sq. ft.: Office	Same as NCUD-1
Office/Medical/Business-1 (OMB-1) Office/Medical/Business-2 (OMB-2)	None	Office, Medical Office/Clinic, Parking Facilities	Senior Housing, Senior Assisted Care Facility,  In addition: Hospitals and Nursing/Convalescent Homes in OMB-2	Residential Accessory Structures,  Maintenance/ Storage Facilities

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 2: USE SCHEDULE

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Tourist Related Business (TRB)	None	<p>Corridor Bed &amp; Breakfast, Corridor Rooming House,</p> <p>Animal Clinic, Service Establishments, Car Rental Agency, Financial Institutions, Convenience Sales (&lt;5,000 gross sq. ft.), Eating &amp; Drinking Establishment, Real Estate Offices, Parking Facilities,</p> <p>Bathhouse/Health Spa, Hotel/Motel, Inn, Group Entertainment, Cultural Facilities,</p>	<p>Brew Pubs, Movie Theater, Outdoor Storage/Display, Outdoor Recreational Facilities,</p> <p>Bus Depot, Drive-in Facility, Car Washes, Vehicle Fueling Stations, Motor Vehicle Repair Establishments,</p> <p>Permitted on 2<sup>nd</sup> story &amp; above only: Residential Uses, Senior Housing, Senior Assisted Care Facility</p>	<p>Residential Accessory Structures,</p> <p>Outdoor Eating &amp; Drinking Establishment,</p> <p>Drive-In Facility Canopies, Maintenance/Storage Facilities,</p>
Water Related Business (WRB)	None	<p>Marinas &amp; Docks, Eating &amp; Drinking Establishments, Parking Facilities</p>	<p>Convenience Sales (&lt;5,000 gross sq. ft.), Outdoor Storage/Display, Outdoor Recreational Facilities</p>	<p>Maintenance/Storage Facilities, Solar/Heating/Ventilation/Utility Equipment, Outdoor Eating &amp; Drinking Establishments</p>
Highway General Business (HGB)	None	<p>Residential Use (2<sup>nd</sup> Floor &amp; Above), Corridor Bed &amp; Breakfast, Corridor Rooming House,</p> <p>Animal Clinic, Nurseries, Day Care Center, Office, Medical Office/Clinic, Real Estate, Retail, Bowling Alley, Convenience Sales (&lt;5,000 gross sq. ft.), Bakery (Retail), Service Establishments, Eating &amp; Drinking Establishments, Automotive Sales, Financial Institutions, Equipment Repair Shop,</p> <p>TV/Radio Station &amp; Receiving/Broadcast, Utility Establishments, Parking Facilities, Building Materials Storage &amp; Sales, Religious Institutions, Private/Civic Clubs, Funeral Home, Educational Facilities, Recreational Facilities, Bathhouse/Health Spa, Hotel/Motel, Inn, Group Entertainment</p>	<p>Animal Kennel, Brew Pubs, Drive-in Facilities,</p> <p>Movie Theater, Group Entertainment, Open Air Markets,</p> <p>Car Washes, Vehicle Fueling Stations, Motor Vehicle Repair Establishments, Outdoor Storage/Display,</p> <p>Permitted on 2<sup>nd</sup> story &amp; above only: Senior Housing, Senior Assisted Care Facility</p>	<p>Residential Accessory Structures,</p> <p>Home Occupation,</p> <p>Drive-in Facility Canopies, Maintenance/Storage Facilities,</p> <p>Outdoor Eating &amp; Drinking Establishment</p>

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 2: USE SCHEDULE

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Transect-4 Urban Neighborhood (T-4)	None	None	All uses except permitted accessory uses and structures and prohibited uses	Residential Accessory Structures,  Home Occupation, Temporary Accessory Dwelling,  Family Day Care, Group Family Day Care
Transect-5 Neighborhood Center (T-5)	None	None	All uses except “permitted accessory uses and structures” and prohibited uses	Residential Accessory Structures,  Home Occupation
Transect-6 Urban Core (T-6)	None	Residential Uses (2 <sup>nd</sup> Floor & Above), Corridor Bed & Breakfast, Corridor Rooming House,  Senior Assisted Care Facility, Day Care Center,  Artist Studio, Art Gallery, Brew Pub, Animal Clinic, Bakery (retail), Retail, Convenience Sales (<5,000 gross sq. ft.), Eating & Drinking Establishment, Financial Institution, Newspaper Plant, Service Establishments, Movie Theater, Open Air Market, Car Rental Agency, Office, Medical Office/Clinic,  Religious Institutions, Private/Civic Club, Educational Facilities, Cultural Facilities, Recreational Facilities, Parking Facilities,  Bathhouse/Health Spa, Group Entertainment, Hotel/Motel, Inn,	Any use not identified as “permitted uses upon Site Plan Review”, “permitted accessory uses and structures” or prohibited use	Residential Accessory Structures  Home Occupation,  Drive-in Facility Canopies, Maintenance/Storage Facilities,



CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 2: USE SCHEDULE

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Institutional Educational (INST-ED)	None	The following are permitted in association with public/private educational facilities: Classrooms, Laboratories, Dormitories, Administrative Offices, Dining Facilities, Recreational Facilities, Religious Institutions, Cultural Facilities, Medical Facilities, Physical Plant Maintenance & Operational Facilities, Single Family Residences, Parking Facilities	Heliport	Residential Accessory Structures, Employee Recreation Area,
Institutional Municipal (INST-MP)	None	Solid Waste Landfill, Solid Waste Transfer Stations, Waste Recycling Center,  Municipal Vehicle Repair and Storage, Parking Facilities	Recreational Facilities	Maintenance/Storage Facilities, Employee Recreation Area,  Antennas & Satellite Dishes, Solar/Heating/Ventilation/Utility Equipment
Institutional Parkland Recreation (INST-PR)	None	Forest management, Nurseries, Bathhouse/Health Spa, Public Recreational Facilities, Group Entertainment, Open Air Market, Parking Facilities	Concession Stand	Barns and Stables, Maintenance/Storage Facilities, Employee Recreational Facilities  Antennas & Satellite Dishes, Solar/Heating/Ventilation/Utility Equipment

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 2: USE SCHEDULE

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Institutional Horse Track Related (INST-HTR)	None	<p>Permitted only in association w/ a Horse Racing Facility:                      Horse Race Track &amp; Grandstand, Arena (&lt;5000 seats), Horse Training Facilities; Horse Barns &amp; Stables, Eating and Drinking Establishments, Concession Stands, Parking Facilities, Physical Plant Maintenance &amp; Operational Facilities, Indoor Recreational Facilities, Group Entertainment, Staff Services including Dormitories, Single-Family Residences, Recreational Facilities, Cultural Facilities, Religious Institutions, Retail, Service Establishments, Medical Care Facilities</p> <p>Permitted only in association with a Horse Racing Facility &amp; only on parcels not used as a horse race track and/or horse training track existing as of January 1, 2002:                      Cultural Facilities,                      Horse Auction Sales Facilities</p>	<p>The following uses shall be permitted only on parcels where a horse race track and/or horse race training track exists as of January 1, 2002:                      Cultural Facilities; Pari-Mutual Racing Hotel; Heliport; Group Entertainment, Outdoor Recreational Facilities; Parking Facilities;</p> <p>The following uses shall be permitted for no more than 90 days per calendar year and only on parcels not used as a horse racing facility and/or race track training existing as of January 1, 2002 and said 90 days must include at least 30 days during which a horse racing meet is in operation:                      Administrative Offices,                      Eating &amp; Drinking Establishments (&lt; 160 seats),                      Outdoor Eating &amp; Drinking Establishments,                      Indoor/Outdoor Entertainment (hrs. of operation &amp; entertainment type may be limited,                      outdoor entertainment limited to 5 days/year in addition to the thoroughbred racing meet dates),                      Horse Barns and Stables</p>	<p>Residential Accessory Structures,                      Employee Recreational Facilities,                      Parking Facilities,</p>
Warehouse District (WD)	None	<p>Administrative Offices,                      Self-Storage Facility, Light Manufacturing, Utility Establishments,</p> <p>Warehouse, Distribution Plants &amp; Wholesale Establishment</p>	Outdoor Storage/Display	<p>Antennas &amp; Satellite Dishes,                      Solar/Heating/Ventilation/Utility Equipment</p>

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 2: USE SCHEDULE

ZONING DISTRICT	PRINCIPAL PERMITTED USES AND STRUCTURES	USES PERMITTED WITH SITE PLAN APPROVAL	USES PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN APPROVAL	PERMITTED ACCESSORY USES AND STRUCTURES
Industrial Light (IND-L)	None	Bakery (Wholesale), Bottling Plant, Light Manufacturing, Machine Shop  Heavy Equipment Storage, Sales & Maintenance, Warehouse, Trucking & Freight Terminal, Distribution Plants & Wholesale Establishments,  Administrative Offices, Laboratory,  TV/Radio Station & Receiving/Broadcast, Utility Establishments	Vehicle Fueling Stations, Motor Vehicle Repair Establishment, Outdoor Storage/Display, Salvage and Scrap Processing	Maintenance/Storage Facilities, Employee Recreational Facilities, Daycare Center  Antennas & Satellite Dishes, Solar/Heating/Ventilation/Utility Equipment
Industrial General (IND-G)	None	Same as IND-L, plus: Heavy Manufacturing	Outdoor Storage/Display Salvage and Scrap Processing,	Same as IND-L
Industrial Extraction (IND-X)	None	Concrete Mix Plant, Asphalt Mix Plant, Extraction of Sand, Stone or Gravel	Outdoor Storage/Display	Same as IND-L , plus: Extraction Equipment

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 3: AREA AND BULK SCHEDULE

ZONING DISTRICT	MINIMUM LOT SIZE SQUARE FEET (SF)	MINIMUM AVERAGE WIDTH (FT.)	MAXIMUM BUILDING COVERAGE PERCENTAGE		MIN. YARD SETBACK (FEET)				PRINCIPAL BUILDINGS		MINIMUM DISTANCE TO ACCESSORY BUILDING (FEET)				MINIMUM % TO REMAIN PERMEABLE
			PRINCIPAL BLDG.	ACCESS. BLDG.	FRONT	REAR	EACH SIDE	TOTAL SIDE	MINIMUM 1 <sup>ST</sup> FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	
RR (F)	2 acres	200	15	5	60	100	30	100	----	35	5	60	30	50	80
SR-1 (F)	40,000	125	20	8	40	40	15	35	----	35	5	40	10	10	40
SR-2	20,000 (A)	100	25	8	30	30	12	30	----	35	5	30	5	5	30
UR-1	12,500 (A)	100	20	8	30	30	12	30	1 Story = 1,100 2 Story = 800	60	5	30	5	5	30
UR-2	6,600 (A)	60	30	10	10	25	8	20	1 Story = 900 2 Story = 700	60	5	10	5	5	25
UR-3	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	60	5	10	5	5	25
UR-4	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	70	10	25	5	5	15
UR-4A	2,000/DU	60 1-unit / 80 2-units	30	10	10	25	4	12	1 Story = 1,200 2 Story = 800	70	5	10	5	5	15
UR-5	3,000/DU	100	25	15	25	25	20	45	1 Story = 1,800 2 Story = 1,200	185	20	20	10	10	15
UR-6	4,800	60	30	10	25	25	8	20	900	35	5	25	5	5	25
UR-7	4,000	50	45	10	10	10	4	8	1,000	35	5	10	5	5	20
NCU-1	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-2	6,600 1-unit / 8,000 2-units	60 1-unit / 80 2-units	30	10	10	25	4	12	1 story = 1,200 2 story = 800	60	5	10	5	5	25
NCU-3	3,000/DU	60 (H)	30	10	10 (I)	25	4 (J)	12	1 story = 1,800 2 story = 1,200	50	5	10	5	5	20

**CITY OF SARATOGA SPRINGS ZONING ORDINANCE**

**TABLE 3: AREA AND BULK SCHEDULE**

ZONING DISTRICT	MINIMUM LOT SIZE SQUARE FEET (SF)	MINIMUM AVERAGE WIDTH (FT.)	MAXIMUM BUILDING COVERAGE PERCENTAGE		MIN. YARD SETBACK (FEET)				PRINCIPAL BUILDINGS		MINIMUM DISTANCE TO ACCESSORY BUILDING (FEET)				MINIMUM % TO REMAIN PERMEABLE
			PRINCIPAL BLDG.	ACCESS. BLDG.	FRONT	REAR	EACH SIDE	TOTAL SIDE	MINIMUM 1 <sup>ST</sup> FLOOR AREA (SF)	MAX. HEIGHT (FEET)	PRINCIPAL BUILDING	FRONT LOT LINE	SIDE LOT LINE	REAR LOT LINE	
OMB-1 (G)	40,000	100	30	10	80	25 (B)	20(D)	40	----	40	25	80	10 (C)	10 (C)	30
OMB-2 (G)	10,000	100	30	10	40	25 (B)	15(D)	30	----	40	25	40	3 (C)	3 (C)	30
WRB	20,000	200	30	15	40	25 (B)	15(D)	30	----	40	10	40	3 (C)	3 (C)	15
TRB (G)	10,000	100	20	10	40	25 (B)	20(D)	40	----	40	10	40	10 (C)	10 (C)	30
HGB (G)	20,000	200	30	15	40	25 (B)	15(D)	30	----	40	10	40	3 (C)	3 (C)	15
INST-E	12,500	100	20	8	30	30	12	30	----	50	12	30	5	5	30
INST-PR	2 acres	200	---	---	60	100	30	100	----	70	15	60	30	50	75
INST-MP	2 acres	200	40	30	100	50	20(B)	50	----	50	10	100	10 (C)	10 (C)	20
INST-HTR	20,000	100	35	8	30	30 (B)	12(D)	30	----	60	12	30	5 (C)	5 (C)	20
IND-G	40,000	200	40	30	40	30 (B)	15(D)	30	----	50	10	40	10 (C)	10 (C)	30
IND-X	10 acres	500	80	10	100(E)	100 (E)	50	100	----	100	10	100 (E)	10 (C)	10 (C)	20
WD	20,000	100	30	15	40	25 (B)	15(D)	30	-----	40	----	40	5 (C)	5 (C)	20

**TABLE 3 NOTES:**

- Fire Escapes - Open fire escapes may not project more than 6' into any required setback.
- Pools - Pool walls or related structures must be setback 8' from an adjoining lot line.
- Terraces - Terraces and patios must be setback 10' from an adjoining lot line.
- (A) 20,000 SF if without either central water supply or sanitary sewer; 40,000 SF if without central water supply and sanitary sewer
- (B) 50' if lot abuts a residential district
- (C) 30' if lot abuts a residential district
- (D) 40' if lot abuts a residential district
- (E) 100' for extractive and quarrying; 50' for other principal uses
- (F) Subdivision of land shall be subject to the Conservation Subdivision Requirements within the Subdivision Regulations
- (G) See Gateway Overlay District for requirements
- (H) 18' minimum mean lot width permitted for attached single family homes
- (I) 0' side yard setback permitted for attached single family homes
- (J) The cumulative area of all new and existing one-story structure(s) on any one lot shall not exceed 3,000 square feet.
- (K) The cumulative area of all new and existing one-story structure(s) on any one lot shall not exceed 1,500 square feet.

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

TABLE 3: AREA AND BULK SCHEDULE - TRANSECT ZONES

TRANSECT DISTRICT	MAXIMUM BLDG. HEIGHT	MINIMUM % BUILD OUT ALONG FRONTAGE	BUILD-TO DISTANCE FROM FRONT LOT LINE	SIDE SETBACK		REAR SETBACK	
				PRINCIPAL BLDG.	BACK BLDG.	PRINCIPAL BLDG.	OUT-BUILDING
T-4 Urban Neighborhood	2 story minimum (J); 40' max. height	50%	12' to 18'	12' average	6' minimum each side	24' minimum	5' minimum
T-5 Neighborhood Center	2 story minimum (J); 50' max. height	70%	0' to 12'	0' minimum	0' minimum each side	0' minimum	0' minimum
T-6 Urban Core	2 story minimum (K); 70' max. height	80%	0' to 12'	0' minimum	0' minimum each side	0' minimum	0' minimum

GUIDELINES FOR TRANSECT DISTRICTS

TRANSECT DISTRICT	LOT WIDTH	MAX. BLOCK PERIMETER	PARKING LOCATION	BUILDING TYPE				FRONTAGE TYPE						
				DETACHED	SIDE YARD	COMMON WALL	COURT-YARD	OPEN FRONT YARD	PORCH	STOOP	FORE-COURT	TERRACE	SHOP FRONT & AWNING	GALLERY & ARCADE
T-4 Urban Neighborhood	36' to 72'	1400'	2 <sup>nd</sup> & 3 <sup>rd</sup> Layer	Permitted			Prohibited	Permitted	Permitted		Prohibited		Permitted	Prohibited
T-5 Neighborhood Center	18' to 144'	1400'	2 <sup>nd</sup> & 3 <sup>rd</sup> Layer	Permitted			Permitted	Prohibited	Permitted		Permitted		Permitted	
T-6 Urban Core	18' Minimum	1200'	2 <sup>nd</sup> & 3 <sup>rd</sup> Layer	Permitted			Permitted	Prohibited	Permitted		Permitted		Permitted	

### **3.0 OVERLAY ZONING DISTRICTS**

This Article establishes a series of “overlay” districts where certain uses and requirements exist in addition to those otherwise within the underlying zoning district.

#### **3.1 TRANSECT ZONE DESIGN**

##### **3.1.1 INTENT AND APPLICABILITY**

In addition to, and not in limitation of, other requirements of this Chapter, this Section provides guidance on streetscape, site and architectural design elements to fulfill the intent of the mixed-use, form-based Transect Zones.

In contrast to traditional zoning districts that regulate one use from another, Transect Zones are designed to be more flexible with a focus on sound architectural and site design elements to encourage creative and sustainable new and in-fill development. The intent of the Transect Zones is to encourage a diversity of complementary uses, promote successful urban form, extend traditional circulation systems with interconnecting streets, reinforce a strong pedestrian emphasis, and provide for civic space.

In case of any conflict between the provisions of this Section and other sections of the Ordinance, this Section shall control.

##### **3.1.2 ALL TRANSECT ZONES**

###### **A. URBAN FORM**

1. Street networks should create blocks with a maximum perimeter of 1,200 feet in the T-6 Zone and 1,400 feet in the T-4 and T-5 Zones. Limiting a maximum of one curb cut per block face is strongly encouraged. These block perimeters may be exceeded to accommodate an internal parking lot or structure that is screened from public view along all street frontages.
2. All streets should connect to other streets to form a circulation network. Cul-de-sacs may be allowed only when there is no acceptable alternative due to site conditions such as waterways, wetlands, or steep slopes.
3. Shallow build-to-line and minimum frontage build-out requirements are intended to support pedestrian-friendly streets.
4. All lots should have street frontage. Lots served by an alley may also have frontage on a passage.
5. Building façades within a streetscape should align with adjacent buildings within the required build-to area of the property. Buildings should be compatible with neighboring buildings and general site context.
6. Development plans containing 20,000 square feet or more of residential space should provide for civic space.

###### **B. STREETScape DESIGN**

1. Streetscape elements should include on-street parking, curbs, street trees, sidewalks and streetlights.
2. Street trees should be spaced on average 40 feet on center, depending on site conditions. At the time of planting, street trees should measure 15 to 20 feet tall, have a minimum caliper of four inches measured at a point 12 inches above the

root ball, and have a minimum branching height of eight feet.

3. Historic or Decorative streetlights, as detailed in The City of Saratoga Springs Standard Construction Details, should be provided along all frontages and in off-street parking areas. Streetlight spacing should be 75 to 100 feet on center, depending on site conditions.

C. ACCESS AND PARKING CONSIDERATIONS

1. Shared parking or the use of public parking lots is encouraged.
2. On-street parking along the adjacent frontage may be counted toward any parking requirements.
3. Surface parking areas should be screened by a suitable streetwall or continuous hedge between 3.5 and 4.5 feet in height and located at the middle or rear of a property. Streetwall materials should be compatible with the adjacent building façade. Openings in such streetwalls and hedges should be no larger than necessary to allow automobile and pedestrian access.
4. Vehicle access to parking and service areas should be from an alley wherever feasible. Corner lots with alley access should only access parking through the alley. The Planning Board may require granting of cross access easements or dedication of right-of-way to assure appropriate block size and alley access to future development sites.
5. Off-street loading, service or storage areas should be located behind buildings or parking structures, enclosed within the principal building envelope, or screened from view from the street right-of-way. Screening or landscaping should be compatible with adjacent structures and existing building materials.
6. Overhead garage doors should not be located on the front of buildings, but should face the side or rear of the property. If placement at the property front is unavoidable, such doors should be positioned at least 20 feet behind the plane of the principal building façade, and should not exceed 2 cars per garage, or 10 feet per garage space in width.
7. Where otherwise not required, the provision of bicycle parking shall be considered.

D. PARKING STRUCTURES

1. Parking structures should be set back a minimum of 50 feet from the property lines of all adjacent streets to reserve room for liner buildings. If no liner building is constructed in conjunction with construction of the parking structure, the yard should provide publicly accessible civic space.
2. Parking structures without liner buildings should have a façade complementary with adjacent buildings. Façade openings should not exceed 60% of these façades.
3. The first level of all parking structures should be visually screened from the street right-of-way.
4. Parking structures should provide retail uses at grade if located in a mandatory retail frontage area designated in 3.1.4.A.1 or 3.1.5.A.2



E. ARCHITECTURAL DESIGN - ROOFS

1. Roof forms may include a symmetrical pitched roof or a flat roof with a cornice. Slopes of pitched roofs should be not less than 5:12, except that porch roofs may be sheds with pitches not less than 3:12. All gables should be parallel or perpendicular to the street.
2. Recommended roof materials include black or single tone asphalt shingles, standing seam roof or natural slate. Imitation slate and wood shingles should be avoided. Parapet caps may be stone, concrete, or limestone.
3. Rooftop mechanical systems may exceed the maximum building height provided they do not exceed 25% in aggregate coverage of the roof area and are adequately screened and set back from the building facade.

F. ARCHITECTURAL DESIGN- FACADES

1. The scale and proportion of building facades, design and materials used in new construction should complement that used in neighboring buildings.
2. Buildings situated at corners should “wrap” the corner by continuing façade elements such as the cornice or other horizontal features on all street elevations.
3. Main building entrances should face the street, and should be easily identifiable and scaled to the size of the street they front.
4. New facades should include base, middle and top levels and coordinate the relative height of these façade elements (“datum lines”) with those of adjacent and nearby buildings.
5. Recommended façade materials include common red brick (bare or painted), special masonry units (textured, colored, or painted), natural stone, or wood clapboard. The following should be avoided: beige, multi-tone, or imitation brick siding; bare masonry units; metal, asphalt or vinyl siding; and imitation stone or exterior insulation finish systems (E.I.F.S.).
6. Recommended trim materials include finish grade, painted, or stained wood. Bare lumber grade wood or plywood should be avoided.

G. ARCHITECTURAL DESIGN-WINDOWS, DOORS, PORCHES, BALCONIES

1. The rhythm and proportions of architectural openings should complement that of adjacent buildings, and concentrate windows and openings at the street level. Facade design should incorporate a primary material and an easily recognizable pattern (with sub-patterns or subtle variations for larger scale buildings). Breaks or fluctuations in pattern or materials may be used to draw attention to entrances or special façade elements.
2. All architectural openings, including windows, doorways, arches and porch framing, should be constructed with their height equal to or greater than their width and framed by appropriately-scaled lintel or arch at the top and sill at the bottom.
3. Balconies and porches visible from the street right-of-way should be built of wood, metal, or concrete. Pressure-treated lumber may be utilized for concealed structural members, and structures not visible from the street right-of-way. All exposed surfaces visible from the street right-of-way, including floor decks, stairs, railings, columns, brackets and any other structural and/or decorative roof

support members, should be built with paint grade finish lumber or metal and painted in appropriate colors. Porch stairs should have solid risers and sides enclosed with either solid wood construction or open lattice panels with maximum openings of 4 square inches.

4. Recommended window materials include anodized aluminum or vinyl clad frame (black, brown or approved color) or painted or stained wood. Recommended lintel and sill materials include brick, stone, wood or colored concrete. Bare aluminum frames should be avoided. Clear, frosted or stained glass is recommended; tinted or mirrored glass should be avoided.
5. Window shutters, if used, should be used throughout the façade and should be proportioned to cover the window opening when closed.
6. Sliding doors and windows should be discouraged along primary facades except to access porches serving residential or lodging uses on the second or higher story.
7. Canvas awnings incorporating a maximum of three approved colors may be used. Plastic awnings should be avoided.

H. SITE DETAILS

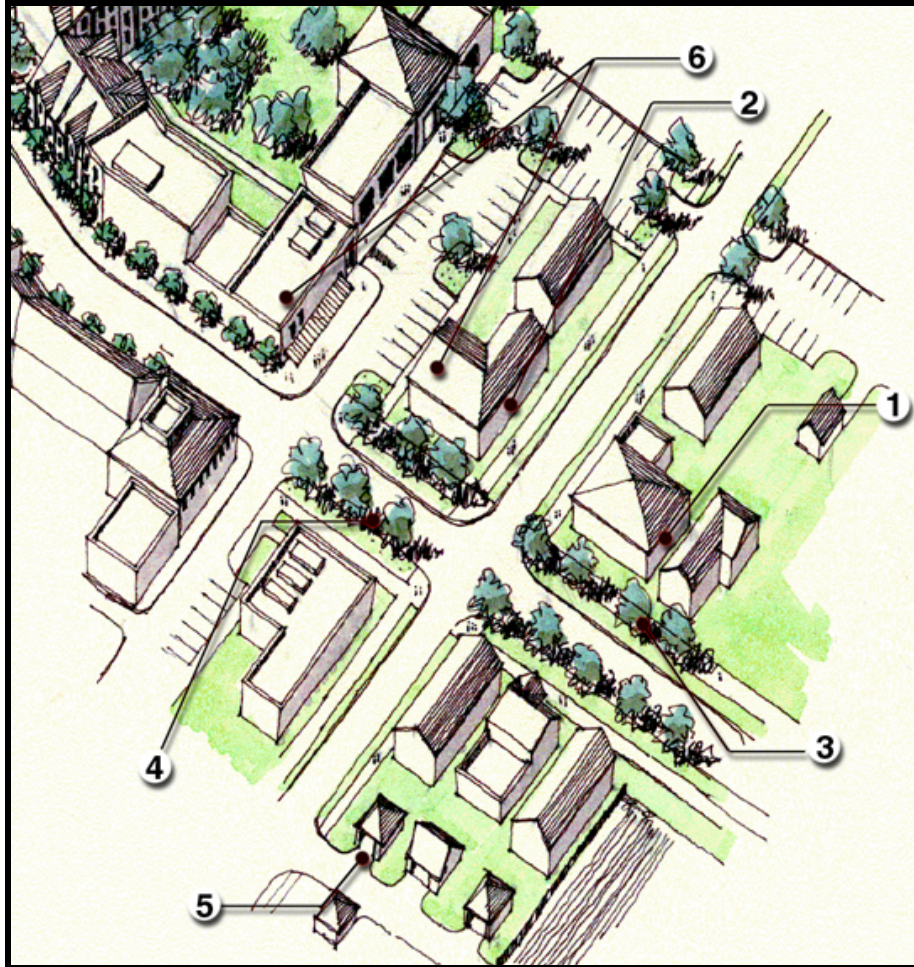
1. Front yard fences should not exceed 42 inches in height.
2. Recommended hard surface materials include brick, paving stone, porous pavement, and patterned concrete. Asphalt use should be limited to parking and loading areas.

**3.1.3 TRANSECT-4 URBAN NEIGHBORHOOD**

A. URBAN FORM

Transect-4 Urban neighborhoods are intended primarily for the development of new residential areas incorporating a mix of residential unit types within a block grid typical of existing urban areas in Saratoga Springs.

1. Residential lots should be served by alleys to preserve the pedestrian character of the streets. Neighborhoods should relate to nearby natural areas and neighborhood centers.
2. Although predominantly residential in character, small-scale commercial uses, office, eating and drinking, service, and retail are allowed in appropriate locations. Such uses with upper floor residential use are most appropriate at intersections.
3. Buildings should consist of primarily detached and side-yard building types, and are required to have a minimum of 2 stories.



T-4 Urban Neighborhoods have a primarily residential character with both attached and detached low-rise buildings.

**B. SITE DESIGN**

1. Visual buffers should be provided in the following areas to protect existing residential areas:
  - a. Along the south side of Route 50 from the Excelsior Avenue turn around to I-87,
  - b. Along I-87, and
  - c. Along the east boundary of the T-4 zone east of Weibel Avenue and adjacent to existing residential areas.

**C. ARCHITECTURAL DESIGN**

1. Open porches, stoops, balconies, awnings and bay windows may encroach up to 50% of the depth of any setback.

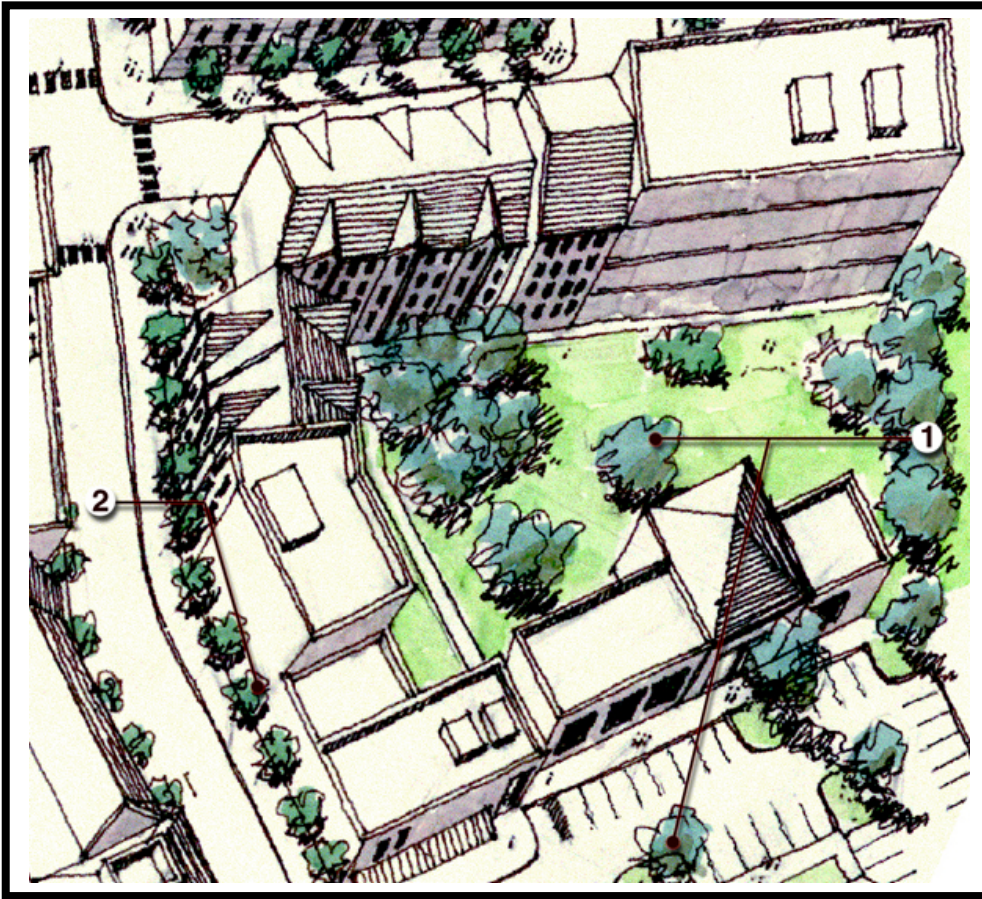
**3.1.4 TRANSECT-5 NEIGHBORHOOD CENTER**

**A. URBAN FORM**

Transect-5 Neighborhood Centers are intended to accommodate a variety and mixture of residential and non-residential uses, building types, and lot sizes. Neighborhood centers must incorporate residential use, create a public realm conducive to pedestrian activity, and provide linkages to adjacent neighborhoods. Neighborhood centers may vary, however, in the balance of neighborhood- and regional-scale non-residential uses based on their proximity to residential areas and major thoroughfares. Civic uses and spaces are also important elements of neighborhood centers.

1. Ground floor non-residential uses such as eating and drinking, retail, service, and offices with walk-in clientele, are required along the following key frontages:
  - Excelsior Avenue from Warren Street to Marion Avenue
  - East Avenue within 250 feet of the centerline of Excelsior Avenue
  - Lincoln Avenue from Hamilton Street to Whitney Place
  - South Broadway within 300 feet of the centerline of Lincoln Avenue
  - Washington Street within 250 feet of the centerline of West Avenue
  - West Avenue within 350 feet of the centerline of Washington Street
  - Weibel Avenue 950 to 1,300 feet south of the centerline of Loudon Road

2. Block or lot interior may provide parking or civic and private open space.



Neighborhood Centers (T-5) have a wide mix of uses, building types, and frontage types and corresponding reliance on a consistent streetscape and quality civic spaces to enhance the pedestrian character of the center.

**B. ARCHITECTURAL DESIGN**

1. The first floors of buildings for residential use should be raised above sidewalk grade a minimum of 2 feet.

**3.1.5 TRANSECT-6 URBAN CORE**

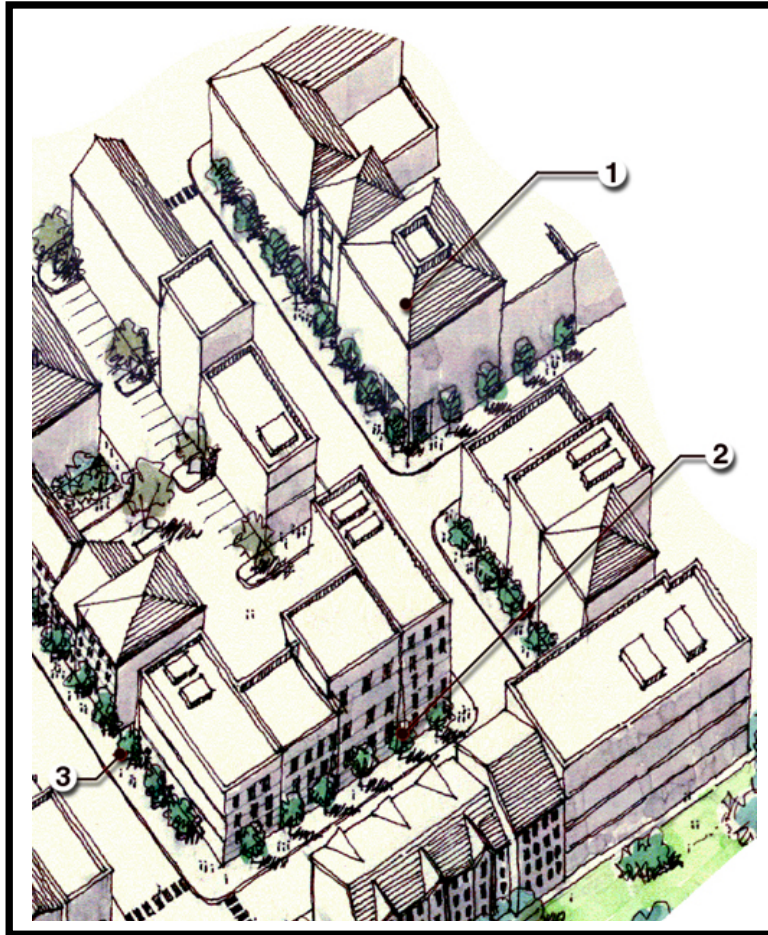
**A. URBAN FORM**

The Transect-6 Urban Core is the densest business, cultural and entertainment concentration within the City. The purpose of this district is to regulate site and architectural design and promote the creation of a consistently high quality pedestrian-oriented public realm in character with the historic forms, materials and colors of Downtown Saratoga Springs without unduly restricting re-use of historic structures or architectural diversity.

1. Retail, eating and drinking, office, residential, and civic uses should be integrated at the building, lot and block level.
2. First floor uses including eating and drinking, retail, service, civic space, and

offices with walk-in clientele is required on Broadway from Church Street to Phila Street.

3. 2- to 7-story buildings are permitted, as appropriate to site context.



T-6 Urban Center consists of the downtown area of the City with shallow build-to-lines, smaller blocks, and the widest range of building scale. Interior-block, shared public and private parking, accessed by alleys, is also a defining feature.

**B. STREETScape DESIGN**

1. In addition to streetscape elements common to all Transect Zones, the Urban Core streetscape should include pedestrian amenities such as benches, trash cans, and informational kiosks.

**C. ARCHITECTURAL DESIGN**

1. Flat roof and parapet construction is preferred; sloping roof structures should use dormers and gables to give the façade more visual character. Sloping roofs shall ensure the fall of snow, ice or rain does not create a hazard for pedestrians.
2. Building materials and colors should be historically appropriate.

## **3.2 GATEWAY DESIGN DISTRICT 1: ROUTE 50, ROUTE 9**

### **3.2.1 INTENT**

The intent of the Gateway Design District-1 is to establish a series of site and construction standards and guidelines to encourage appropriate development while preserving and maintaining a rural “Country” character in this gateway area—to complement the natural conditions of the neighboring Saratoga Spa State Park. These site and construction provisions shall guide the location and character of site development, buildings, roads, parking, signage, and vegetation.

### **3.2.2 DISTRICT LOCATION**

The Gateway Design District-1 includes designated parcels along southern Ballston Avenue (NYS Route 50), and along South Broadway (NYS Route 9), a map of which can be found at: [www.saratoga-springs.org](http://www.saratoga-springs.org). This Gateway Design District-1 is comprised of two sub-zones as follows:

#### **A. ZONE A**

Zone A recognizes the prevalent commercial nature of this area and is intended to encourage similar uses in a more intensive, clustered manner.

#### **B. ZONE B**

Zone B also encompasses commercial areas but is intended to encourage low-density development with an emphasis on rural character.

These standards and guidelines are to be used during the subdivision, site plan, building permit and architectural review approval process.

### **3.2.3 APPLICABILITY**

A. These Gateway Design District-1 provisions include recommended design guidelines that may be waived if circumstances warrant and provided the intent of this Section is achieved, as well as mandatory standards as noted in this Section.

B. Graphics, where provided, are for illustrative purposes and do not represent the only way to meet the intent of the standards and guidelines in this Section.

### **3.2.4 LANDFORM**

All Development within Gateway Design District-1 should be sympathetic to and reflect the site’s natural land form using complementary design characteristics.

A. Building location, type, and mass shall reinforce the site’s natural landform. Uses with large footprints are appropriate to sites with flat or gently sloping landform; uses with smaller footprints can better fit rolling landforms.

B. The location of building and site elements should minimize reshaping of natural contours. Large-scale cut and fill of terrain should be avoided to minimize clearing and disturbance to the existing landform.

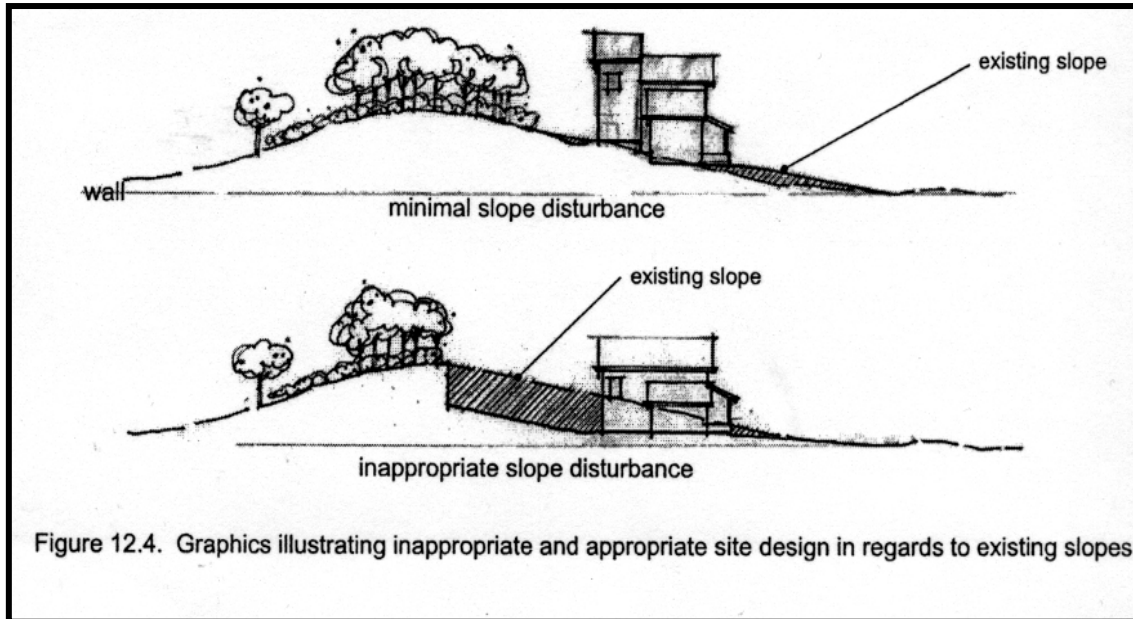


Figure 12.4. Graphics illustrating inappropriate and appropriate site design in regards to existing slopes.

1. In Zone A, a more traditionally commercial land use pattern is permitted. Changes in grade with structured, straight edge cut and fill slopes and/or retaining walls may be allowed to facilitate the clustering of uses and structures.
2. In Zone B, land use patterns should reflect a more rural character and the creation of geometric landforms should be avoided. In Zone B, cut and fill slopes should be graded to mimic existing slopes and blend smoothly into the surrounding landform. Rural cut/fill slopes should be a maximum of 1:5 and gradually blend into surrounding slopes.

### 3.2.5 VEHICLE/PEDESTRIAN CIRCULATION AND PARKING

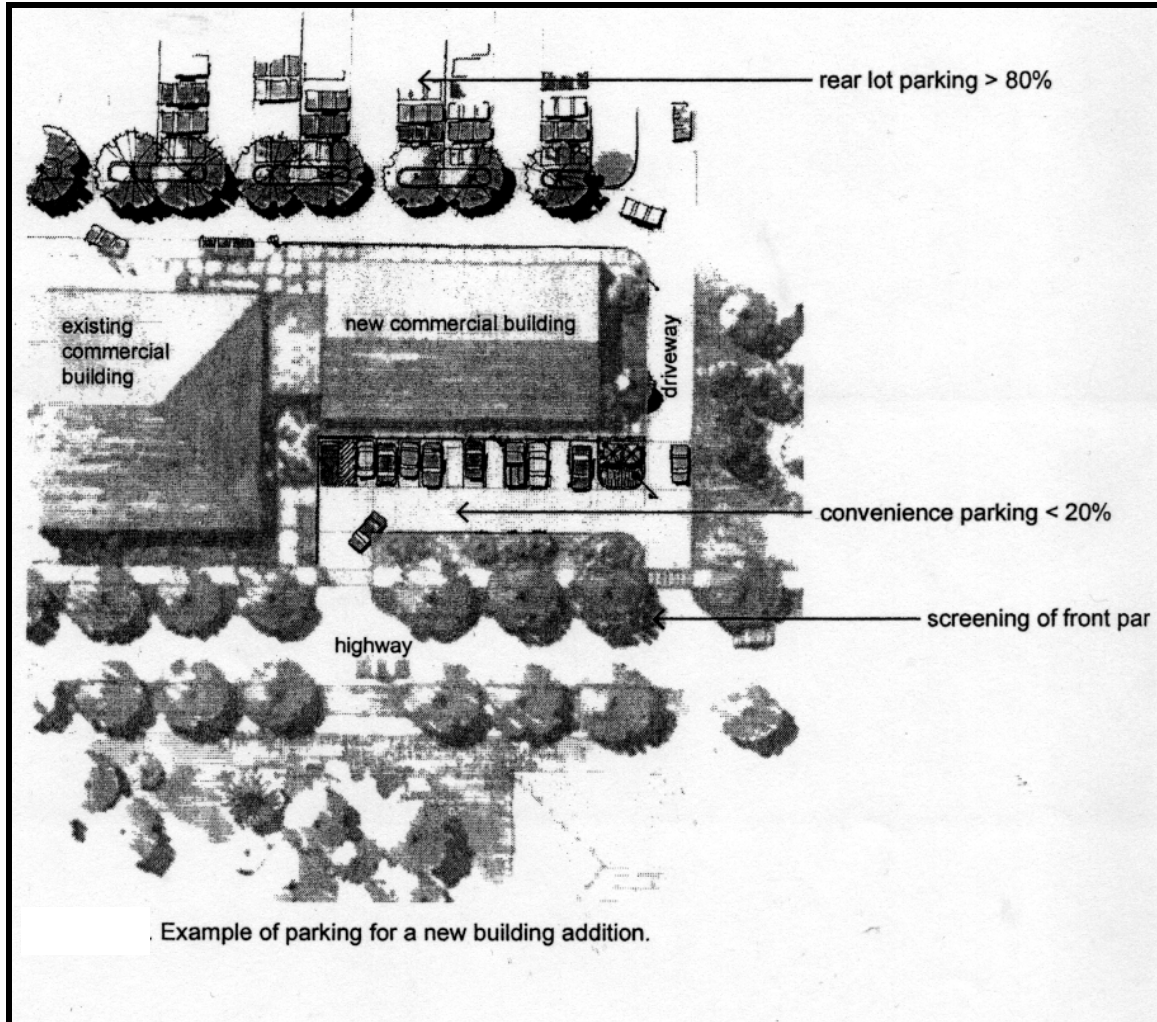
#### A. Alignment

1. Within Zone A, more rigid, angular circulation systems are recommended to increase density, land use efficiency, and enhance the contrast between the character of the commercial node and its surrounding land.
2. Rural circulation systems are inherently curvilinear and historically follow the line of least topographic resistance such as valleys and stream corridors. Therefore, in Zone B, circulation systems should be curvilinear to reflect the natural landform.

#### B. Location

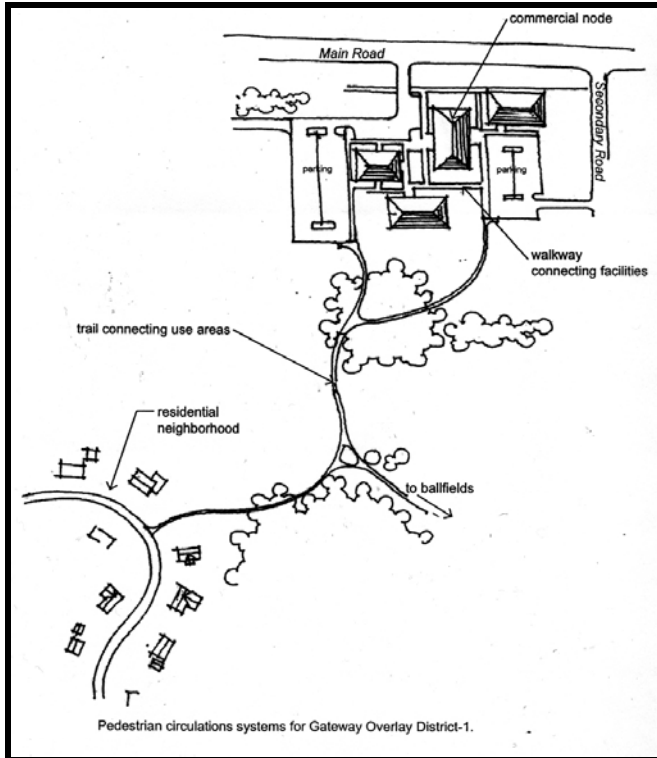
No more than 20% of parking shall be located as convenience parking in front of the front line of buildings and this standard may not be waived. The balance shall be located to the side or rear of the building. The area between the street and the parking at the side and front of a building should be landscaped to buffer the visual impacts.





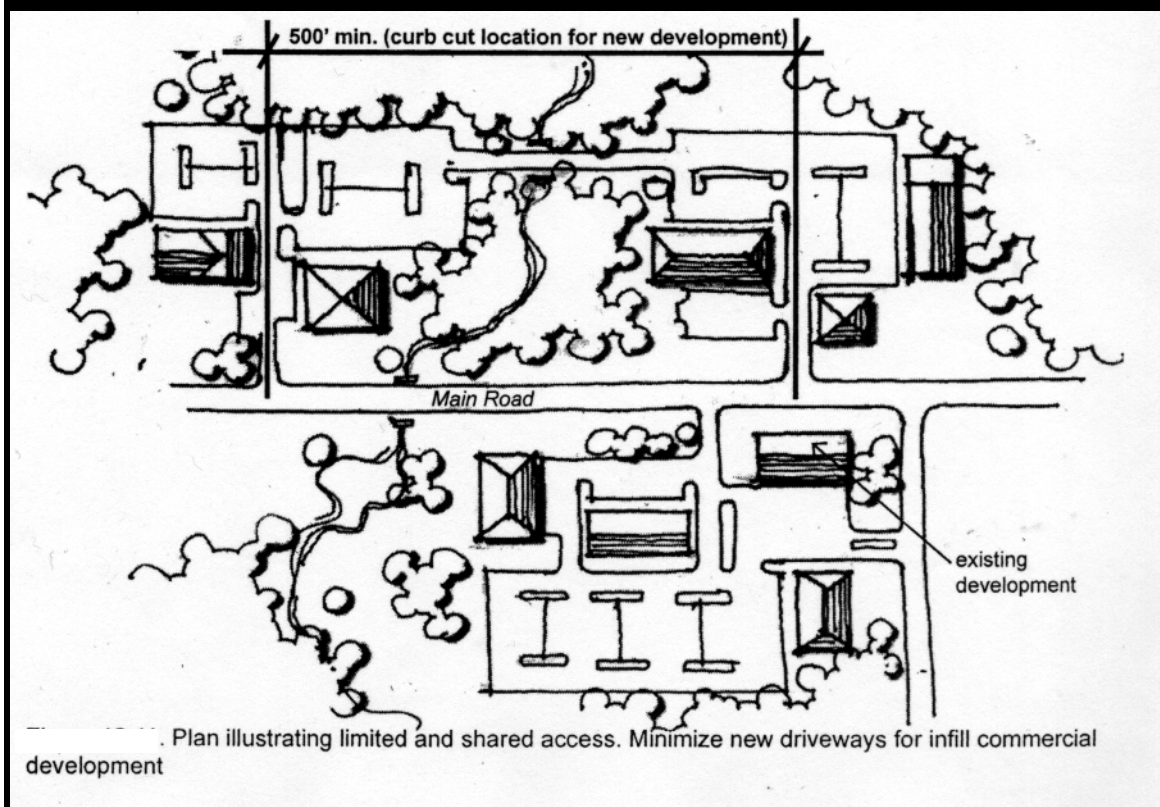
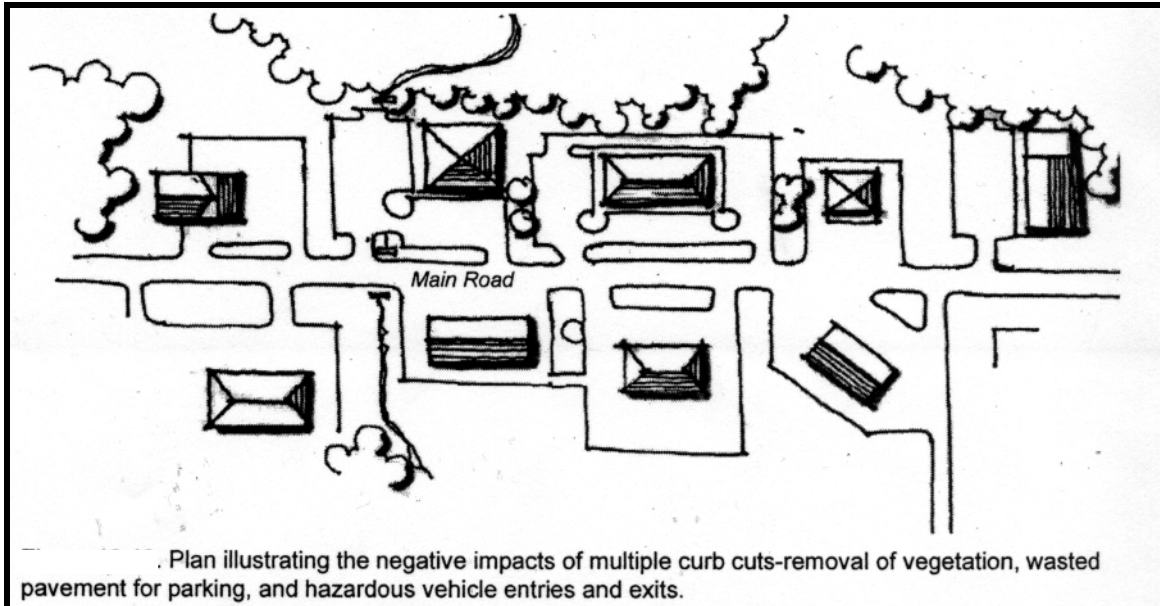
C. Pedestrian Systems

1. In Zone A, pedestrian systems should be *walks* that connect buildings with other buildings, buildings with parking areas, and buildings with public amenities (i.e. parks). These walks should be constructed of concrete or unit pavers.
2. In Zone B, pedestrian systems should be *trails* that link commercial nodes to other use areas (i.e. neighborhoods). These trails should be constructed of flexible type pavements such as asphalt, stone dust, or mulch.



#### D. Shared Driveways

Shared driveways are strongly recommended in both zones of Gateway Design District-1. Minimum recommended spacing between adjacent driveways on the same side of the street is 500 feet. Access connections on opposite sides of the street should be aligned or off-set so as to eliminate left-turn conflicts. The Planning Board, as part of site plan review, should evaluate the effect of proposed driveway locations on development of abutting properties. Proposals for shared driveways may require cross access easements.

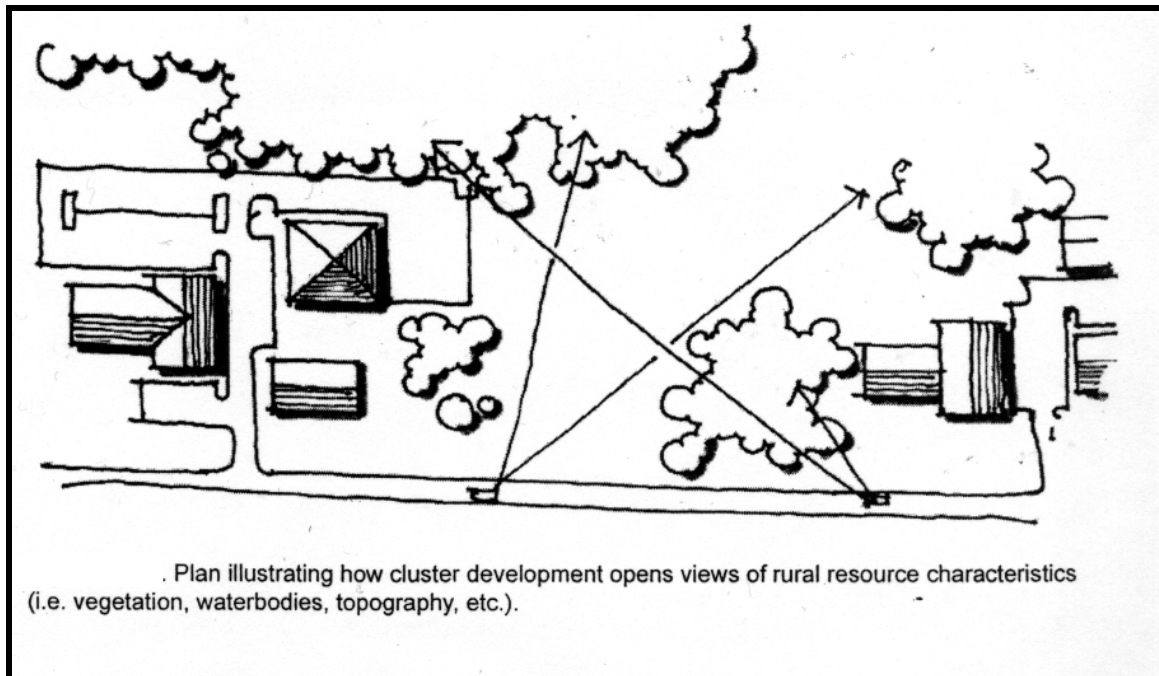
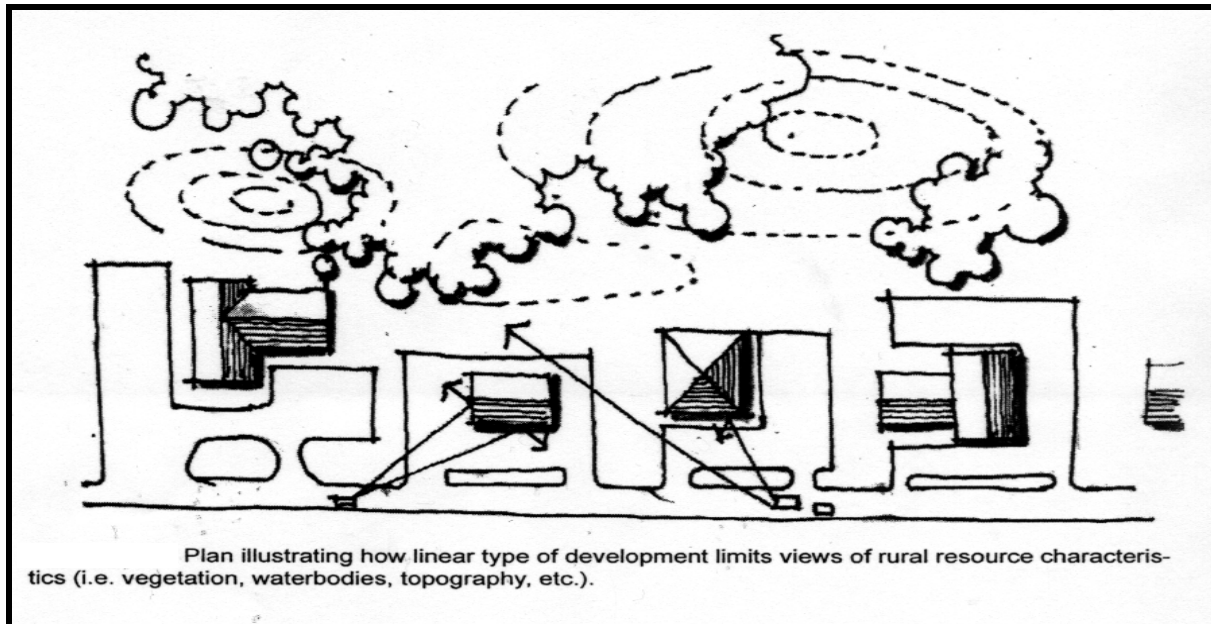


### 3.2.6 STRUCTURES

The height, mass, roof forms and materials of structures in the Gateway Design District-1 should reflect rural design characteristics.

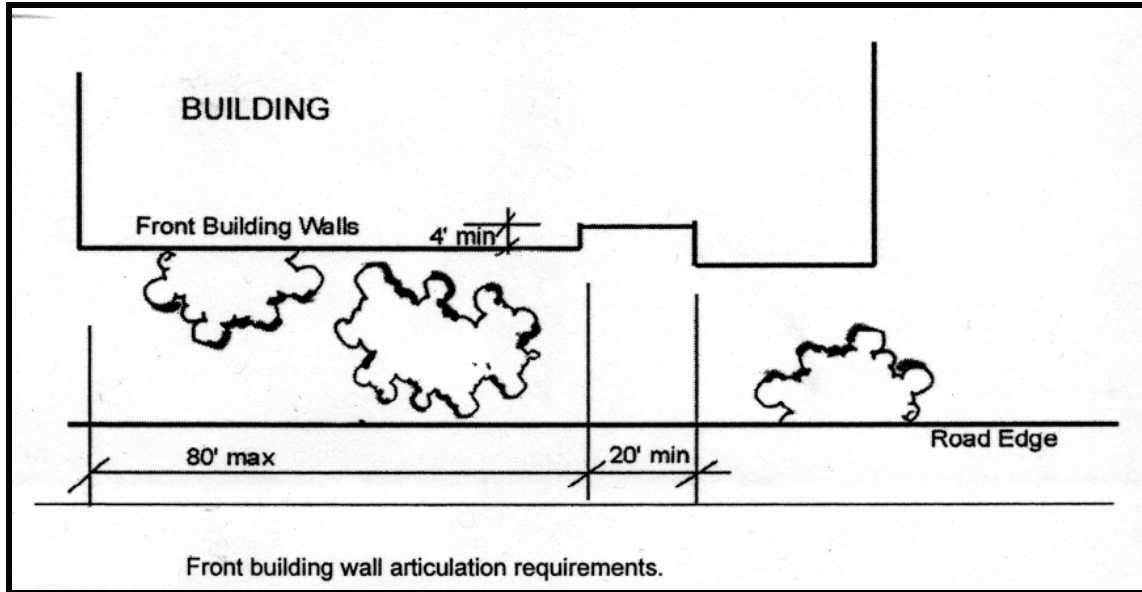
#### A. LOCATION

Buildings should be sited in clusters with varying setbacks in order to maximize open space and help preserve scenic views of the surrounding rural landscape.



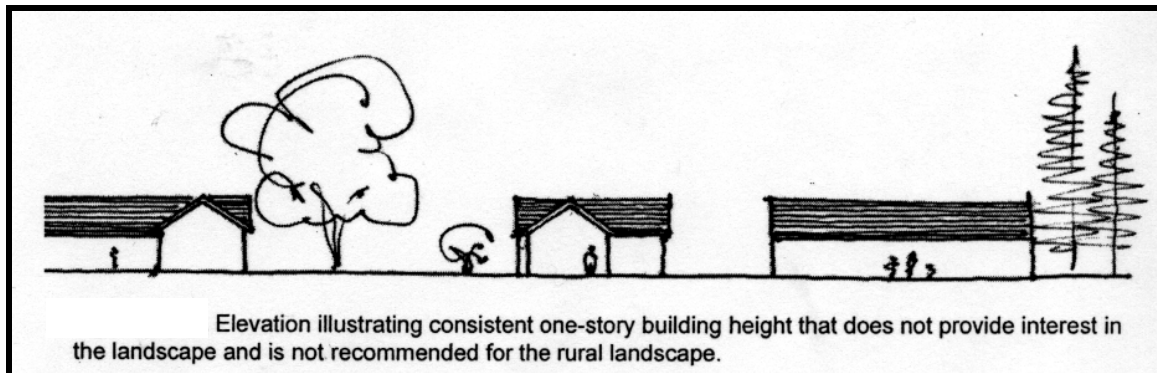
B. COMMERCIAL BUILDING FAÇADES

1. In Zone A, the building façade should be located between 30' and 50' from the right-of-way.
2. No front building wall should be more than 80 feet in width unless interrupted by a recess or other vertical modulation at least 4 feet in depth and 20 feet in width.

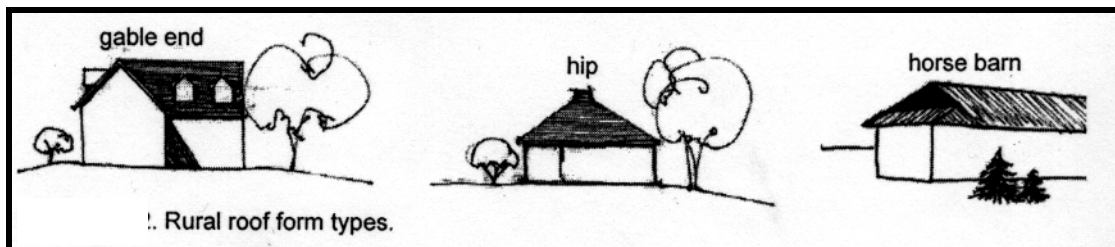


C. BUILDING HEIGHT

1. Unless otherwise regulated, buildings should have a maximum height of 40 feet and include 2 usable stories. Buildings with footprints greater than 20,000 square feet should have a minimum of 30% of each structure as 2 stories. A typical rural roof form should also be applied to this additional story.



2. Preferred rural roof forms include, but are not limited to, symmetrically pitched or hip roofs with or without gables and horse barn type roof ends.



D. MATERIALS

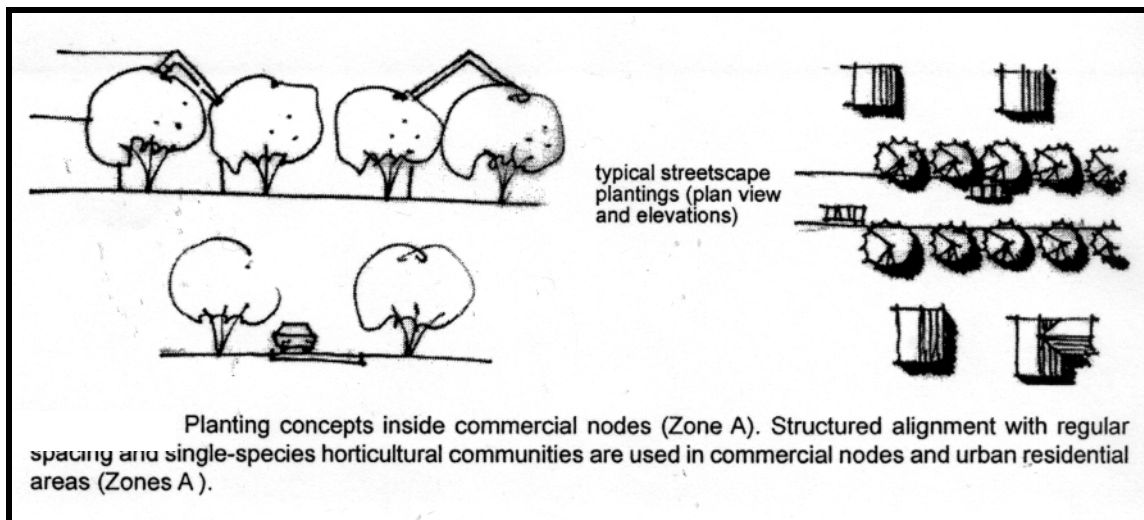
Building exteriors and signs should be constructed primarily of natural materials, such as wood and stone. Multiple uses sharing a single curb cut or off-street parking should use complementary building, signage and lighting forms and materials.

**3.2.7 VEGETATION**

Existing vegetation and topography should be retained to buffer and screen new buildings if possible. New landscaping, especially plantings for screening and buffering, should consist primarily of native plant species.

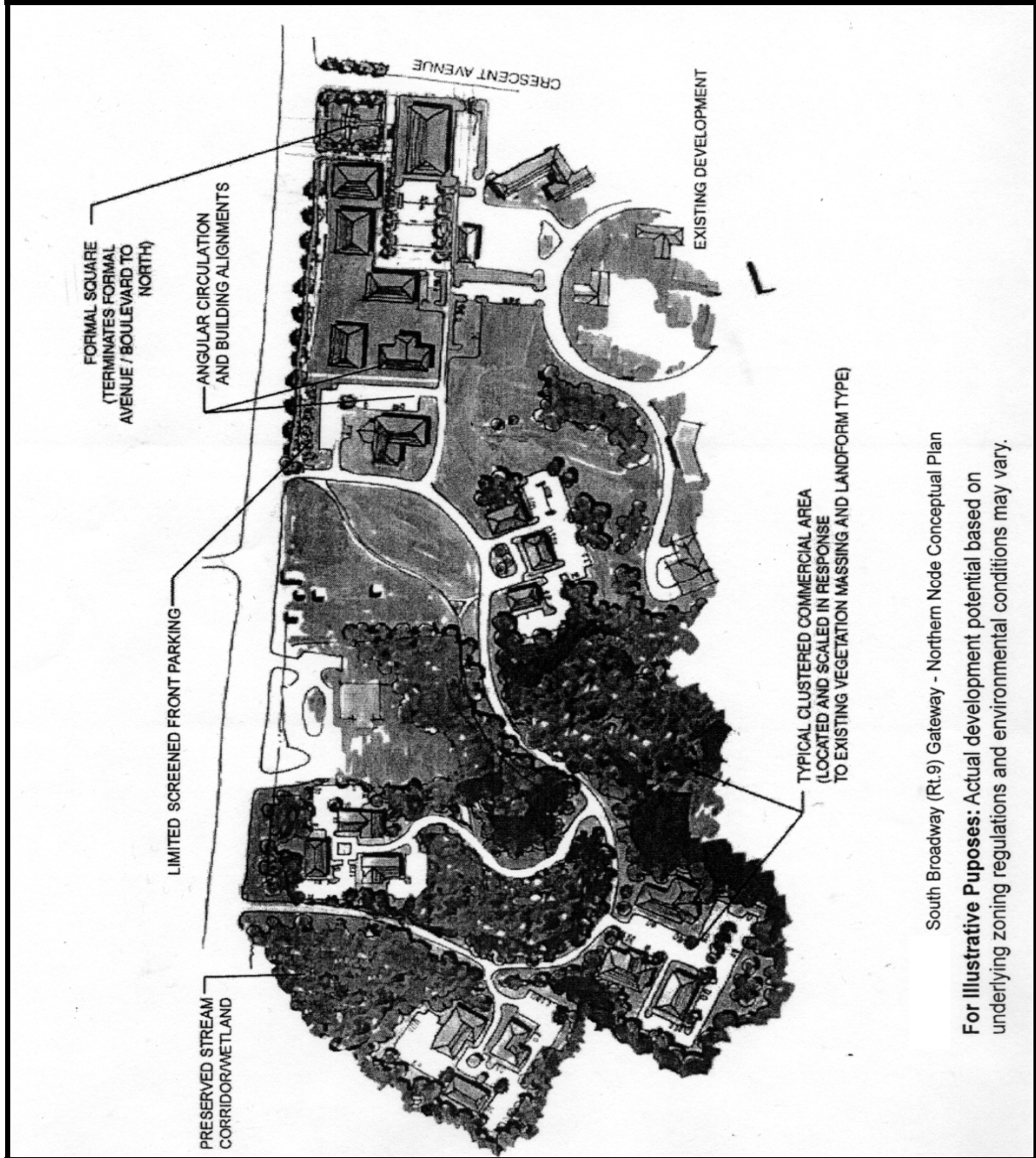
A. Within Zone A, vegetation should occur in traditional, structured patterns while the type, form, mass, and configuration of vegetation in Zone B should reflect rural design characteristics.

B. Within Zone A, street tree plantings should be a consistent species planted geometrically. Landscaping in Zone B should consist of a mix of species and be planted in clusters.



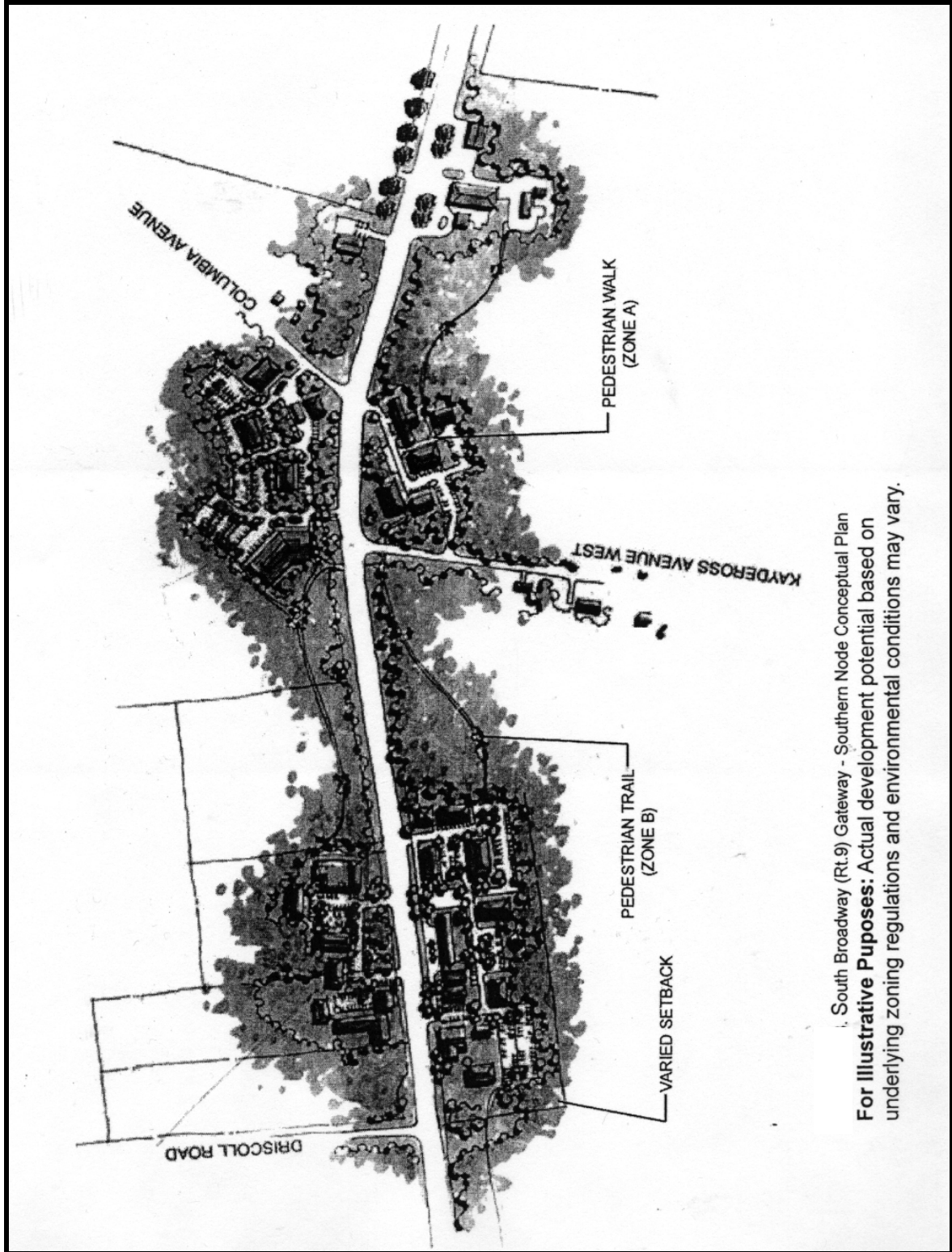
**3.2.8 GATEWAY DESIGN DISTRICT-1 CONCEPTUAL DEVELOPMENT PLANS**

The following concept plans illustrate a long-range build-out scenario incorporating existing and new development. The graphics include existing structures and site elements that do not meet the objectives of this Section. As these properties are redeveloped, the goal is to increase compliance with these objectives to the maximum extent possible.



South Broadway (Rt.9) Gateway - Northern Node Conceptual Plan

**For Illustrative Purposes:** Actual development potential based on underlying zoning regulations and environmental conditions may vary.



South Broadway (Rt.9) Gateway - Southern Node Conceptual Plan  
**For Illustrative Purposes:** Actual development potential based on underlying zoning regulations and environmental conditions may vary.



### **3.3 GATEWAY DESIGN DISTRICT-2: MARION AVENUE**

#### **3.3.1 INTENT**

The intent of the Gateway Design District-2 is to establish a series of site and construction standards and guidelines to encourage the development of an appropriate urban character for the Marion Avenue gateway. These site and construction provisions shall guide the location and character of building and streetscape elements within this overlay district.

#### **3.3.2 DISTRICT LOCATION**

The Gateway Design District-2 shall include designated parcels in the Marion Avenue Gateway, a map of which can be found at: [www.saratoga-springs.org](http://www.saratoga-springs.org).

#### **3.3.3 APPLICABILITY**

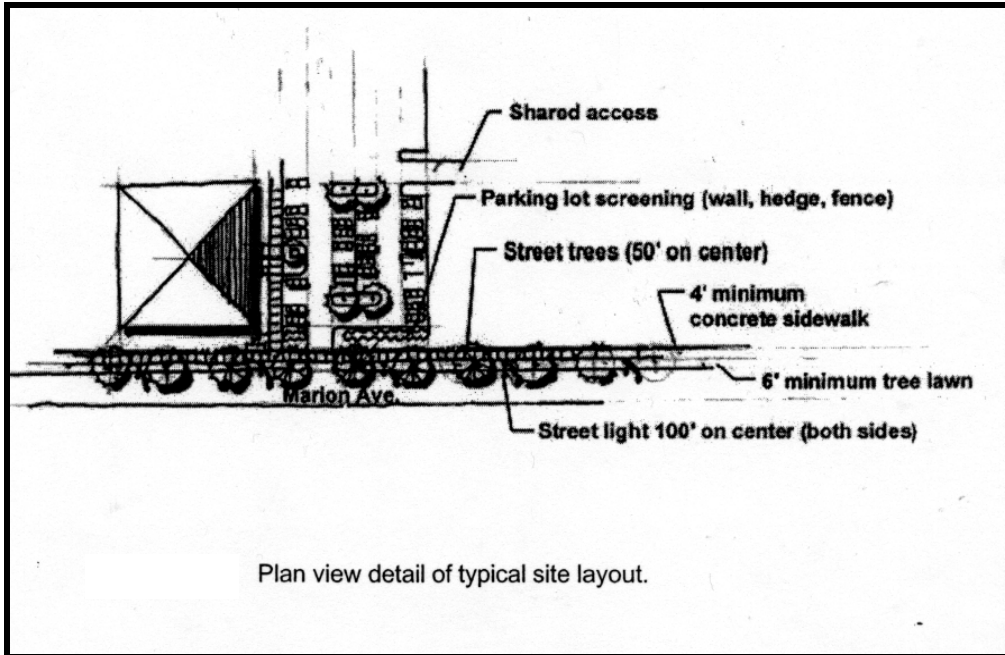
A. These Gateway Design District-2 provisions include recommended design guidelines that may be waived if circumstances warrant and provided the intent of this Section is achieved, as well as mandatory standards as noted in this Section.

B. Graphics, where provided, are for illustrative purposes and do not represent the only way to meet the intent of the standards and guidelines in this Section.

#### **3.3.4 COMMERCIALLY ZONED PROPERTIES**

##### **A. PARKING AND ACCESS**

1. No more than 20% of the parking in a commercial district shall be located as convenience parking in front of the front line of the building. This standard may not be waived. The balance of the parking shall be located to the side or rear of the building. The area between the street and the parking at the side and front of a commercial building should be landscaped to buffer the visual impacts.
2. One bicycle parking or storage space should be provided for every 15 off-street vehicular parking spaces.
3. Vehicle access to parking and services areas should be from a secondary street or alley whenever feasible. Shared driveways and parking are encouraged.



B. ARCHITECTURAL DESIGN

1. Minimum frontage build-out should be 50% of the front lot line.
2. Roof forms may include symmetrically pitched roofs or flat roofs with cornice. Slopes of pitched roofs should be not less than 5:12, except that porch roofs may be sheds with pitches not less than 3:12. All gables should be parallel or perpendicular to the street.
3. Mechanical systems proposed for rooftops may exceed the maximum height requirements provided they are adequately screened and set back from the building facade.
4. Recommended roof materials include black or single tone asphalt shingles, standing seam roof with small seam with an approved color or natural slate. Imitation slate and wood shingles should be avoided. Parapet caps may be stone, concrete, or limestone.
5. All architectural openings, including windows, doorways, arches and porch framing, should be constructed with their height equal to or greater than their width and framed by appropriately scaled lintel or arch at the top and sill at the bottom.
6. The rhythm and proportions of architectural openings should complement that of adjacent buildings. The amount of windows and openings should be greatest at the street level. Facade design should incorporate a primary material and an easily recognizable pattern (with sub-patterns or subtle variations for larger scale buildings). Breaks or fluctuations in pattern or materials may be used to draw attention to entrances or special façade elements.
7. Recommended window materials include anodized aluminum or vinyl-clad frame (black, brown or approved color) or painted or stained wood. Recommended lintel and sill materials include brick, stone, wood or colored concrete. Bare aluminum frames should be avoided. Clear, frosted or stained glass is

- recommended; tinted or mirrored glass should be avoided.
8. Shutters, if used, should be used throughout the façade and shall be proportioned to cover the window opening when closed.
  9. Recommended façade materials include common red brick (bare or painted), special masonry units (textured, colored, or painted), natural stone, or wood clapboard. Beige, multi-tone, or imitation brick siding; bare masonry units; metal, asphalt or vinyl siding; and imitation stone or exterior insulation finish systems (EIFS) should be avoided.
  10. Recommended trim materials include finish grade, painted, or stained wood. Bare lumber grade wood or plywood should be avoided.
  11. Canvas awnings incorporating a maximum of three approved colors may be used. Plastic awnings should be avoided.
  12. Recommended hard surface materials include asphalt, brick, paving stone, and patterned concrete. Asphalt use should be limited to parking and loading areas.
  13. Building signage should be simple and integrated into the design of the building. See Chapter 6.1 “Signage” for sign regulations.

### **3.3.5 RESIDENTIALLY ZONED PROPERTIES**

#### **A. ARCHITECTURAL DESIGN**

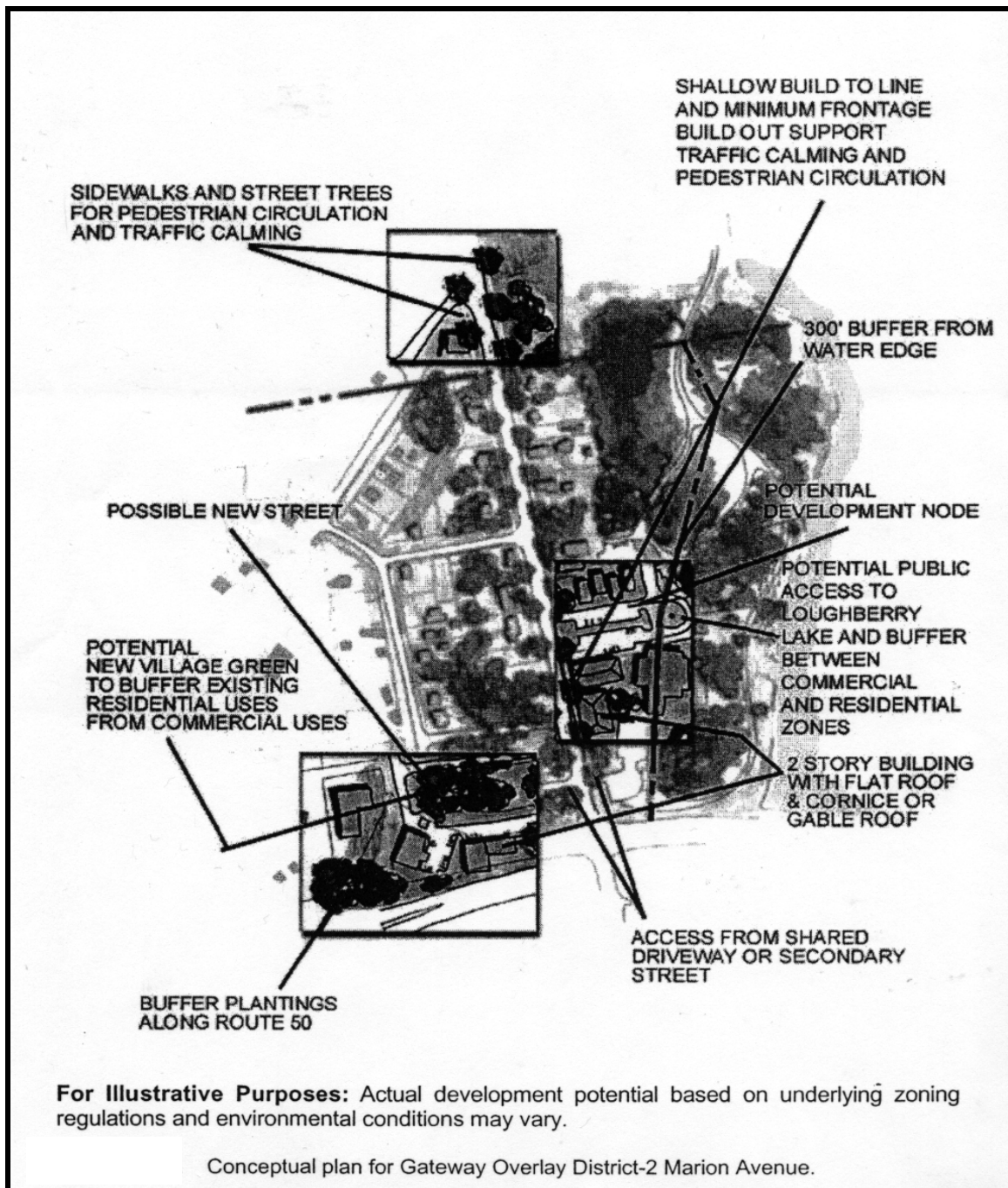
1. Roof forms may include symmetrically pitched roofs, but no flat roofs. Slopes of pitched roofs should be not less than 5:12, except that porch roofs may be sheds with pitches not less than 3:12. All gables should be parallel or perpendicular to the street.
2. Recommended roof materials include black or single tone asphalt shingles, standing seam roof with small seam with an approved color or natural slate. Imitation slate and wood shingles should be avoided.
3. Mechanical systems proposed should not be on the roofs and should be located to the side or rear of buildings and appropriately screened.
4. All architectural openings, including windows, doorways, arches and porch framing, should be constructed with their height equal to or greater than their width and framed by appropriately scaled lintel or arch at the top and sill at the bottom.
5. The rhythm and proportions of architectural openings should complement that of adjacent buildings. Breaks or fluctuations in pattern or materials may be used to draw attention to entrances or special façade elements.
6. Recommended window materials include anodized aluminum or vinyl clad frame (black, brown or approved color) or painted or stained wood. Clear, frosted or stained glass is recommended; tinted or mirrored glass should be avoided.
7. Shutters, if used, should be used throughout the façade and shall be proportioned to cover the window opening when closed.
8. Recommended façade materials include common red brick (bare or painted), natural stone, or wood clapboard.
9. Recommended trim materials include finish-grade painted or stained wood. Bare lumber grade wood or plywood should be avoided.

**3.3.6 TRAFFIC CALMING**

For properties within the Gateway Design District-2, special considerations should be given to design measures that reduce travel speeds on Marion Avenue. Traffic calming measures include reducing the width of road shoulders and installing curbs, adding street trees, sidewalks and street lighting; and installing bump outs or pedestrian refuge areas at pedestrian crossing points.

### 3.3.7 GATEWAY DESIGN DISTRICT-2 CONCEPTUAL DEVELOPMENT PLAN

The following concept plan illustrates a long-range build-out scenario incorporating existing and new development.



### **3.4 CORRIDOR LODGING DISTRICT**

#### **3.4.1 INTENT**

This Section is established to provide for the location of special types of lodging facilities to serve the traveling or transient public provided special conditions are met.

#### **3.4.2 PERMITTED LODGING FACILITIES**

The following lodging facilities are permitted upon special use permit and site plan review.

##### **A. Corridor Bed and Breakfast**

A supplementary use in a single or two-family residential structure having a resident host where six to ten rooms are offered for rent and one or more meals are furnished to guests. Corridor bed and breakfast establishments may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like. The special use permit shall establish the types of permissible activities, a maximum number of events, and/or days on which such activities can occur and the maximum number of people who can attend such events. The above activities shall not require off-street parking.

##### **B. Corridor Rooming House**

A supplementary use in a single or two-family residential structure having a resident host where five to ten rooms are offered for rent and where meals may be provided to lodgers for compensation. A corridor rooming house shall provide lodging to people for a rental period of no less than twenty-eight consecutive days. A corridor rooming house may have a common kitchen facility available to lodgers but shall have no kitchen or dining facilities in any guestroom. A corridor rooming house shall not have regularly scheduled commercial activities such as weddings, catered events, and the like.

##### **C. Inn**

A residential building with a resident manager in which eleven to twenty-five rooms are offered for rent to not more than fifty lodgers. An inn may offer meals to lodgers and/or the public for compensation. An inn may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like. The special use permit shall establish the type of permissible activities, a maximum number of events/days on which such activity can occur and the maximum number of people who can attend such events. The regularly scheduled activities above shall not require off-street parking.

#### **3.4.3 PERMITTED LOCATIONS**

An applicant may seek approval for a corridor bed and breakfast, corridor rooming house, or an inn on all properties that front on the following streets:

- Ballston Avenue
- Broadway
- Church Street
- Circular Street
- Crescent Street

- Crescent Avenue
- East Avenue
- Excelsior Avenue
- Frank Sullivan Place
- Geysler Road
- Grand Avenue
- High Rock Avenue
- Lake Avenue
- Lincoln Avenue
- Marion Avenue
- Nelson Avenue (between Union Ave and Crescent Avenue)
- Nelson Avenue Extension
- South Broadway
- Route 9 (between Avenue of the Pines and Malta Town Line)
- Union Avenue
- Washington Street
- West Circular Street
- Whitney Place

A map of the Corridor Lodging District is available at [www.saratoga-springs.org](http://www.saratoga-springs.org).

### **3.5 PUBLIC WATER SUPPLY AND WETLAND PROTECTION DISTRICT**

#### **3.5.1 INTENT**

This Section is intended to protect the City public water supply and wetland resources to provide for flood control, water quality, recreational, aesthetic and open space benefits.

#### **3.5.2 PUBLIC WATER SUPPLY AND WETLAND PROTECTION DISTRICT LOCATIONS**

The Public Water Supply and Wetland Protection District encompasses the following areas:

1. Land within 300 linear feet from the high water elevation for the Loughberry Lake Public Water Supply Reservoir.
2. Lands and waters identified as Class I and Class II Freshwater Wetlands by the Commissioner of the New York State Department of Environmental Conservation. Such areas are generally shown on the maps entitled "Final Freshwater Wetlands Maps-Saratoga County" prepared by the New York State Department of Environmental Conservation. The precise boundaries of such wetlands may be determined by field inspection by the New York State Department of Environmental Conservation.

#### **3.5.3 RESTRICTED ACTIVITIES**

No structures shall be permitted within the Public Water Supply and Wetland Protection District with the following exception. A principal or accessory residential structure that legally existed on or before January 1, 2001 within the Loughberry Lake Public Water Supply area may be expanded up to a total of 30% of its footprint.

**3.6 WATERCOURSE PROTECTION DISTRICT**

**3.6.1 INTENT**

This Section is intended to protect City watercourses and adjacent lands to enhance recreational and visual amenities, minimize sedimentation and erosion, reduce excessive flooding, prevent degradation or loss of stream-related wetlands, flora and fauna, and control watercourse pollution.

**3.6.2 WATERCOURSE PROTECTION DISTRICT LOCATIONS**

All water and land within 50 linear feet of the center line of all City streams with a mean high water channel top width between 10 feet and 50 feet. Maps of these regulated watercourse areas are available in the City Clerk's Office and in the Office of Planning and Economic Development.

**3.6.3 ACTIVITIES WITHIN DISTRICT**

A. Activities subject to permit. A Watercourse Activity Permit shall be required before undertaking the following activities:

1. Any development activity subject to subdivision or site plan review
2. The replacement in-kind of any lawfully existing structure
3. The installation, reconstruction, replacement or maintenance of non-municipal or private utilities
4. The installation, reconstruction or replacement of a culvert, bridge, or street crossing
5. The discharge of storm water, ground water, or treated waste water
6. Grading, except for residential lawn maintenance, gardening activities, or agricultural uses.
7. Removal of live vegetation, except for reasonable upkeep or the preservation of the property.
8. The application of chemical fertilizers.

B. Activities exempt from permit. The following activities shall be exempt from these permit requirements:

1. Agricultural activities
2. Watercourse maintenance activities if carried out in accordance with applicable New York State DEC standards, requirements, and permits
3. The following activities related to the maintenance and upkeep of property:
  - a. Lawn care except for the application of chemical fertilizers
  - b. Gardening
  - c. Tree and shrub care
  - d. Removal of dead and deteriorating vegetation
4. Municipal utility crossings.
5. Maintenance and reconstruction of municipal utilities.

C. Prohibited activities. The following activities shall be prohibited:

1. Installation of any septic tank, leach field or other on-site sewage disposal facility
2. Storage or dumping of any waste material, or debris that would alter the natural contours or characteristics of the watercourse



3. New construction of principal or accessory structures over 500 square feet in ground floor area.
4. Watercourse alteration through piping, filling, excavation or the removal of vegetation except for the reasonable upkeep or preservation of the property

#### **3.6.4 PERMIT APPLICATION PROCESS**

A. For all activities that require a watercourse activity permit, application may be made directly to the Planning Board or as a referral by the Zoning Officer. To the extent practicable, the Planning Board shall coordinate review of the watercourse activity permit with associated subdivision or site plan review applications.

B. Applications for watercourse activity permits shall be on forms prescribed by the Planning Board, shall include plans and details as required, and shall be accompanied by a fee as established by the City Council.

C. In its review, the Planning Board may approve the application if it finds:

1. That there is no reasonable alternative, and;
2. That issuance of the permit will not violate the intent of this Section

D. The Planning Board may require a performance guarantee to ensure that all necessary erosion and sediment control measures are completed and maintained adequately.

E. Unless otherwise specified or extended by the Planning Board, a watercourse activity permit shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and has not begun actual construction, or otherwise implemented this approval.

F. The Planning Board may grant up to two 18-month extensions for an approved watercourse activity permit provided that the application was properly submitted prior to the expiration date of either the original watercourse activity permit or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

#### **4.0 INCENTIVE DISTRICTS**

This Article establishes certain districts where underlying zoning requirements, such as population density, area, height, open space, use or other provisions, may be relaxed in exchange for providing select public benefits.

#### **4.1 DENSITY BONUS FOR AFFORDABLE SENIOR HOUSING**

##### **4.1.1 INTENT**

This Section is established to encourage the construction of affordable senior housing opportunities in exchange for an increase in the otherwise maximum density of the underlying zoning district.

##### **4.1.2 AFFORDABLE SENIOR HOUSING DEFINED**

Affordable senior housing is defined as a structure where all the residential units are occupied by at least one person who is at least 55 years old and where each household has an income that is less than or equal to 60% of the Median Household Income as established by the U.S. Department of Housing and Urban Development for the Albany-Schenectady-Troy Metropolitan Statistical Area.

##### **4.1.3 PERMITTED INCENTIVE**

The Planning Board, upon issuance of a special use permit and site plan review, may grant up to a 50% density bonus in addition to the maximum permitted density of the underlying district if the project is consistent with the definition of affordable senior housing.

##### **4.1.4 PERMITTED LOCATIONS**

An applicant may seek approval of this incentive in the following zoning districts:

- All Urban Residential Districts (UR-1 through UR-7)
- Neighborhood Complementary Use -3
- Office/Medical/Business -1 and -2
- Tourist Related Business (permitted only on 2<sup>nd</sup> story and above)
- Highway General Business (permitted only on 2<sup>nd</sup> story and above)

#### **4.2 DENSITY BONUS FOR PUBLIC ACCESS TO OPEN SPACE**

##### **4.2.1 INTENT**

This Section is established to encourage permanent public access to protected open space land in exchange for an increase in the otherwise maximum density of the underlying zoning district.

##### **4.2.2 PERMITTED INCENTIVE**

The Planning Board, via a Conservation or Cluster Subdivision approval, may grant up to a 20% density bonus in addition to the maximum permitted density of the underlying district if the project establishes permanent public access to designated open space land.

**4.2.3 PERMITTED LOCATIONS**

An applicant may seek approval of this incentive in the following zoning districts:

- Rural Residential
- Suburban Residential-1
- Suburban Residential-2
- Urban Residential-1

**4.3 DENSITY BONUS FOR PUBLIC RECREATION OR AFFORDABLE HOUSING**

**4.3.1 INTENT**

This Section is established to encourage the provision of public recreation benefits and/or affordable housing in exchange for an increase in the otherwise maximum density of the underlying zoning district.

**4.3.2 PUBLIC BENEFITS DEFINED**

**A. Public Recreation Benefits**

The provision of exceptional public recreation benefits includes new recreational opportunities available to the public in an area where there has not been such an opportunity or public access to an important natural resource or park area.

**B. Affordable Housing**

The provision of at least 20% of the housing mix made available to low- and moderate-income households, as established by the U.S. Department of Housing and Urban Development for the Albany-Schenectady-Troy Metropolitan Statistical Area, at prices below the median housing price.

**4.3.3 PERMITTED INCENTIVE**

The Planning Board, upon issuance of Subdivision approval, may grant up to a 20% density bonus in addition to the maximum permitted density of the underlying district if the project establishes public recreation benefits and/or affordable housing acceptable to the Planning Board.

**4.3.4 PERMITTED LOCATIONS**

An applicant may seek approval of this incentive in the following zoning districts:

- Suburban Residential-2
- Urban Residential-1

## **5.0 NONCONFORMING USES, STRUCTURES AND LOTS**

### **5.1 INTENT**

A. It is the intent of this Article to set forth the conditions under which uses, structures and lots, that do not conform to requirements of this Chapter but which were lawful prior to the effective date of those requirements, may be continued, repaired, rebuilt, expanded or modified.

B. Any lot, structure or use which was in violation of the Zoning Ordinance of the City of Saratoga Springs prior to adoption of this Chapter shall not be regarded as lawfully non-conforming under this Article and shall not be entitled to any of these rights.

C. This Article shall not be construed to permit any unsafe use or structure or to restrict any proper procedures to regulate, prohibit, abate or remove any unsafe use or structure.

### **5.2 DETERMINATION OF CONFORMITY**

Upon written request, the Zoning Officer shall make a written determination as to whether a particular use, structure, or lot is conforming or non-conforming based on available property records. The Zoning Officer may require such additional information as necessary to make this determination.

## **5.3 NONCONFORMING USES**

### **5.3.1 CONTINUATION**

A lawfully pre-existing, non-conforming use may be continued subject to the provisions of this Section.

### **5.3.2 DISCONTINUANCE**

A non-conforming use shall be deemed discontinued if it is not operated for at least thirty (30) days in a calendar year and any future use of the property shall conform to this Chapter.

### **5.3.3 DAMAGE OR DESTRUCTION**

A structure containing a non-conforming use that is damaged or destroyed by any unintentional cause may be restored, rebuilt or repaired to its original dimensions and occupied by the same use provided that the building permit for reconstruction is obtained within one (1) year after the damage occurs and a Certificate of Occupancy is obtained within two (2) years from the date of issuance of building permit.

### **5.3.4 EXTENSION OR EXPANSION OF USE**

A non-conforming use shall not be extended or physically expanded. Extension or expansion of a non-conforming use shall include expansion of the area or volume occupied by a non-conforming use, including expansion into previously underutilized, vacant or newly constructed space, or the increase of any parking related to the use.

**5.3.5 CHANGE IN USE**

If a non-conforming use is to be replaced or augmented by another use, the new and any future use shall conform to this Chapter.

**5.4 NONCONFORMING STRUCTURES**

**5.4.1 CONTINUATION**

A non-conforming structure may be maintained in reasonable repair subject to the provisions of this Article.

**5.4.2 DAMAGE OR DESTRUCTION**

A non-conforming structure that is damaged or destroyed by any unintentional cause may be restored, repaired or rebuilt to its nonconforming dimensions provided that the building permit for reconstruction is obtained within one (1) year after the damage occurs and a Certificate of Occupancy is obtained within two (2) years from the date of issuance of building permit.

**5.4.3 RENOVATION, ALTERATION OR REPAIR**

Any non-conforming structure may be renovated, altered or repaired within its present dimensions.

**5.4.4 EXTENSION OR EXPANSION OF STRUCTURE**

A. A non-conforming structure may be extended or expanded provided the proposed extension or expansion does not violate any dimensional requirements other than the current nonconformity.

B. A non-conforming structure may not be extended or expanded to increase nonconformity unless dimensional relief is granted by an area variance from the ZBA.

**5.5 NONCONFORMING LOTS**

A. A lot which lawfully existed and was in compliance with the provisions of the Zoning Ordinance applicable on the date that such lot was recorded in the Saratoga County Clerk's office but which does not conform to the current dimensional requirements of this Chapter shall be considered a legal non-conforming lot of record as follows in "B" and "C".

B. Minimum lot size and minimum average lot width requirements shall not apply to any lawfully recorded lot which was under different ownership from any adjoining land on or before July 6, 1961.

C. The owner of any lot in a residential district which does not conform to the district's minimum lot size and minimum average lot width requirements may erect a single family residence or accessory building if the lot legally existed on or before January 19, 1970 and is not under the same ownership as any adjoining land.

D. Lawfully nonconforming lots of record, which are located within approved subdivisions, shall be considered legal nonconforming lots and can be developed in

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accordance with the dimensional requirements that were effective on the day that such lots were created, provided that the approved subdivision plat was properly filed in the Saratoga County Clerk's office.

E. Development of any lawfully nonconforming lots existing outside of approved subdivisions shall comply with the dimensional requirements that are currently in effect.

## **6.0 SUPPLEMENTAL REGULATIONS**

### **6.1 SIGNAGE**

#### **6.1.1 INTENT**

The intent of this article is to promote and protect the public health, welfare and safety by regulating outdoor advertising and signs of all types. All signs shall be erected and constructed so as not to obstruct traffic, cause visual blight, nor detract from the value of adjacent properties.

#### **6.1.2 GENERAL COMPATIBILITY**

Each sign shall be compatible within the context of its visual and physical environment. Consideration shall be given, but need not be limited, to the following elements:

- A. Size, bulk and mass
- B. Texture, materials and colors
- C. Lighting and illumination
- D. Orientation and elevation
- E. General and specific location
- F. Proximity to streets, highways and mass transit routes
- G. Design including size and character of lettering, logos, and related contents
- H. Background or field including the skyline
- I. Character and design of sign structure

#### **6.1.3 GENERAL REGULATIONS**

The following regulations shall apply to all signs:

- A. Placement
  - 1. Off-premise signs or billboards shall not be permitted in any District except as allowed in Section 6.1.4.
  - 2. Portable signs shall not be permitted in any District.
  - 3. No sign shall be placed within 150 feet of a signalized, or within 50 feet of an un-signalized, street intersection so as to cause a traffic hazard at the intersection.
  - 4. No sign shall be located where its position, shape, or color may interfere or be confused with any authorized traffic sign or device.
  - 5. No signs shall be placed upon trees, manmade or natural features (excluding buildings) or on utility poles, bridges, culverts, towers or similar structures.
  - 6. No sign shall project into the public right-of-way except as approved by the Commissioner of Public Works after consultation with the Department of Public Safety.
  - 7. No lighting device or illuminated sign shall be placed so as to cause glare or reflection that may constitute a traffic hazard or public nuisance.
- B. Design
  - 1. No sign shall use any words or symbols so as to interfere with, mislead or confuse traffic.
  - 2. No sign shall employ any mirror or mirror-like surface nor any day-glowing or

- other fluorescent paint or pigment.
3. No sign shall be illuminated by, or contain, flashing, intermittent, rotating, or moving lights. All bare light sources and immediately adjacent reflecting surfaces shall be shielded from view.
  4. No sign shall consist of any banner, pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering, or revolving device. Such devices shall be prohibited even if they have no message or logo on them. Such devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign.

**6.1.4 SIGNS EXEMPT FROM PERMIT**

The following signs are allowed without a permit provided they comply with the general regulations of this Article:

- A. Exempt Temporary Signs
  1. Political posters, banners and signs shall not be posted for more than 60 days and must be removed within 15 days after event:  
Residential Districts: maximum 4 sq. ft.  
Non-Residential Districts: maximum 16 sq. ft.
  2. One on-premise, non-illuminated "For Sale," "For Rent" real estate or similar sign, to be removed within 30 days after sale or lease of the premises:  
Residential Districts: maximum 4 sq. ft.  
Commercial or Institutional Districts: maximum 20 sq. ft.  
Industrial Districts: maximum 40 sq. ft.
  3. Directional signs within City right-of-way for real estate sales permitted on Saturdays and Sundays only: maximum 4 sq. ft.
  4. One on-premise, non-illuminated "For Sale" sign for an approved subdivision: maximum 40 sq. ft., to be removed within 30 days of the sale of 75% of the lots or units.
  5. One on-premise, non-illuminated sign listing the owner, designer and/or contractor where construction or renovation is in progress: maximum 10 sq. ft.
  6. Private owner merchandise sale signs for garage sales and auctions: maximum 4 sq. ft. and for a maximum of 7 days
  7. On-premise directional signs for meetings, conventions, and other assemblies: maximum 4 sq. ft.
  8. Off-premise directional signs to direct persons to a temporary not-for-profit service or activity: maximum 1.5 sq. ft. Must be located within public right-of-way and with approval from the Commissioner of Public Works
  9. Sandwich board signs shall only be permitted within the public right-of-way on Broadway between Van Dam Street and the Avenue of the Pines and with the approval from the Commissioner of Public Works in accordance with Article 203-10 of the City Code.
  10. Signs or posters affixed to window interior: maximum 30% of window surface or 100 sq. ft., whichever is less
  11. One sign for a roadside stand selling agriculture produce grown on the premises in season: maximum 24 square feet.



- B. Exempt Permanent Signs
  - 1. Historical markers, tablets, memorial signs or plaques – when cut into masonry or constructed of bronze, stainless steel, or similar material: maximum 6 sq. ft.
  - 2. Emblems installed by government agencies, religious or nonprofit organizations: maximum 6 sq. ft.
  - 3. Governmental flags and insignia except when displayed in connection with commercial promotion: maximum 150 sq. ft.
  - 4. Non-illuminated warning, private drive, posted or no trespassing signs: maximum 2 sq. ft.
  - 5. Non-illuminated building identification signs: maximum 2 ft. in height and 5% of the building façade. Must be incorporated within the façade that has street frontage and shall not identify any tenant or occupant of the structure
  - 6. House/building numbers
    - Residential Districts: street address, number and/or name plate identifying residents; mounted on residence, mailbox or lamp post; maximum 1½ sq. ft.; non-illuminated unless on lamp post.
    - Non-Residential Districts: street address and/or number; maximum 4 sq. ft. on a building, or maximum 1½ sq. ft. on a sign or mailbox.
  - 7. Directional signs identifying public parking areas, fire zones, entrances and exits and similar signs: maximum 4 sq. ft. and 4 feet tall; business names or logos not permitted
  - 8. Off-premise directional signs to a governmental or not-for-profit facility: maximum 1½ sq. ft.; must be located within public right-of-way and with approval from the Commissioner of Public Works
  - 9. Gasoline pump signage
    - Fuel price: maximum 2 sq. ft.
    - Additional pump signage: maximum 1 sq. ft.
  - 10. Analog clocks: maximum 24 sq. ft.; digital time and temperature signs prohibited
  - 11. Murals: maximum 50% of the building façade or 200 sq. ft., whichever is less; advertising messages are not permitted

**6.1.5 SIGNS REQUIRING A PERMIT**

A. Construction, erection or alteration of the following signage is allowed only in the districts indicated upon issuance of a sign permit by the Building Department. Unless otherwise restricted, an establishment may have any combination of permitted wall, awning and freestanding signage.

B. Any person who constructs, erects or alters any sign without a required permit shall be in violation of this article and shall be subject to enforcement measures and penalties as defined in this Chapter.

**6.1.5.1 WALL SIGNAGE**

A sign which is painted on, or attached to, the outside wall of a building with the sign face parallel to and not extending more than 6 inches from such wall. The area measurement of a wall sign include all advertising features but shall exclude non-

advertising support structures.

A. NUMBER – COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL DISTRICTS

1. An establishment is permitted one wall sign per street frontage.
2. A structure located on a lot with more than one street frontage is permitted one wall sign for each street frontage. A publicly-owned alley shall be considered street frontage.
3. An establishment located on a lot with no street frontage is permitted one wall sign on any single façade of the establishment.
4. An establishment, located within a portion of a structure without street frontage but on a lot with frontage, is permitted one wall sign.
5. A single wall sign may be used to identify more than one establishment as in the case of a sign directory.

B. INSTALLATION

1. Wall signs shall not extend beyond the ends, or over the top, of the walls to which it is attached
2. Wall signs shall not extend above the first floor level of the building
3. Wall signs shall not extend more than 6 inches from the face of the building.
4. Electric wall signs may extend a total of 14 inches from the face of the building to accommodate a code-required transformer box but that box shall not extend more than 8 inches from the building.
  - Whenever possible, the transformer box shall be concealed inside the building.
  - Exterior mounted transformer boxes are prohibited in the Historic District(s), in the T-6 district, and in the T-5 “downtown” and “inner Excelsior Avenue” areas.
  - All backlit signs shall have a dark background. Only the letters and/or message area of the sign shall be illuminated.

C. SIZE:

The maximum area for wall signage shall not exceed 2 sq. ft. for each linear foot of building frontage attributable to the identified business, or a total of 100 sq. ft., whichever is less.

- For buildings with multiple tenants having store fronts only, the facade rented by the tenant shall be considered as wall area for a sign.

**6.1.5.2 AWNING SIGNAGE**

A sign that is incorporated into an awning attached to a building.

A. NUMBER – COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL DISTRICTS

One awning sign may be permitted for each window or door of the façade.

B. INSTALLATION

1. Awnings shall not extend more than 7 feet from the façade or be lower than 7 feet from the ground
2. Awnings to which signs may be attached must be constructed over doors or

3. windows, fastened to the building façade, and not supported from the ground  
 3. Awning signs may be placed on any one face of the awning

C. SIZE

An awning sign (logo and/or lettering) shall not exceed 25% of the awning face on which it appears, or 100 sq. ft., whichever is less. There shall be no other restriction on the size or height of the lettering or logo.

**6.1.5.3 FREESTANDING SIGNS**

Any non-movable sign not attached to a building including post-mounted and pedestal signs. The height of a freestanding sign shall be measured from the average grade at ground level to the highest point of the sign/structure.

A. NUMBER – COMMERCIAL, INSTITUTIONAL OR INDUSTRIAL DISTRICTS

1. One sign is permitted on any parcel
2. A single free-standing sign may be used to identify more than one on-premise establishment

B. NUMBER – RESIDENTIAL DISTRICTS

1. One freestanding sign is permitted on any parcel for any lawfully existing non-residential use of that property: maximum 4 sq. ft.; shall not be back lighted
2. One sign to advertise available units in multiple residences or apartment developments: maximum 4 sq. ft.
3. One sign to identify a residential subdivision: maximum 10 sq. ft.; may be erected near the principal entrance but not within the public right-of-way; must include provision for its permanent maintenance

C. INSTALLATION

1. A freestanding sign shall not be located within 50 feet of another freestanding sign.
2. A freestanding sign shall not extend into the public right-of-way or extend beyond the property lines.
3. Freestanding signs that extend over a pedestrian walkway or driveway must have a minimum 10 foot vertical clearance from the ground.

D. SIZE

The maximum height and size of permitted freestanding signs are as follows:

District or Posted Speed Limit	Height	Size
T-5 & T-6 Zones in the Downtown area, T-5 Zone in the northern South Broadway area, T-5 Zone in the inner Excelsior Avenue area	12'	12 sq. ft.
All other districts: 0-44 mph	12'	24 sq. ft.
All other districts: 45 mph or greater	20'	40 sq. ft.

**6.1.6 ADDITIONAL REQUIREMENTS WITHIN CERTAIN DISTRICTS**

A. Architectural and Historic Review Districts

1. Signs within the Architectural or Historic Review Districts are subject to review by the Design Review Commission.
2. Signs within the Historic Districts shall be fastened in a manner that will not permanently damage the historic quality of the structure.

B. Historic Districts, Transect-6 District and Transect-5 Districts of the Downtown, Northern South Broadway, and Inner Excelsior Avenue areas as identified in the City Comprehensive Plan.

1. Exposed neon tube, and the like, is prohibited.
2. Signs with internally-illuminated, translucent individual letters (“channel lighted”) are prohibited. However, back-lighted opaque letters are permitted provided the light source is concealed by the letter and light is reflected off the rear surface of the letter (“halo lighted”).
3. Sign lettering or logos shall not exceed 18 inches in height.

**6.1.7 MAINTENANCE**

A. Signs and sign structures shall be maintained and kept free from all hazards such as faulty wiring and loose supports, braces, and the like.

B. Any sign that no longer identifies or relates to a bona fide business shall be removed within 30 days.

**6.1.8 ENFORCEMENT**

A. Upon finding that a sign or sign structure is in violation of this Article, the Zoning Officer shall give written notice to the property owner or responsible entity. Should the property owner or responsible entity fail to comply with the notice within 10 days, the sign or sign structure shall be removed or altered to comply with the notice at the expense of the property owner or responsible entity.

B. Upon finding that a sign or sign structure presents an immediate threat to public health, welfare and safety, the Zoning Officer may remove this threat without notice. Any expense incurred shall be paid by the property owner or responsible entity.

## **6.2 PARKING AND OFF-STREET LOADING REQUIREMENTS**

### **6.2.1 INTENT**

This Article sets minimum standards for off-street parking and loading for new construction and for the expansion or change to existing uses. The purpose of this Article is to ensure that uses have a minimum level of off-street parking to avoid congestion on surrounding streets while avoiding excessive parking.

### **6.2.2 APPLICABILITY**

A. The parking and loading requirements shall apply to all zoning districts with the following exception: there are no minimum off-street parking requirements in the Transect-6 district.

B. The Planning Board shall have the authority to waive the minimum number of required parking spaces in any Commercial, Transect, Neighborhood Complementary Use, or Urban Residential-4A district, provided:

1. the applicant can demonstrate that sufficient parking accommodations can be provided; and
2. the applicant can demonstrate that the waiver will not result in any adverse impacts on the subject site or within the District

### **6.2.3 CALCULATION OF REQUIRED PARKING**

A. Uses not identified

For uses not expressly listed in the mandatory off-street parking table, required parking shall be calculated on the basis of the most similar use listed as determined by the Zoning Officer.

B. Multiple uses

In instances of multiple uses, the required off-street parking calculation shall include the minimum standards that apply to each use.

C. Fractional measurements

When calculating the required number of parking spaces, any fraction up to and including  $\frac{1}{2}$  shall be disregarded and fractions over  $\frac{1}{2}$  shall require one parking space.

D. Floor area measurement

When calculating the required number of parking spaces on the basis of floor area square footage, the gross floor area devoted to the use shall be used.

E. Number of employees

When calculating the required number of parking spaces on the basis of the number of employees or staff, the maximum number present at any one time (greater than 30 minute period) shall govern.

F. Maximum Parking Allowed

No use may provide parking quantities greater than 20% over the amount specified in

this Article unless waived by the Planning Board.

G. Off-street loading areas may not be used to satisfy off-street parking requirements.

**6.2.4 OFF-SITE PARKING**

In general, off-street parking shall be provided on the same lot or tax parcel as the principal use. Required off-street parking may be provided on a separate lot or tax parcel provided:

1. that lot is within 300 feet of the parcel with the principal use; and
2. there are covenants that tie the two lots together as set forth in 6.2.5(3) below.

**6.2.5 SHARED PARKING**

In any district, the Planning Board may approve the shared use of a parking facility and up to a 30% reduction in the total parking requirement for two or more principal buildings or uses, either on the same, adjacent or nearby parcels, provided:

1. It is clearly demonstrated that the shared use or reduction in spaces will substantially meet the parking needs of the envisioned patrons and employees; and
2. There is a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of any of the principal uses having beneficial use of the shared parking. Said covenant shall:
  - a. be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof; and
  - b. be enforceable by any one or all of the parties having beneficial use thereof; and
  - c. be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

**6.2.6 OFF-STREET PARKING SCHEDULE**

Except where waived in accordance with the above provisions, off-street parking spaces shall be provided and maintained by the owner of the property as follows:

USE/ACTIVITY	MINIMUM SPACES
Agricultural activity (farming)	1 per employee
Art gallery	1 per 400 sq. ft. of floor area plus 1 per 2 employees
Animal clinic/kennel	1 per 200 sq. ft. of floor area plus 1 per 2 employees
Automotive sales and service	1 per 200 sq. ft. of sales floor area plus 1 per 600 sq. ft. of service floor area plus 1 per company vehicle
Bottling plant	1 per 2 employees plus 1 per company vehicle

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Bowling alley	1 per 3 persons of design capacity
Broadcasting station	1 per 2 employees plus 1 per company vehicle
Bus depot	1 per 5 seats in waiting room plus 1 per 2 employees
Building material storage and sales	1 per 200 sq. ft. of sales floor area plus 1 per company vehicle
Car rental agency	1 per 250 sq. ft. of sales floor area plus 1 per company vehicle
Car wash	1 per bay plus 1 per 2 employees
Cemeteries	1 per 2 acres
Convenience sales	1 per 200 sq. ft. of sales floor area plus 1 per 2 employees
Convalescent homes/nursing homes	1 per 2 beds plus 1 per 2 employees
Corridor bed & breakfast	1 per guest room plus 2 per resident manager or residential unit
Corridor rooming house	0.5 per guest room plus 2 per resident manager or residential unit
Cultural facility	1 per 300 sq. ft. of floor area
Day care center	1 per employee
Eating & drinking establishments	1 per 4 seats plus 1 per 2 employees
Educational facilities	1 per 5 students (>16 yrs) plus 1 per 2 employees
Equipment repair shop	1 per 300 sq. ft. of sales area plus 1 per 2 employees
Extraction industry	1 per 2 employees plus 1 per company vehicle
Financial institutions & banks	1 per 200 sq. ft. of floor area plus 1 per 2 employees
Funeral home	1 per 400 sq. ft. of floor area plus 1 per company vehicle
Group entertainment (nightclubs, theaters, etc.)	1 per 4 seats
Heavy equipment storage, sales & maintenance	1 per 200 sq. ft. of sales floor area plus 1 per 600 sq. ft. of service floor area plus 1 per company vehicle
Horse barn	1 per 10 stalls
Horse race track & grandstand	1 per 4 seats
Hospitals	1 per 2 beds plus 1 per 2 employees

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Hotel/motel	1 per guestroom plus 1 per 2 employees
Inn	1 per guestroom plus 1 per 2 employees
Laboratory	1 per 2 employees
Machine shop	1 per 300 sq. ft. of sales floor area plus 1 per 2 employees
Manufacturing and assembly	1 per 2 employees plus 1 per company vehicle
Marina & docks	1 per 3 slips
Medical offices/clinics	1 per 200 sq. ft. of floor area
Movie theater	1 per 4 seats
Neighborhood bed & breakfast	1 per guestroom plus 2 per resident manager or resident unit
Neighborhood rooming house	0.5 per guestroom plus 2 per resident manager or residential unit
Newspaper plant	1 per 2 employees plus 1 per company vehicle
Nurseries	1 per 300 sq. ft. of sales area plus 1 per 2 employees plus 1 per company vehicle
Office (incl. real estate)	1 per 300 sq. ft. of floor area
Open air market	1 per 500 sq. ft. of floor area
Outdoor recreation/entertainment	1 per 200 sq. ft. within enclosed buildings plus 1 per 3 persons for outdoor facilities at maximum capacity:  Miniature golf, skateboard park, water slide and similar uses: 1 per 300 sq. ft. of facility area plus 1 per 200 sq. ft. of building floor area;  Driving range: 1 per tee plus 1 per 200 sq. ft. of building floor area; Par Three Course: 2 per golf hole plus 1 per 200 sq. ft. of building floor area
Private/civic clubs	1 per 4 seats plus 1 per 2 employees
Recreational facility	1 per 5 seats
Religious institutions	1 per 10 seats
Residences	2 per unit; 1.5 per unit in a UR-4, UR-5, T-4 or T-5 District
Retail	1 per 300 sq. ft. of sales area plus 1 per 2 employees
Riding stable	1 per 2 horse stalls



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Salvage & scrap processing	1 per 2 employees plus 1 per company vehicle
Self storage facility	1 per 2 employees
Senior assisted care facility	1 per employee plus 1 per 4 residential units (with or without kitchen)
Senior housing	1 per residential unit
Service establishment	1 per 200 sq. ft. plus 1 per 2 employees
Solid waste transfer station	1 per 2 employees plus 1 per company vehicle
Trucking & freight terminals	1 per 2 employees and 1 per company vehicle
Utility establishment	1 per 2 employees plus 1 per company vehicle
Vehicle fueling station	2 per facility and 2 per repair bay
Warehouse	1 per 2 employees and 1 per company vehicle
Waste recycling center	1 per 2 employees plus 1 per company vehicle

**6.2.7 DESIGN REQUIREMENTS**

**A. Parking Space Dimensions**

1. Each off-street parking space shall have the following minimum dimensions:
  - a. Parallel parking  
Width = 9 feet; length = 22 feet; height = 7 feet
  - b. Perpendicular parking  
Width = 9 feet; length = 18 feet; height = 7 feet
  - c. Parking on angle  
Containing an unobstructed rectangle measuring at least:  
Width = 9 feet; length = 18 feet; height = 7 feet

**B. Parking Aisle / Access Drive Dimensions**

1. Parking aisle widths shall conform to the following table based on the angle of parking:

Parking Angle (Degrees)	Aisle Width (feet)	
	<u>One-way traffic</u>	<u>Two-way traffic</u>
0 (parallel)	13	19
30	11	20
45	13	21
60	18	23
90 (perpendicular)	22	24

2. For off-street parking areas with more than 4 spaces, driveways shall have a minimum width of 10 feet for one-way traffic and 22 feet for two-way traffic with the following exception: a 10 foot wide driveway is permitted for two-way traffic when:

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- a. the driveway is not longer than 50 feet; and
  - b. it provides access to not more than 10 spaces; and
  - c. sufficient turning space is provided so that vehicles need not back into a public street.
3. Access drives to off-street parking areas shall not occupy more than 25% of the total lot frontage with the following exception: on lots with greater than 150 feet of frontage, the aggregate width of such drives shall not exceed 48 feet for each 300 feet of lot frontage.

C. Accessible Parking

- 1. Accessible parking spaces shall be at least 8 feet wide and shall have an adjacent aisle at least 8 feet wide. Two accessible parking spaces may share a common access aisle.
- 2. Accessible parking shall be provided in accordance with the following:

<u>Total Parking Spaces in Lot or Garage</u>	<u>Number of Accessible Parking Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1000

- 3. Each accessible parking space shall be marked with ADA-compliant signage and any other applicable standards of the Americans with Disabilities Act (ADA).

D. Parking Location

Required off-street parking is permitted within required yard areas for allowed single- and two-family uses in the UR-1, UR-2 and UR-3 zoning districts but prohibited elsewhere.

E. Pavement

All parking spaces shall be constructed with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust. Spaces shall be appropriately demarcated with painted lines or other markings.

F. Landscaping

At least 10% of the area of any parking lot containing more than 15 parking spaces shall consist of landscaped green space to minimize the impact of extensive impermeable areas.

G. Drainage

All parking areas shall be adequately drained. All lots with more than 4 parking spaces shall have drainage connected to a public storm sewer if located within 500 feet of an available public storm sewer system.

**6.2.8 OFF-STREET LOADING AREAS**

A. Calculation

Off-street parking areas may not be used to satisfy off-street loading requirements.

1. Nonresidential Uses

One space for a building with a floor area of 5,000 to 20,000 square feet. No space will be required if it can be demonstrated that deliveries do not exceed one vehicle per day.

2. Hotels

None required for hotels with less than 10,000 square feet floor area. One space required per 30,000 feet of floor area thereafter.

3. Industrial Uses

One space for 5,000 to 10,000 square feet. One space required for each additional 75,000 square feet thereafter.

B. Dimensions

Each required off-street loading area shall have the following minimum dimensions:  
Width = 12 feet; length = 55 feet; height = 14 feet

C. Location

Off-street loading areas shall be located and designed to permit safe access to and from a public right-of-way and safe loading and unloading without obstructing any public right-of-way, parking space or parking lot aisle.

1. Drive-in establishment driveways and vehicle staging areas are not permitted within required yard areas.

2. Off-street loading areas are not permitted in front of any principal building.

D. Construction

Except for unique circumstances, off-street loading areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust.

**6.2.9 BICYCLE PARKING**

Within the Transect Districts, one bicycle parking or storage space should be provided for every 15 off-street vehicular parking spaces.

### **6.3 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES**

#### **6.3.1 INTENT**

This section establishes supplemental regulations for specific uses in addition to those otherwise established in this Chapter.

#### **6.3.2 TELECOMMUNICATIONS FACILITIES AND TOWERS**

This section is intended to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to encourage the shared use of existing buildings and telecommunication towers; to provide the process for the establishment of new telecommunication towers; and to minimize adverse visual effects from telecommunication facilities and towers.

##### **A. Required Approvals**

1. Placement on existing telecommunication facility  
New telecommunication equipment that is proposed to be added to (co-located) a previously approved telecommunication facility shall be a permitted use but shall require architectural review (or historic review if located within an historic district), and site plan review if applicable per Article 7.2 Site Plan Review.
2. Placement on an existing structure  
New telecommunication equipment that is proposed to be added to an existing approved structure, other than an approved telecommunications facility, shall require a special use permit, architectural review (or historic review if located within an historic district), and site plan review if applicable per Article 7.2 Site Plan Review.
3. New telecommunication tower/facility  
The construction of a new telecommunication tower/facility shall require a use variance, architectural review (or historic review if located within an historic district), and site plan review.

##### **B. Additional Requirements for Telecommunications Tower/Facility Approvals**

1. Architectural and historic review  
In addition to the respective requirements associated with Historic and Architectural Review in Articles 7.4 and 7.5, the following may be considered in association with telecommunication tower/facility review.
  - a. Pictorial representations of "before and after" views from key viewpoints selected by the City.
  - b. Alternative designs, materials, finishes and color schemes to minimize visual discord with neighboring areas.
  - c. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose.
2. Special use permit  
In addition to the requirements associated with Special Use Permit in Article 7.1, the following may be considered in association with telecommunication

tower/facility review.

- a. Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities including demonstration that such co-location is not feasible.
- b. Demonstration that any new facility or tower may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
- c. Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.
- d. Certification of a valid Federal Communications Commission (FCC) license.

3. Use variance

In addition to the requirements associated with a Use Variance in Article 8.0, the following may be considered in association with telecommunication tower/facility review.

- a. Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities and other structures including demonstration that such co-location is not feasible. Demonstration shall include an inventory of all existing telecommunication facilities and other structures within a reasonable distance as determined by the ZBA in consultation with the applicant.
- b. Demonstration that a new tower/facility is necessary to meet current or expected demand for services including demonstration that existing facilities, structures, or combination thereof, could not provide the intended service.
- c. Justification for proposed height and design of the new telecommunications tower including an analysis of alternative heights and design.
- d. Visual impact of the proposed tower/facility from abutting properties and streets. In addition to a completed Visual Environmental Assessment Form, a "Zone of Visibility Map" may be required to determine locations where the facility may be seen.
- e. Demonstration that any new tower/facility may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
- f. Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.
- g. Certification of a valid Federal Communications Commission (FCC) license.

4. Use variance - additional notifications

In addition to the notification requirements associated with Article 8.0, the applicant shall send written notification via the U.S. Postal Service of a use variance application to the following:

- a. Property owners within a geographic radius of 500 feet from the subject property boundary
- b. Respective Town Clerk for the Towns of Greenfield, Malta, Milton, Saratoga and Wilton
- c. Saratoga County Planning Board
- d. Director of Saratoga County Emergency Services
- e. Administrator of any State and Federal Parklands from which the tower may be seen

Notice shall describe the proposed facility including the height and exact location of the tower and its capacity for future shared use. The applicant shall submit documentation of this mailing to the ZBA at the time of application.

5. Site plan review

In addition to the requirements associated with a Site Plan Review in Article 7.2, the following may be considered in association with telecommunication approvals.

- a. All proposed telecommunication structures shall be located on a single parcel. If the land is leased, the leased area shall include the entire telecommunications facility including any required yard setback areas.
- b. Each freestanding telecommunication tower shall be located at a minimum setback from any property line equal to the height of the tower. Accessory structures shall comply with setback requirements of the underlying zoning district.
- c. Existing on-site vegetation shall be preserved to the maximum extent possible. An inventory may be required to document existing vegetation. No trees, measuring more than 4 inches in diameter at a height of 4 feet off the ground, shall be cut prior to approval. Additional plantings may be required to screen the facility from neighboring areas
- d. The tower and accessory structures shall be adequately enclosed by a fence or other confined means to ensure the security of the facility.

C. Notice of discontinuance and removal

The property owner or lessee shall notify the Zoning Officer in writing within 30 days of the discontinuance of the approved telecommunication use. All telecommunication facilities and structures shall be removed from any site within four (4) months of the date of discontinued use.

**6.3.3 VEHICLE FUELING STATIONS**

In any district where vehicle fueling stations are permitted, the following shall apply:

- A. No fuel pump shall be located closer than 20 feet from any property line.

- B. No property line associated with a vehicle refueling station shall be located within:
1. 500 feet of a school, park, playground, fire station, public library, theater, religious institution, or other place of public assembly as defined by the NYS Uniform Fire Prevention and Building Code
  2. 250 feet of ingress or egress ramps to limited access highways
  3. 250 feet of an abutting residential district.
- C. No new or used vehicles or trailers shall be sold or rented at a vehicle refueling station.

**6.3.4 MOBILE HOMES**

A. Residential Mobile Homes

Residential mobile homes are permitted only within approved mobile home parks in the Urban Residential-6 District, or for farm workers within State-established Agricultural Districts. Single lot residential mobile homes may only be permitted under extraordinary temporary conditions (e.g., emergency shelters, and the like) by the issuance of a temporary special use permit.

B. Non-residential Mobile Homes

1. A mobile home may be used for temporary business/office purposes-during construction of a permanent facility as approved by the Planning Board.
2. A mobile home may be used as a temporary field office or tool house in conjunction with an approved construction or other similar work project.
3. Temporary mobile homes shall be removed after project completion.

**6.3.5 ADULT BOOK STORES AND ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult Book Stores and Adult Entertainment Establishments are recognized as having serious negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of life, and spread of sexually transmitted diseases, as based on documented evidence and concluded within:

- the “Adult Entertainment Study”, NYC Department of Planning, 1994, which contains summaries of impact studies from the cities of Islip, New York; Los Angeles, CA; Indianapolis, IN; Whittier, CA; Austin, TX; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina and the State of Minnesota; and
- “Adult Use Study, Town of Clifton Park”, Clifton Park and RMPC, 2000;

The adverse impacts are compounded when several establishments are concentrated under certain circumstances and in close proximity of one another, thereby having a deleterious effect upon the adjacent area. Special regulations of such uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and, thereby, have a direct deleterious effect on the health, safety and general welfare of the City and its inhabitants. These supplemental regulations are for the purpose of preventing a concentration of this use in any one area.

A. No adult book store and/or adult entertainment establishment shall be permitted within 2,500 feet from the nearest property line of any school, library, park, playground, or religious institution.

B. No adult book store and/or adult entertainment establishment shall be permitted within 2,500 feet from the nearest property line of any other adult book store or adult entertainment establishment.

C. Penalties. In addition to the penalties specified by Article 9.2.2 of this Chapter, violation of this Section is punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding 6 months, or by both fine and imprisonment. Each day, or any portion thereof, in which any violation of this Section is committed or continued shall constitute a separate offense. In addition to these penalties, the City may institute any appropriate action or proceedings to enjoin the establishment or continuance of such use in violation of the provisions hereof, or take such other legal or administrative action deemed necessary or desirable to correct or abate such violation.



**6.4 SUPPLEMENTAL REGULATIONS FOR ACCESSORY USES**

**6.4.1 INTENT**

This section establishes supplemental regulations for specific accessory uses in addition to those otherwise established in this Chapter.

**6.4.2 OUTDOOR EATING AND DRINKING FACILITIES**

Outdoor eating and drinking facilities shall be a permitted accessory use in association with approved eating and drinking establishments in districts where that use is permitted under Article 2 of this Chapter.

- A. The maximum number of seats permitted for any outdoor eating and drinking facility shall not exceed 50% of the approved number of indoor seats unless otherwise indicated by the issuance of a special use permit.
- B. Site plan review shall be required for any outdoor eating and drinking facility with more than 80 seats.
- C. Outdoor eating and drinking facilities can only be operated from March 1 through October 31 and shall not be occupied by patrons between the hours of 2:30 a.m. and 8:00 a.m. No music may be played on the premises outdoors between 12 a.m. and 8:00 a.m.

**6.4.3 HOME OCCUPATIONS**

Home occupations are permitted as accessory uses, as identified in Article 2 and as follows, provided they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

**A. Application**

The property owner shall seek a Building Permit and/or Certificate of Occupancy, as required by the Building Department, to establish a home occupation.

**B. Requirements**

- 1. The activity shall be conducted entirely within the structure and shall occupy no more than 15% of the total floor area of the residential dwelling units.
- 2. Only occupants of the residence and no more than one non-occupant may conduct the activity at any one time.
- 3. The activity shall generate no more than ten visits to the property per day. Visits may not occur before 8:00 a.m. or after 9:00 p.m.
- 4. Any need for additional parking generated by the activity shall be met onsite.
- 5. One non-illuminated, wall sign, not exceeding 1½ sq. ft. in area, is permitted in association with the activity.
- 6. No outdoor storage or display of products or equipment in association with the activity is permitted.

B. Permitted Activities

Permitted home occupations include but are not limited to the following non-residential activities:

1. Business and professional office facilities
2. Facilities for patient consultations
3. Instructional facilities for not more than 3 students at any given time
4. Workshop or studio facilities for artists, composers, crafts persons, photographers, tailors, writers, and the like

**6.4.4 TEMPORARY ACCESSORY DWELLINGS**

In order to provide flexibility for the temporary housing of family, employees and guests, a “temporary accessory dwelling” shall be permitted as an accessory residential use within an existing legal single-family residence, where identified in Article 2, as follows:

A. Application

The property owner shall seek a building permit to create a temporary accessory dwelling and indicate the period of time for which the temporary accessory dwelling is requested.

B. Size

A temporary accessory dwelling shall only be located in a residence with a minimum of 1,000 square feet. A temporary accessory dwelling shall not occupy more than 1/3 of the square footage of the primary dwelling.

C. Access

There shall be no exclusive access to the temporary accessory dwelling. Access shall only occur through a building entrance that serves both the principal dwelling and the temporary accessory dwelling and through a living area in the primary dwelling.

D. Utilities

A temporary accessory dwelling may have independent kitchen and bath facilities but shall not have separate utility meters or services from the street.

E. Compensation

Application for a temporary accessory dwelling shall include a notarized statement that no rent or other compensation shall be collected for occupancy of the temporary accessory dwelling.

**6.4.5 WALLS AND FENCES**

A. Height

Walls and fences shall be measured from the ground level at the base of the side directed toward the abutting property. Walls and fences, including combinations of both, shall be permitted up to a maximum height of 6 feet with the following exceptions:

1. A maximum height of 8 feet is permitted within any commercial or industrial district, or along any boundary between a residential and non-residential district.
2. Light fixtures, post tops, finials and other ornamentation above the mass of the

wall or fence shall not exceed 1/3 of the permitted height of the wall or fence. Such ornamentation may be placed at intervals no less than 8 feet on average.

**B. Orientation**

Fences and walls shall have the finished face of the wall or fence directed toward the abutting property.

**C. Maintenance**

The property owner on whose land the wall or fence is located shall be responsible for the maintenance of both sides of the wall or fence. If the property owner is denied access to the abutting property, the property owner shall be relieved of the maintenance obligation.

**6.4.6 SWIMMING POOLS**

In addition to the requirements of City Code Chapter 209, swimming pools shall conform to the following requirements:

**A. Residential swimming pools**

1. Residential swimming pools may be installed only as accessory to a residence for the exclusive use of the owners or occupants of such residence and their guests.
2. The pool shall be installed in the rear or side yard of the premises and shall not be installed in the front yard. No pool wall or related structure shall be located within 8 feet of an adjoining lot line. There shall be no required separation distance from the swimming pool to the principal structure.

**B. Commercial or club swimming pools**

1. Club swimming pools shall be permitted as an accessory structure to a permitted membership club.
2. Commercial or club pools shall comply with the area, yard and other dimensional requirements of the presiding district.

**C. Enclosure**

All pools shall be completely surrounded by an enclosure preventing unimpeded access.

1. A residence or accessory structure may be used as part of such enclosure.
2. Fencing shall be between 4 and 6 feet in height with support posts at no less than 8 feet intervals. Wire mesh fencing shall not have openings, holes or gaps larger than 2 inches in diameter.
3. An unobstructed maintenance area, at least 3 feet in width, shall be maintained between the side walls of the pool and surrounding fence or structure.
4. Above-ground pools with solid walls preventing entrance to the pool, except by an entrance ladder, shall not require additional fencing.

**D. Noise and lighting restrictions**

1. No loudspeaker or other sound device, operated in connection with a pool, shall

- be heard beyond the property lines.
2. No lighting, operated in connection with a pool, shall illuminate beyond the property lines.

#### **6.4.7 ANTENNAS AND SATELLITE RECEIVERS**

Antennas and satellite receivers that meet the following conditions shall be permitted accessory structures in any zoning district.

##### **A. Building-mounted structures**

Building-mounted antenna or satellite receivers shall not exceed 6 feet in height, width or depth, shall not extend more than 6 feet above or beyond the building, and shall not encroach into required yard dimensions.

##### **B. Freestanding structures**

One freestanding antenna or satellite receiving structure is permitted per lot in a residential district; one or more are permitted in non-residential districts. Freestanding antenna or satellite receiving structures shall not exceed 20 feet in height, width or depth, and shall be located in the rear yard no less than 25 feet from rear and side property lines.

#### **6.4.8 SOLAR ACCESS**

Except as otherwise provided by this Chapter, no property owner may erect a structure or allow a tree or other flora to cast a shadow upon a solar collector greater than the shadow cast by a hypothetical wall six feet high located along the property line between 8:00 a.m. and 4:00 p.m. Eastern Standard Time from September 21 to March 21.

## **7.0 PERMITS AND APPROVALS**

### **7.1 SPECIAL USE PERMIT**

#### **7.1.1 INTENT AND DELEGATION TO PLANNING BOARD**

The intent of this Article is to set forth requirements that shall apply to certain land uses which, due to their particular characteristics and potential impacts, require special consideration to ensure the protection of public health, safety and welfare and to mitigate any adverse impacts on surrounding properties and community character. The Planning Board is hereby authorized to administer and carry out the intent established in this Article.

#### **7.1.2 APPLICABILITY AND EXEMPTIONS**

The Planning Board shall conduct Special Use Permit Review for any use so required by Article 2.2 with the following exemption. Special use permit review shall not be required if the following two conditions are met:

1. The action does not result in an increase in the required number of parking spaces as set forth in Article 6.2
2. The action does not alter, either individually or in combination, the impermeable or building coverage by more than 2% or 1200 s.f., whichever is less, from the most recent, approved site plan.

Neither of these exemptions shall permit the alteration of any specific approval conditions of prior Special Use Permits without Planning Board approval.

#### **7.1.3 EVALUATION CRITERIA FOR SPECIAL USE PERMITS**

A. To ensure that the proposed use will not adversely affect surrounding properties and community character, the Planning Board's evaluation of Special Use applications shall include the following:

1. The extent to which the use is in harmony with and promotes the general purposes and intent of the Comprehensive Plan and this Chapter.
2. The density, intensity and compatibility of the use with the neighborhood and community character.
3. Safe and efficient pedestrian and vehicular access, circulation and parking.
4. Existing and future demand on infrastructure, public facilities and services.
5. The environmental and natural resources of the site and neighboring lands including any potential erosion, flooding or excessive light, noise, vibration and the like.
6. The long-term economic viability of the site, neighboring properties and districts.

B. The approval of a special use permit shall be limited to its own facts, site conditions and circumstances and shall have no precedential effect entitling or implying that a similar use would be approved elsewhere.

**7.1.4 APPLICATION PROCEDURES**

- A. For all uses that require a special use permit, as indicated in Article 2.2, application may be made directly to the Planning Board or as a referral by the Zoning Officer.
- B. The Planning Board shall not accept any application for review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the application.
- C. An eligible applicant for a special use permit must be the owner, lessee or purchaser under contract for involved parcel. A lessee and purchaser under contract must have written permission of the current property owner(s) to submit an application.
- D. Applications for Special Use Permit shall be on forms prescribed by the Planning Board and shall be accompanied by a fee as established by the City Council.

**7.1.5 PUBLIC HEARING NOTICE**

- A. Within 62 days of the submission of a complete application, the Planning Board shall conduct a public hearing on that application.
- B. The Planning Board shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Planning Board an affidavit from the newspaper confirming such publication and payment.

**7.1.6 PROPERTY OWNER NOTIFICATION**

The applicant shall provide notice of a hearing to neighboring property owners as follows.

- A. The applicant shall obtain from the City the names and addresses of property owners within a 250 foot geographic radius from the applicant's subject property boundary.
- B. The applicant shall receive from the Planning Board a property owner notification notice 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 not more than 20 calendar days prior to the scheduled hearing.
- C. Prior to the public hearing, the applicant shall submit to the Planning Board confirmation of the property owner notification by obtaining a "certificate of mailing" from the U.S. Postal Service.
- D. Failure to provide notice in exact conformance with these provisions shall not invalidate a Planning Board determination provided the Planning Board finds that

substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed action.

**7.1.7 SARATOGA COUNTY PLANNING BOARD REFERRAL**

A. Any application for a special use permit 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 Planning Board on such application 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.

B. If the Saratoga County Planning Board recommends modification or disapproval of a proposed action, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

**7.1.8 INTERMUNICIPAL NOTIFICATION**

Pursuant to General Municipal Law Section 239-nn, if the land involved in an application for a special use permit lies within 500 feet of the boundary of another municipality, the Planning Board 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.

**7.1.9 ADVISORY OPINION**

The Planning Board may request an advisory opinion of the Design Review Commission or any administrative department or agency in its evaluation of a special use permit.

**7.1.10 DECISIONS**

A. In rendering its decision on any application, the Planning Board shall comply will all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.

B. The Planning Board shall issue a written decision on an application within 62 days of the close of the public hearing. This time frame may be extended by mutual consent of the applicant and Planning Board.

C. Four affirmative votes are required to pass a motion regarding an application before the Planning Board.

D. The Planning Board may grant one of three types of permits:

1. A PERMANENT SPECIAL USE PERMIT allows a specific use to continue indefinitely until the specific use ceases for any reason for a period of 12 consecutive months.
2. A TEMPORARY SPECIAL USE PERMIT allows a specific use to continue until a

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specific date at which time the special use permit shall automatically terminate and the use shall be permanently discontinued. A temporary permit shall not be renewed nor extended.

3. A RENEWABLE SPECIAL USE PERMIT allows a specific use to continue until a specific date unless renewed by the Planning Board for an additional period of time. A request for renewal shall be submitted prior to the expiration of the renewable special use permit. If not renewed, the use shall be permanently discontinued.

E. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related, and incidental, to the proposed special use permit. Upon its granting of said special use permit, any such condition must be met in connection with the issuance of permits by the City.

As a condition of approval of a special use permit, the Planning Board may require a letter of credit or equivalent security approved by the City to guarantee satisfactory performance of all required improvements or conditions.

### F. Administrative Approval

The Chairperson shall have the authority to approve minor modifications to existing special use approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Planning Board in a timely manner.

G. Every special use permit decision shall be signed and dated by the Chairperson and shall document the circumstances of the application and the findings on which the decision is based.

H. Every special use decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.

### **7.1.11 SITE PLAN REVIEW**

A. An application subject to special use permit may also be subject to site plan review as indicated in Article 2.2.

B. The Planning Board may waive site plan review as a condition of a special use permit if the Planning Board determines that considerations customarily evaluated under site plan review have been appropriately considered as part of the special use permit process.



**7.1.12 EXPIRATION**

Unless otherwise specified or extended by the Planning Board, a decision on any request for a special use permit shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.

**7.1.13 EXTENSIONS**

The Planning Board may grant up to two 18-month extensions for an approved special use permit provided that the application was properly submitted prior to the expiration date of either the original special use permit or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

## **7.2 SITE PLAN REVIEW**

### **7.2.1 INTENT AND DELEGATION TO PLANNING BOARD**

The City finds that a safe, well-planned and attractive natural and man-made environment is essential to the economic health of the community and to the general safety and welfare of its residents. Therefore, the intent of this Article is to set forth the process by which to review the site characteristics to ensure consistency with the goals and objectives of the City's Comprehensive Plan and to regulate the preservation, conservation and efficient use of City resources. The Planning Board is hereby authorized to administer and carry out the intent established in this Article.

### **7.2.2 APPLICABILITY AND EXEMPTIONS**

#### **A. Applicability**

Site Plan Review shall be conducted for the following actions:

1. Any use so required by Article 2.2.
2. To construct, modify or demolish any structure other than a single-family or two-family residence and associated residential accessory structures in any district.
3. To implement a use variance except for 1- or 2-family structures.
4. To amend a prior site plan approval.

#### **B. Exemptions**

An action otherwise requiring site plan review may be exempt if the following two conditions are met:

1. The action does not result in an increase in the required number of parking spaces as set forth in Article 6.2; and
2. The action does not alter, either individually or in combination, the impermeable or building coverage by more than 2% or 1200 s.f., whichever is less, from the most recent, approved site plan.

Neither of these exemptions shall permit the alteration of any specific conditions of prior site plan approvals without Planning Board approval.

### **7.2.3 SPECIAL USE PERMIT AND SITE PLAN REVIEW**

#### **A. Review**

The Planning Board shall conduct site plan review independently or in conjunction with special use permit as required by Article 2.2. Such review may occur concurrent with or subsequent to special use permit review. Separate applications and application fees are required for each review.

#### **B. Waiver**

The Planning Board may waive site plan review as a condition of a special use permit if the Planning Board determines that considerations customarily evaluated under site plan review have been appropriately considered as part of the special use permit process.

**7.2.4 EVALUATION CRITERIA FOR SITE PLAN REVIEW**

To ensure that the development of a proposed site will not adversely impact surrounding properties, community character or the general health, safety and welfare of the community, the Planning Board's evaluation of Site Plan Review applications shall include the following:

1. Location, arrangement, size, design and general site compatibility of buildings and sign structures.
2. Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
5. Adequacy of storm water and drainage facilities with attention to impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
6. Adequacy of water supply including pressure and quantity.
7. Adequacy of sanitary sewer including size and inverts, or adequacy of sewerage disposal facilities including soil borings, percolation tests, soil characteristics and professional certification of system adequacy.
8. Adequacy and arrangement of on-site and off-site illumination.
9. Adequacy, type, size, and arrangement of trees, shrubs and other landscaping. Parking, service areas, and loading and maneuvering areas shall be reasonably landscaped and screened from neighboring areas.
10. Adequacy of fire lanes and other emergency zones; location and arrangement of fire hydrants, stand pipes, and other fire safety facilities.

**B. Design and Construction Standards**

The Planning Board shall adopt and maintain a set of design and construction standards which shall apply to all actions that require site plan review. They will be available in the Office of Planning and Economic Development and on the City's website.

**7.2.5 APPLICATION PROCEDURES**

A. For all uses that require site plan review, as indicated in Article 2.2, application may be made directly to the Planning Board or as a referral by the Zoning Officer.

B. The Planning Board shall not accept any application for site plan review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the application.

C. An eligible applicant for site plan review must be the owner, lessee or purchaser under contract for the involved parcel. A lessee and purchaser under contract must have written permission of the current property owner(s) to submit an application for site

plan review.

D. Applications for site plan and sketch plan review shall be on forms prescribed by the Planning Board and shall be accompanied by a fee as established by the City Council.

**7.2.5.1 SKETCH PLAN REVIEW**

A. The submission of a sketch plan to the Planning Board is a non-binding option available to the applicant prior to formal site plan review with the intent to seek advice and direction. Sketch plan submission shall be in conformance with the requirements contained in Appendix B.

B. The applicant, or authorized representative, shall attend the Planning Board meeting to discuss the proposed project and satisfaction of the requirements of this Article.

C. Unless authorized by the Planning Board, the applicant will be limited to 2 sketch plan discussions.

**7.2.5.2 FORMAL SITE PLAN REVIEW**

A. Formal site plan submission shall be in conformance with the requirements contained in Appendix B.

B. The official submission date of the site plan shall be the first meeting at which the site plan is discussed by the Board.

C. The applicant, or authorized representative, shall attend the meeting of the Planning Board to discuss the site plan.

D. The Planning Board may recoup from an applicant costs incurred by the Planning Board for consultation fees, special studies or other expenses in connection with the review of a proposed site plan.

**7.2.6 PUBLIC HEARING NOTICE**

A. The Planning Board may hold a public hearing on any site plan at the direction of the Chair or upon a majority vote of the Planning Board.

B. In the event a public hearing is scheduled, the Planning Board shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Planning Board an affidavit from the newspaper confirming such publication and payment.

**7.2.7 PROPERTY OWNER NOTIFICATION**

In the event a public hearing is scheduled, the applicant shall provide notice of a hearing to neighboring property owners as follows.

- A. The applicant shall obtain from the City the names and addresses of property owners within a 250 foot geographic radius from the applicant's subject property boundary.
- B. The applicant shall receive from the Planning Board a property owner notification notice 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 not more than 20 calendar days prior to the scheduled hearing.
- C. Prior to the public hearing, the applicant shall submit to the Planning Board confirmation of the property owner notification by obtaining a "certificate of mailing" from the U.S. Postal Service.
- D. Failure to provide notice in exact conformance with these provisions shall not invalidate a Planning Board determination provided the Planning Board finds that substantial compliance has occurred and the public has been fairly apprised of the fundamental character of the proposed action.

**7.2.8 SARATOGA COUNTY PLANNING BOARD REFERRAL**

- A. Any application for site plan review 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, if required, or final action if no public hearing is required. No action shall be taken by the Planning Board on such application 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.
- B. If the Saratoga County Planning Board recommends modification or disapproval of a proposed action, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

**7.2.9 INTERMUNICIPAL NOTIFICATION**

Pursuant to General Municipal Law Section 239-nn, if the land involved in an application for site plan review lies within 500 feet of the boundary of another municipality, the Planning Board 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.

**7.2.10 ADVISORY OPINION**

The Planning Board may request an advisory opinion of the Design Review Commission or any administrative department or agency in its evaluation of a site plan application.

**7.2.11 DECISIONS**

A. In rendering its decision on any application for site plan review, the Planning Board shall comply will all applicable provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.

B. The Planning Board shall issue a written decision on an application within 62 days of the close of the public hearing, if scheduled, or of the official submission date. This time frame may be extended by mutual consent of the applicant and Planning Board.

C. Four affirmative votes are required to pass a motion regarding an application before the Planning Board.

D. The Planning Board shall have the authority to approve, approve with modifications or disapprove site plans and may impose such reasonable conditions, easements, covenants and restrictions as are directly related, and incidental, to the proposed site plan.

E. Every site plan notice of decision shall be signed and dated by the Chairperson and shall document the circumstances of the application and the findings on which the decision is based.

F. Every site plan review decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.

**G. Administrative Approval**

The Chairperson shall have the authority to approve minor modifications to existing site plan approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Planning Board.

**7.2.12 EXPIRATION AND EXTENSION OF PLANNING BOARD APPROVAL**

A. In order to maintain Planning Board approval, the official signature of the Planning Board Chairperson must be placed on the final site plan no later than 18 months from the date of the Board's decision. The signed site plan shall be filed in the office of Planning and Economic Development.

B. The Planning Board may grant up to two 18-month extensions in addition to the initial 18 month period in which the applicant must obtain signature of the final plans provided such request is properly submitted prior to expiration of the initial 18 month period or the first extension. When requesting an extension, it shall be the applicant's

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responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

### **7.2.13 FINAL SITE PLAN SUBMISSION**

- A. No site disturbance may occur prior to signature of the final plans by the Planning Board Chairperson.
- B. The following requirements shall be satisfied prior to the review and approval of final site plans by the Planning Board Chairperson:
  - 1. Review and approval of construction details and final site plans by the City Engineer. Final Plan submission shall be in accordance with the requirements identified in Appendix B.
  - 2. Submission of a performance guarantee properly issued to the City as set forth in Section 7.2.15.
  - 3. Documentation of conformance with all required approval conditions.
  - 4. Proof of payment for any and all required fees.

### **7.2.14 FINAL SITE PLAN EXPIRATION**

- A. Regardless of the terms of any properly issued Building Permit, final site plan approval shall expire if actual construction has not commenced within 18 months of the signing of the final site plan. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement or the demolition or removal of any existing structure if no new construction is approved.

### **7.2.15 PERFORMANCE GUARANTEES**

A letter of credit or acceptable equivalent security shall be delivered to the City to guarantee that the applicant shall construct and complete the required improvements as indicated on the approved final site plan. The Planning Board may waive the requirement for a performance guarantee if the estimated cost of site improvements is less than \$10,000.

- A. Establishment of Performance Guarantee
  - 1. The performance guarantee shall cover the full estimated cost of required off-site improvements within the public right-of-way and 25% of the full estimated cost of required on-site improvements. These improvements may include grading, curbs, sidewalks, utilities, street lighting, driveways, parking lots, plantings, signs, and the like.
  - 2. Estimates of construction costs are to be submitted to the Planning Board by the applicant's New York State licensed professional engineer/architect or landscape architect. The City Engineer shall review and revise estimated costs in accordance with current construction standards and practices or as modified by the Planning Board.

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3. The performance guarantee shall identify the City of Saratoga Springs as the beneficiary and will state that funds may be collected at an institution/location within 40 miles of the Saratoga Springs municipal boundaries upon receipt of a written demand from the City Attorney of the City of Saratoga Springs. Legal and administrative costs incurred by the City associated with the collection of a performance guarantee will be reimbursed to the City.
4. The performance guarantee shall be valid for no less than 12 months and shall expire at quarterly intervals. Upon completion of all required construction, the City shall cancel the performance guarantee by written notice to the applicant.

### B. Amendment and/or Extension to Performance Guarantee

An applicant may request to extend and/or amend the original performance guarantee. The Planning Board Chairperson, in consultation with staff, may act upon the request administratively and report such action to the Board in a timely manner, or may refer the request to the Planning Board for its review. All applications for amendment or extension shall be accompanied by a fee as established by the City Council.

## 7.2.16 CONSTRUCTION AND INSPECTIONS

### A. Pre-construction Conference

Following final site plan approval, a pre-construction conference shall be held with the City Engineer and relevant Departmental staff to discuss construction schedules, process and inspections.

### B. Construction Notifications

The owner or designated representative shall notify the City Engineer 48 hours prior to commencing any work and prior to resuming work if the contractor is absent from the site for more than 7 days. In addition, the City Engineer shall be notified prior to any of the following construction activities:

1. Site clearing
2. Sanitary sewer installation
3. Storm sewer installation
4. Waterline installation
5. Sub-grade preparation
6. Gravel installation
7. Asphalt binder and wearing courses and curbing
8. Blasting
9. Any special construction

Failure to notify the City Engineer of these activities prior to completion shall make the work subject to rejection, excavation and inspection at the applicant's expense.

C. The City Engineer, or designee, shall inspect the required construction activity. The applicant shall be responsible for all inspection fees as established by the City



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Council. The inspection fees for the site plan shall not exceed 2% of the cost of the installation of the required improvements. If the City Engineer finds that the required improvements have not been constructed in accordance with approved plans and specifications, The City Engineer shall so report to the City Attorney, the Building Inspector and the Planning Board. The City Attorney shall then notify the applicant and, if necessary, the financial guarantor, and take all necessary steps to preserve the City's rights under the performance guarantee.

D. The City Engineer shall have the authority to suspend work on any site if it is found to be in violation of the approved site plan or conducted in an unsafe or dangerous manner. All unauthorized activity shall be suspended until the stop work order has been rescinded.

1. The stop work order shall be in writing and shall state the conditions under which the activity may resume.
2. The stop work order shall be presented to the person performing the work and, if different, the property owner in person or by certified or registered mail, and may be placed upon a conspicuous portion of the building or premises in use.

E. The City Engineer shall have the authority to direct or take immediate action to abate or remedy any hazard or imminent danger to the health, safety or general welfare of the public. Any documented costs incurred by such action shall be paid for by the owner of such property or person responsible. The City shall be authorized to institute a suit, if necessary, against the person liable for such expenses or to place a lien against the property in order to recover the said costs.

### **7.2.17 POST-CONSTRUCTION COMPLETION**

Upon completion of all required improvements, the applicant shall submit proposed "as-built" drawings to the City Engineer for review and approval.

Such "as-built" drawings shall meet the requirements established by the City Engineer and as indicated in Appendix B.

### **7.2.18 RECREATION LAND REQUIREMENTS FOR SITE PLANS CONTAINING RESIDENTIAL UNITS**

Upon finding that a proper case exists for requiring a park or other recreational facility within the City, the Planning Board shall require an offering of usable land, or fee in lieu of land, for this purpose. Such a finding shall include an evaluation of the present and anticipated future need for park and recreational facilities based on projected population growth to which the particular site plan will contribute.

A. Class A Type Usable Land

1. Class A Type usable land refers to developable land generally devoid of wetlands, drainage courses, steep slopes, and the like. The owner shall offer to the City Class A Type Usable Land equal in size to at least 10% of the subject parcel(s) for use as parkland. The Planning Board may specify which lands within the site plan shall be dedicated for parkland and may seek recommendations from the City Recreation Commission on such offers. The

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Board may require that the owner suitably grade the offered land.

2. Class B Type Usable Land

Class B Type usable land refers to land not suitable generally for development except for passive open space. Unique and scenic areas and those areas bordering streams, lakes or other watercourses may be given special consideration by the Planning Board and, should they be deemed essential or desirable for public open spaces, the Board may instead request that the owner offer Class B Type Usable Land to the City to be defined and preserved as passive open space.

B. Payment of fee in lieu of Usable Land

In the event the authorized board makes a finding that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the authorized board may require a sum of money in lieu thereof to be established by the legislative body. The fee shall be required for each new residential unit created by the site plan and shall be used by the City exclusively for neighborhood park, playground or recreation purposes including the acquisition and improvement of property.

C. Combination of land and in lieu of fee

If the Planning Board determines that only a portion of the 10% area offered by the owner is acceptable for public use, then the owner shall dedicate the acceptable land and pay a fee equal to the difference in the percentage of land offered and the 10% required.

D. Prior land set aside for subdivision

If the land included in a site plan is a portion of a previously approved subdivision, the Planning Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of re-subdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

### **7.3 LAND DISTURBANCE**

#### **7.3.1 LAND DISTURBANCE ACTIVITIES**

##### **7.3.1.1 INTENT**

This section is intended to protect the City's natural environment by minimizing the adverse effects which site preparation and associated construction activities may have on soil, water, and vegetative resources.

##### **7.3.1.2 ACTIVITIES REQUIRING PERMIT AND EXEMPTIONS**

###### **A. Activities subject to permit**

A Land Disturbance Activity Permit shall be required before undertaking the following activities:

1. Within the Rural Residential-1 district: any activity affecting 1.5 or more acres that changes the natural topography, removes or disturbs the topsoil, or removes more than 15% of trees over 4 inches in diameter at breast height (dbh).
2. Any other district: any activity affecting 0.5 or more acres that changes the natural topography, removes or disturbs the topsoil or removes more than 15% of trees over 4 inches in diameter.

###### **B. Exempt Activities**

The following activities shall be exempt from permit:

1. Agricultural activities directly related to the production of crops or livestock, excluding timber harvesting
2. Forest management practices or noncommercial tree cutting for firewood that does not remove more than 15% of trees over 4 inches in diameter
3. Authorized governmental activities
4. Bona fide emergencies

##### **7.3.1.3 PERMIT APPLICATION PROCESS**

A. For all activities that require a land disturbance activity permit, application may be made directly to the Planning Board or as a referral by the Zoning Enforcement Officer. To the extent practicable, the Planning Board shall coordinate review of the land disturbance activity permit with associated subdivision or site plan review applications.

B. Applications for land disturbance activity permits shall be on forms prescribed by the Planning Board, shall include a soil erosion and sediment control plan (basic SWPPP), and shall be accompanied by a fee as established by the City Council. The Planning Board may waive the fee if review is conducted in association with subdivision or site plan review.

C. In its review, the Planning Board may approve the application if it finds that the soil erosion and sediment control plan will adequately minimize the impact of the proposed land disturbance activity upon the City's land and water resources.

D. A Soil Erosion and Sediment Control Plan shall include a sketch plan that fully identifies the proposed activity, extent of soil and vegetative alterations or tree

harvesting, and the land protection and structural soil conservation measures to minimize soil erosion and sediment loss. Such plan should be at a scale of 1" = 100' and include the following:

1. General topographic data, soil conditions, and vegetative cover type.
2. All watercourse, wetlands, rock outcrops and other important land features (including all 100 year federally designated flood hazard and New York State regulated wetlands).
3. The location of all proposed public utilities including water supply, sewerage, and storm water drainage facilities to be constructed.
4. Any other information that the Planning Board may deem necessary for review of the project.

E. The Planning Board may require a performance guarantee to ensure that all necessary erosion and sediment control measures are completed and maintained adequately. The amount of the letter of credit, or other financial security, will not exceed \$1,000 per acre.

F. Unless otherwise specified or extended by the Planning Board, a land disturbance activity permit shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started the activity, or otherwise implemented this approval.

G. The Planning Board may grant up to two 18-month extensions for an approved land disturbance activity permit provided that the application was properly submitted prior to the expiration date of either the original land disturbance activity permit or the first extension. When requesting an extension, It shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

H. Unless waived by the Planning Board, construction inspections by the Storm Water Management Officer, or designee, shall be required for all land disturbance activity permits. The construction inspections requirements shall be identical to those set forth in Article 7.2.16.

I. Unless waived by the Planning Board, upon completion of the approved activity an as-built drawing shall be filed with the Planning Board. The requirements for an as built drawing shall be identical to those set forth in Appendix B.

**7.3.2 STORM WATER POLLUTION PREVENTION**

**7.3.2.1 INTENT**

This Section is intended to protect and safeguard the general health, safety, and welfare of the public by regulating certain activities to prevent pollution and manage storm water runoff during land development.

**7.3.2.2 ACTIVITIES REQUIRING A STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

The following land disturbance activities shall be subject to the storm water management requirements and controls as established in Chapter 242 of the Code of the City of Saratoga Springs.

- A. Residential Development (consisting of Single and Two-Family Development)
  - 1. Residential development activities that involve land disturbance of 1.0 acre to 5.0 acres shall require the submission of a basic SWPPP.
  - 2. Residential development activities that involve land disturbance exceeding 5.0 acres shall require the submission of a “full” SWPPP.
- B. Non-residential and Mixed-use Development
  - 1. Non-residential and mixed-use development activities that involve land disturbance exceeding 0.1 acre or more shall require the submission of a full SWPPP.

## **7.4 HISTORIC REVIEW**

### **7.4.1 INTENT**

It is hereby declared that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the City of Saratoga Springs has many significant historic, landscape, architectural and cultural resources that constitute its heritage, this Article is intended to:

- protect and enhance the landmarks and historic districts which represent distinctive elements of the City's historic, architectural and cultural heritage;
- foster civic pride in the accomplishments of the past;
- protect and enhance the City's attractiveness to visitors thereby providing support and stimulus to the economy; and
- ensure the harmonious, orderly and efficient growth and development of the City.

In keeping with this intent, the City hereby establishes a coordinated and comprehensive approach to preserve City Landmarks and Historic Districts, and the procedure for maintaining architectural standards in the construction, alteration and removal of buildings and landscapes within these areas.

### **7.4.2 DELEGATION TO DESIGN REVIEW COMMISSION**

The Design Review Commission ("Commission") is hereby charged with the responsibilities of administering and carrying out the intent, process and actions established in this Article and Article 7.5 "Architectural Review".

### **7.4.3 COMPOSITION OF DESIGN REVIEW COMMISSION**

#### **A. Appointments**

The Commission shall consist of seven members, to be appointed by the Mayor, to represent to the extent possible a broad cross-section of the community with demonstrated experience in historic preservation, architectural development and local history in addition to the following:

- at least one shall have demonstrated commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field
- at least one shall be an architect or related design professional
- at least one shall be a local realtor or other real estate professional
- at least one shall have construction experience working with historic buildings

All members shall be residents of the City of Saratoga Springs including at least one resident of a Historic District and one resident of an Architectural Review District.

#### **B. Term of Office**

The term of each Commission member shall be five years beginning on July 1 and members shall serve on a rotating schedule. Initial terms may be for lesser years so as to effectuate a staggered sequencing of member terms. On an alternating basis, two

member terms will expire one year with one member term expiring the next year. A member whose term has expired may serve until replaced.

C. Vacancy

If a vacancy occurs other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

D. Removal

Any member, or alternate member, may be removed by the Mayor for cause and after public hearing.

E. Alternate Members

The Mayor may appoint up to two alternate members to serve in the place of Commission members who are unavailable to attend a meeting due to recusal or other absence.

1. In the selection of alternate members, preference may be given to former Commission members or other residents that demonstrate the experience and knowledge considered for original appointments and as identified in 7.4.3 above.
2. Full Commission attendance is encouraged at all meetings. When fewer than six members are able to attend a meeting, alternate members shall be called upon to serve in the place of an absent member.
3. When serving in the place of a member, the alternate member shall have the full rights and obligations of a member. Alternate members not serving in place of a member may not participate as a Commission member in the discussion of agenda items at Commission meetings or workshops or any subcommittee thereof. In the event a Commission member is available to once again serve with regard to a matter because he/she is no longer absent or recused, the alternate member will no longer serve with regard to said matter.
4. All provisions of law relating to Commission member eligibility, terms, vacancy in office, removal, compatibility of office and service on other boards, training, continuing education, compensation, and attendance shall apply to alternate members, except that there shall be no requirement that an alternate member be a property owner in an historic or architectural review district.

**7.4.4 COMMISSION POWERS AND DUTIES**

The Design Review Commission shall have and exercise the powers and duties as follows:

1. Review and issue decisions on applications for historic review as required by this Article.
2. Review and issue decisions on applications for architectural review as required by this Chapter.
3. Promulgate rules and regulations for the transaction of Commission business.
4. Submit an annual report of Commission activities to the Mayor and City Council.
5. Submit an annual budget request to the Mayor for approval by the City Council.

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6. Employ experts, staff and legal counsel, or appoint such citizen advisory committees as may be required to carry out Commission duties within the Council-approved budget.
7. Administer on behalf, and at the request, of the City Council any full or partial interest in real property that the City may have received.
8. Accept and administer on behalf of the City such grants and funding as may be appropriate for the purposes of this Article.
9. Recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, cultural or architectural value as landmarks or Historic Districts.
10. Keep a register of all properties and structures that have been designated as landmarks or historic districts including all information required for each designation.
11. Propose or sponsor the nomination of landmarks and historic districts to the National Register of Historic Places and review and comment on any National Register proposed nominations submitted to the City Council or State Historic Preservation Office.
12. Maintain a directory of architectural styles.
13. Develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts.
14. Conduct surveys to identify historically and architecturally significant properties, structures, landmarks and areas that exemplify the cultural, social, economic, political or architectural history of the Nation, State or City.
15. Inform and educate the citizens of Saratoga Springs concerning the historic and architectural heritage of the City.
16. Advise and guide property owners on physical and financial aspects of preservation, renovation, rehabilitation and reuse, on procedures for inclusion on the National Register of Historic Places, and on participation in State and Federal historic preservation programs.
17. Confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.
18. Request advisory opinions from the City Council, the Planning Board and any other body, agency or department of the City on any matter before the Commission.
19. Review and make advisory recommendations on any matter referred to the Commission by the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.
20. Recommend to the City Council zoning amendments, policy initiatives and programs to protect historic properties and implement the intent and objectives of this Article.
21. Develop a preservation component in the Comprehensive Plan of the City of Saratoga Springs and recommend it to the Planning Board and the City Council.
22. Exercise all other powers conferred upon it by the City Council.



#### **7.4.5 HISTORIC REVIEW OBJECTIVES**

The Design Review Commission shall promote the following objectives:

- To prevent the demolition or destruction of significant structures, terrain, landscape or scenic views.
- To eliminate existing incongruous structures or other blighting factors and prevent the creation of any new such conditions.
- To preserve and enhance the historic context and setting within the Historic District.
- To assure architectural compatibility such as aesthetic, historical and architectural values, architectural style, design, arrangement, texture, material and color.
- To encourage and maintain appropriate protective restrictions such as easements, covenants or similar agreements.
- To improve the integrity of the Historic Districts through economic and other incentives.

#### **7.4.6 HISTORIC REVIEW STANDARDS**

In pursuit of this Article's objectives, the Design Review Commission shall employ the following standards:

**A. Preserve rather than remove**

Distinguishing original features of a structure or site are essential to the historic quality and character of that site. Distinguishing original qualities or character of a structure, site and/or its environment shall be preserved and protected to the maximum extent possible. Destruction or alteration of any historic material or distinctive architectural feature should be avoided.

**B. Repair rather than replace**

Distinctive architectural features that characterize a structure or site shall be repaired rather than replaced whenever possible. If replacement is necessary, the replacement materials should match the original in composition, design, color, texture and other visual qualities.

**C. Promote historical accuracy**

Repair or replacement of architectural features should be based on historical evidence rather than on conjectural designs or the incorporation of elements from other structures.

**D. Recognize the significance of historical time periods**

Structures and sites should be recognized and preserved as products of specific historical period(s). Changes that occurred over time are evidence of the history and development of a structure or site and may have acquired historical significance in their own right.

**E. Compatible contemporary design may be encouraged**

Contemporary design for alterations and additions to existing properties may be encouraged provided it does not destroy significant historical, architectural, or cultural material and is compatible with the size, scale, color, material, and character of the site or surrounding neighborhood. Incompatible alterations shall be discouraged.

F. Structures and sites are to be treated with sensitivity  
Archaeological resources affected by any project shall be protected and preserved to the maximum extent possible. Activities that will damage historic building materials or site features shall be discouraged. Historic structures are to be cleaned with the gentlest means possible.

#### **7.4.7 ACTIONS SUBJECT TO REVIEW**

The following actions shall be subject to historic review when occurring on City Landmarks or within Historic Districts as identified in this Article:

- A. Construction, rehabilitation, alteration or exterior change to a structure that requires the issuance of a building or demolition permit.
- B. Installation of an awning, sign or sign structure that requires a building or sign permit, or such modification with respect to size, materials, illumination, method of attachment and color.
- C. Installation of telecommunications facilities per Article 6.3.2.
- D. Regardless of the requirement for a building or demolition permit, any material change to the exterior appearance of a structure that affects the historical characteristics and context of the District including:
  - 1. Addition or removal of exterior architectural features.
  - 2. Installation, removal or change of materials on exterior building elements including but not limited to roof, siding, windows, doors, porches, and the like.
  - 3. Enclosure or screening of building openings including but not limited to windows, doors, porches, and the like.
  - 4. Installation of accessory utility, mechanical or miscellaneous structures to the exterior of a building including but not limited to HVAC equipment, solar panels, wind turbines, radio or satellite transmission/reception devices, and the like.
- E. Within a front yard setback:
  - 1. Installation, removal or change in material of drive- or walkways
  - 2. Installation or removal of architectural, sculptural or vegetative screening that exceeds 3 feet in height.
  - 3. Installation of accessory utility structures or radio/satellite transmission/reception devices exceeding 2' in diameter.
- F. Change of the exterior color of any structure within a non-residential Zoning District.

- G. Additional actions as set forth in Section 7.4.18 occurring on or to a City Landmark.

#### **7.4.8 ACTIONS EXEMPT FROM REVIEW**

The following actions are exempt from historic review:

1. Ordinary maintenance or repair of any exterior feature that does not involve a change in design, material, color or outer appearance.
2. Installation of accessory freestanding objects including but not limited to sculpture, tree houses, play equipment, clocks, fountains, flagpoles, basketball hoops, and the like.
3. Installation of Individual air conditioning units, and radio or satellite antennas/receivers less than 2 feet in diameter.

#### **7.4.9 DESIGN CONSIDERATIONS**

For actions subject to review, the Commission shall evaluate whether the proposed alteration or construction is compatible with the subject structure, site and neighboring properties in the Historic District with regard to:

##### **A. Height**

The Commission shall consider whether the height of the proposed structure is compatible with the historic form and context of the site and neighboring properties and with any specific zoning district intent.

##### **B. Scale**

The Commission shall consider whether the scale of the proposed structure is compatible with the relationship of the building and its architectural elements to neighboring structures, and character of historic setting.

##### **C. Mass and Open Space**

The Commission shall consider whether the relationship of the dimension and mass of a building to the open space between it and adjoining buildings is compatible with the character of the neighboring area and with any specific zoning district intent.

##### **D. Proportion**

The Commission shall consider whether the proposed structure and its architectural elements, including front façades, windows, doors and bays, are consistent with the dominant proportion of neighboring structures and site.

##### **E. Directional Expression**

The Commission shall consider whether the directional expression of a building and its architectural elements are compatible with the dominant horizontal or vertical expression of the neighboring buildings.

##### **F. Architectural Rhythm**

The Commission shall consider whether the architectural, rhythmic pattern resulting from repeated elements such as window and door openings, columns, arches, and

other facade elements is consistent within the subject structure and consistent with neighboring structures.

G. Front Setback

The front yard setback for the building line of all new construction shall be compatible with neighboring buildings and any specific zoning district intent.

H. New Construction and Additions

New construction and additions should be undertaken such that their removal will not impair the original historic form and integrity of the structure and site.

I. Treatment of Major Building Elements

1. Doors. Existing historic doors and door openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways shall be designed to respect the exterior architectural character of the building.
2. Windows. Existing historic windows and window openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.
3. Roofs. Features that give a roof its essential historic and architectural character shall be retained and rehabilitated whenever possible. Roof designs for new structures shall be compatible with neighboring buildings. Exterior mechanical equipment shall be minimized and screened from view.

J. Materials

Materials used in new construction shall be compatible with those traditionally used in the neighboring area. Contemporary materials are acceptable provided that the overall texture, color and details of the building are compatible with neighboring buildings.

K. Colors

Architectural features of historic buildings shall be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where historically documented colors are not used, colors shall be appropriate to the building's predominant architectural style(s). Colors used in new construction shall be compatible with neighboring buildings.

**7.4.10 MAINTENANCE AND REPAIR**

No owner or person with an interest in real property designated as a City Landmark or included within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the Historic District as a whole or the life and character of the property itself. Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports
2. Deterioration of roofs or other horizontal members

3. Deterioration of exterior chimneys
4. Deterioration or crumbling of exterior stucco or mortar
5. Ineffective waterproofing of exterior walls, roofs or foundations including broken windows or doors
6. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety

#### **7.4.11 DEMOLITION**

The Commission shall determine whether the proposed structure has architectural or historic significance. "Significance" includes having particular important associations within the context of the architecture, history or culture of Saratoga Springs or region and may include listing as "contributing" on the State and National Registers of Historic Places.

##### **A. Structures with no architectural or historic significance**

The Commission may approve an application for demolition if it finds that the demolition is consistent with the intent and objectives of this Article and that the structure proposed to be demolished has no historic or architectural significance.

##### **B. Structures with architectural or historic significance**

For the proposed demolition of a structure with architectural or historical significance, the applicant must demonstrate "good cause" as to why such structure cannot be preserved.

1. The applicant shall document "good faith" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Commission and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition;
2. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure;
3. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
4. The applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" shall be required to demonstrate such hardship.
5. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans for the site. Such plans shall include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The Commission may condition the issuance of a demolition approval on the applicant's receipt of all other necessary approvals and permits for the post-demolition plan.
6. The Commission shall schedule a public hearing on an application for demolition of a structure with historic or architectural significance and shall provide notice as follows.

- a. **Public Hearing Notice**  
The Commission shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Commission an affidavit from the newspaper confirming such publication and payment.
- b. **Property owner notification**
  - i. The applicant shall obtain from the City the names and addresses of property owners within a 250 feet geographic radius from the applicant's subject property.
  - ii. The applicant shall receive from the Commission a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 but no more than 20 calendar days prior to the scheduled hearing.
  - iii. Prior to the public hearing, the applicant shall submit to the Commission confirmation of the property owner notification by obtaining a "certificate of mailing" provided by the U.S. Postal Service.
  - iv. Failure to provide notice in exact conformance with these provisions shall not invalidate a Commission determination provided the Commission finds that substantial compliance has occurred.

C. **Determination of Jeopardy to Health, Safety and Welfare of Community**  
In cases where an applicant has sought demolition approval on the basis that a structure represents an imminent danger to the health, safety and welfare of the community, the Commission shall refer the application to the Building Inspector for review and report pursuant to City Code Section 118 Unsafe Structures. The Building Inspector's report shall be advisory to the Commission. The Commission shall review the Building Inspector's report and make a determination that the structure can or cannot reasonably be repaired in such a way as to remove the imminent danger.

D. **Demolition of Historic Structures by City**  
The City, through its Code Enforcement Officers or other appropriate municipal officials, may seek demolition of a structure listed individually or as a contributing structure in an historic district on the National Register of Historic Places in New York Supreme Court under N.Y. Executive Law 382. Prior to filing such an application, the matter shall be referred to the Commission for an advisory opinion as to whether the structure can or cannot be reasonably repaired in such a way as to remove the cause for demolition. The Commission shall have 30 days to render a written advisory opinion unless extended by mutual consent. The City may also seek advisory recommendations from local preservation organizations.

E. Court action

The Commission shall have no authority to act otherwise in cases where an appropriate legal action or procedure has resulted in a judgment or order by a Court of competent jurisdiction that a structure endangers the health, safety and welfare of the public and shall be demolished.

**7.4.12 HISTORIC REVIEW APPLICATION**

A. It shall be the duty of the Zoning Officer to refer to the Commission all actions identified in this Article that require historic review approval.

B. The Commission shall not accept any application for review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the application.

C. An eligible applicant for historic review approval must be the owner, lessee or purchaser under contract for the involved parcel. A lessee and purchaser under contract must have the permission of the current property owners to submit an application for historic review approval.

D. The City shall collect a fee for all applications to the Commission as established by the City Council.

**7.4.13 ADVISORY OPINION**

The Commission may request an advisory opinion of the Planning Board or any administrative department or agency in its evaluation of an application for historic review.

**7.4.14 HISTORIC REVIEW DECISIONS**

A. In rendering its decision on any application, the Commission shall comply with all applicable provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations.

B. Within 62 days of the determination by the Commission that the application is complete, or the close of the public hearing, a written decision shall be issued. This time frame may be extended by mutual consent of the applicant and the Commission.

C. Four affirmative votes are required to pass a motion regarding an application before the Commission. If four affirmative votes cannot be attained on a motion within this 62-day period, unless extended by mutual consent of the applicant and the Commission, the application shall be denied by default.

D. The Commission may issue any of the following decisions:

1. Approve as submitted
2. Approve with conditions

The Commission may impose appropriate conditions in connection with its approval including those related to:

- Nature and quality of building materials
- Manner of construction
- Design and other building elements

3. Preliminary approval

Prior to the granting of final approval by the Commission, an applicant may seek “preliminary approval” for the general “mass and scale” of a proposed structure. This preliminary approval is subject to a SEQRA determination and constitutes approval of the footprint and proportions of the proposed structure, including any proposed rooftop structures, and its compatibility with the surrounding neighborhood. Such preliminary approval does not constitute approval of elevations and other façade and roofline details. Unless so noted within the preliminary approval, an applicant must obtain final approval by the Commission prior to issuance of a building permit.

4. Disapprove

The Commission may disapprove an application provided the Commission finds that such construction, alteration or demolition would be in opposition to the intent and objectives of this Article, and that this finding is not based on personal preference as to taste or choice of architectural style.

E. Every Commission decision shall be signed and dated by the Commission Chairperson and shall document the circumstances of the case and the findings on which the decision is based.

F. Every Commission decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.

G. Administrative Approval

The Chairperson shall have the authority to approve minor modifications to existing Commission approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Commission.

H. Building Permits, Inspections and Certificates of Occupancy

1. Upon receipt of Historic Review approval and confirmation of compliance with any required conditions, the Building Department may issue building, sign or demolition permits associated with the Historic Review application. No building, sign or demolition permit shall be issued in the event of Historic Review disapproval.
2. For actions subject to Historic Review but not requiring a building, sign or demolition permit, the Building Department shall perform inspections as may be necessary to confirm compliance with Commission approval and any required conditions.



3. Upon confirmation of the completion of an approved action requiring Historic Review, and any required conditions, the Building Department may issue a certificate of occupancy.

#### **7.4.15 EXPIRATION**

Unless otherwise specified or extended by the Commission, Commission approvals shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.

#### **7.4.16 EXTENSIONS**

The Commission may grant up to two 18 month extensions for historic review approval provided that the application for extension was properly submitted prior to the expiration date of either the original historic review approval or the first extension. When requesting an extension, it shall be the applicant's responsibility to demonstrate that there have been no significant changes to the site or neighborhood, and that the circumstances and findings of fact by which the original historic review approval was granted have not significantly changed.

#### **7.4.17 DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS**

- A. The City Council of the City of Saratoga Springs may designate an individual property as a landmark if it:
  1. Possesses special character or archeological, historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
  2. Is identified with historically significant individuals;
  3. Embodies the distinguishing characteristics of an architectural style;
  4. Is the work of a designer whose work has significantly influenced a particular architectural period or era; or
  5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
- B. The City Council may designate a group of properties as a Historic District if it:
  1. Contains properties that meet one or more of the criteria for designation of a landmark; or
  2. By reason of possessing such qualities, constitutes a distinct section of the City.
- C. Any proposed designation of landmarks or historic districts shall constitute an amendment to this Chapter and shall be subject to all public hearing, property owner notification and other applicable provisions of this Chapter.
  1. Once the City Council has accepted for review a proposed designation, no building or demolition permits shall be issued until the City Council has made its designation determination.

2. Prior to action on a proposed designation, the City Council shall request an advisory opinion from the Commission. The Commission shall have 30 days to render a written advisory opinion unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Commission finds that the proposed revision is not contrary to the intent and objectives of this Article.

#### **7.4.18 CITY LANDMARKS AND HISTORIC DISTRICTS**

The City Council hereby establishes and designates the following City Landmarks and Historic Districts.

A. CITY LANDMARKS.

1. "Bryan House", 123-125 Maple Avenue, Tax I.D. 165.44-1-31
2. "Drink Hall", 297 Broadway, Tax I.D. 165.67-1-24  
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
3. "Canfield Casino", East Congress Street, Tax I.D. 165.00-4-1  
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
4. "City Hall", 474 Broadway, Tax I.D. 165.52-4-37  
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
5. "Congress Park", Broadway, Tax I.D. 165.00-4-1  
Additional actions requiring review: removal, addition or alteration of any park feature such as, but not limited to: Spit 'n' Spat, Italian Gardens, Thorsvalden vases, Spirit of Life and surrounding stonework and landscaping, Trask stairway, War Memorial and Pavilion, Civil War monument, Brackett gates, Congress Spring Pavilion, Columbian Pavilion, Deer Park Spring Pavilion, Morrissey Rose Garden Fountain, reservoir, iron fencing, wrought iron fence surrounding park, configuration of ponds, walks and roadways, topography, Colonial Revival information booth, 1920s era gateposts, street lights, the Grotto (including sundial, pillars and statuary), informational signage, urns by northern pond, trout pond, benches and other park furniture.  
Only ordinary maintenance or repair is excluded from review.
6. "High Rock Park", High Rock Avenue, Tax I.D. 165.52-1-76, 165.44-2- lots 6, 22, 23, 24 and 25

Additional actions requiring review: removal, addition or alteration of any park feature such as structures, sculptures, monuments, pavilions, benches, topography, ponds, vegetation, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.

7. “Central Fire Station”, 60 Lake Avenue, Tax I.D. 165.60-2-3  
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
8. “Gideon Putnam Cemetery”, South Franklin Street, Tax I.D. 165.66-2-38  
Additional actions requiring review: removal, addition alteration, or cleaning of any cemetery feature such as grave markers, structures, sculptures, monuments, pavilions, benches, topography, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.

B. HISTORIC DISTRICTS

1. Commencing at a point in the north line of Fourth Street, 100 feet westerly of the west line of Broadway; running thence in a southerly direction parallel with and 100 feet westerly of the west line of Broadway or extending to the rear lot line of the property facing Broadway, whichever is greater, to a point in the northerly line of Walton Street; thence running southerly along the westerly line of Long Alley to a point in the northerly line of Washington Street; thence southerly on the extension of the line of the east line of Hamilton Street to Congress Street; thence continuing on the east line of Hamilton Street to a point in the southerly line of West Circular Street; thence along the southerly line of West Circular Street and Circular Street to a point which is the westerly boundary of property known as the Batcheller property, now owned by one Turchi; thence southerly along the westerly bounds of Turchi property to an alley; thence easterly along the alley to Whitney Place; thence along Whitney Place to the southerly bounds of property of the Presbyterian Congregation of Saratoga Springs, New York; thence easterly along the southerly bounds of the Presbyterian Congregation of Saratoga Springs, New York, to a point in the westerly line of Regent Street; running thence northerly along the westerly bounds of Regent Street to a point in the northerly line of North Lane; thence easterly along the northerly line of North Lane to Nelson Avenue; thence along the southerly and westerly boundary of property of the New York Racing Association, Inc., to a point in the northerly line of Lincoln Avenue; thence easterly along the northerly line of Lincoln Avenue to the easterly line of Frank Sullivan Place to a point directly across from the northeastern corner of Tax Parcel 179.21-3-5, (Inside District), thence across Frank Sullivan Place to the northeastern corner of said Tax Parcel 179.21-3-5, thence westerly and southerly along the boundaries of said Parcel 179.21-3-5 to the southwest corner of said parcel, thence directly across Wright Street to a point in the southerly line of Wright Street; thence westerly along the southerly line of Wright Street to the easterly line of Nelson Avenue; thence southerly along the easterly line of Nelson Avenue to a point directly across from the northeastern corner of Tax Parcel 179.00-5-5 (Inside District), thence westerly, southerly and easterly along the boundaries of said Tax Parcel 179.00-5-5 to its southeastern corner, thence directly

across Nelson Avenue to a point, thence southerly along the easterly line of Nelson Avenue to the southerly boundary of property owned by the New York Racing Association, Inc.; thence easterly along the southerly line of property of the New York Racing Association, Inc., and Yaddo to a point in the westerly line of Interstate Highway No. 87; thence northerly along the westerly line of Interstate No. 87 to a point in Union Avenue; thence westerly along the center line of Union Avenue to a point, thence northerly, easterly, northerly, and westerly along the boundary of Tax Parcel 166.-3-25 (Outside District) to a point in the southeastern corner of tax parcel 166.14-4-25 (Inside District), thence northerly, westerly and southerly along the boundaries of said tax parcel 166.14-4-25 to a point in the northerly line of Tax Parcel 166.-3-25 (Outside District), thence westerly along the northerly line of said parcel 166.-3-25 to a point in the southeastern corner of Tax Parcel of Tax Parcel 166.14-2-29 (Inside District), thence northerly along the easterly line of Tax Parcel 166.14-4-29 to a point in the southerly line of Fifth Avenue, thence northerly across Fifth Avenue to a point in the southerly line of Tax Parcel 166.14-4-14 (Inside District), thence easterly, northerly, westerly, southerly, westerly, southerly and easterly along the boundaries of said Parcel 166.14-4-14 to a point in the northerly line of Fifth Avenue, thence southerly across Fifth Avenue and along the western boundary of Tax Parcel 166.14-4-29 (Inside District), to a point in the northerly line of Tax Parcel 166.-3-25 (Outside District), thence westerly along the northerly line of Tax Parcels 166.-3-25 (outside District) and 166.-5-1 (Inside District), to a point in the northwesterly corner of said Tax Parcel 166.-5-1, thence southerly along the easterly line of East Avenue to its intersection with Union Avenue, thence westerly along the center line of Union Avenue to the easterly line of Ludlow Street to the easterly line of Ludlow; thence northerly along the easterly line of Ludlow to an alley between Mitchell Street and Union Avenue; thence westerly along said alley and a continuation thereof to a point one hundred fifty (150) feet (plus or minus) east of the easterly line of Nelson Avenue; thence northerly to northern line of George Street; thence easterly to a point 135 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly to the northern line of the unnamed alley between George Street and Madison Avenue; thence westerly 10 feet (plus or minus); thence northerly 50 feet (plus or minus); thence westerly 25 feet (plus or minus); thence northerly to the northern line of Madison Avenue; thence easterly 200 feet (plus or minus) along the northern line of Madison Avenue; thence northerly to the northern line of the unnamed alley between Fifth Avenue and Madison Avenue; thence easterly to the western line of East Avenue; thence northerly to a point 160 feet (plus or minus) north of the northern boundary of Fifth Avenue; thence westerly to a point 212 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly to the northern line of Caroline Street; thence westerly to a point 158 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly 140 feet (plus or minus); thence westerly to a point 47 feet (plus or minus) east of the eastern line of Ludlow Street, thence southerly 63 feet (plus or minus); thence westerly to the western line of Ludlow Street; thence northerly to a point 90 feet (plus or minus) from the northern line of Caroline Street; thence westerly 100 feet (plus or minus); thence northerly 70 feet (plus or minus); thence westerly 200 feet (plus or minus); thence southerly 80 feet (plus or minus); thence westerly to western line of Nelson Avenue; thence northerly to the northern line of Mitchell Place; thence westerly 250 feet (plus or minus); thence northerly to the northern line of Diamond

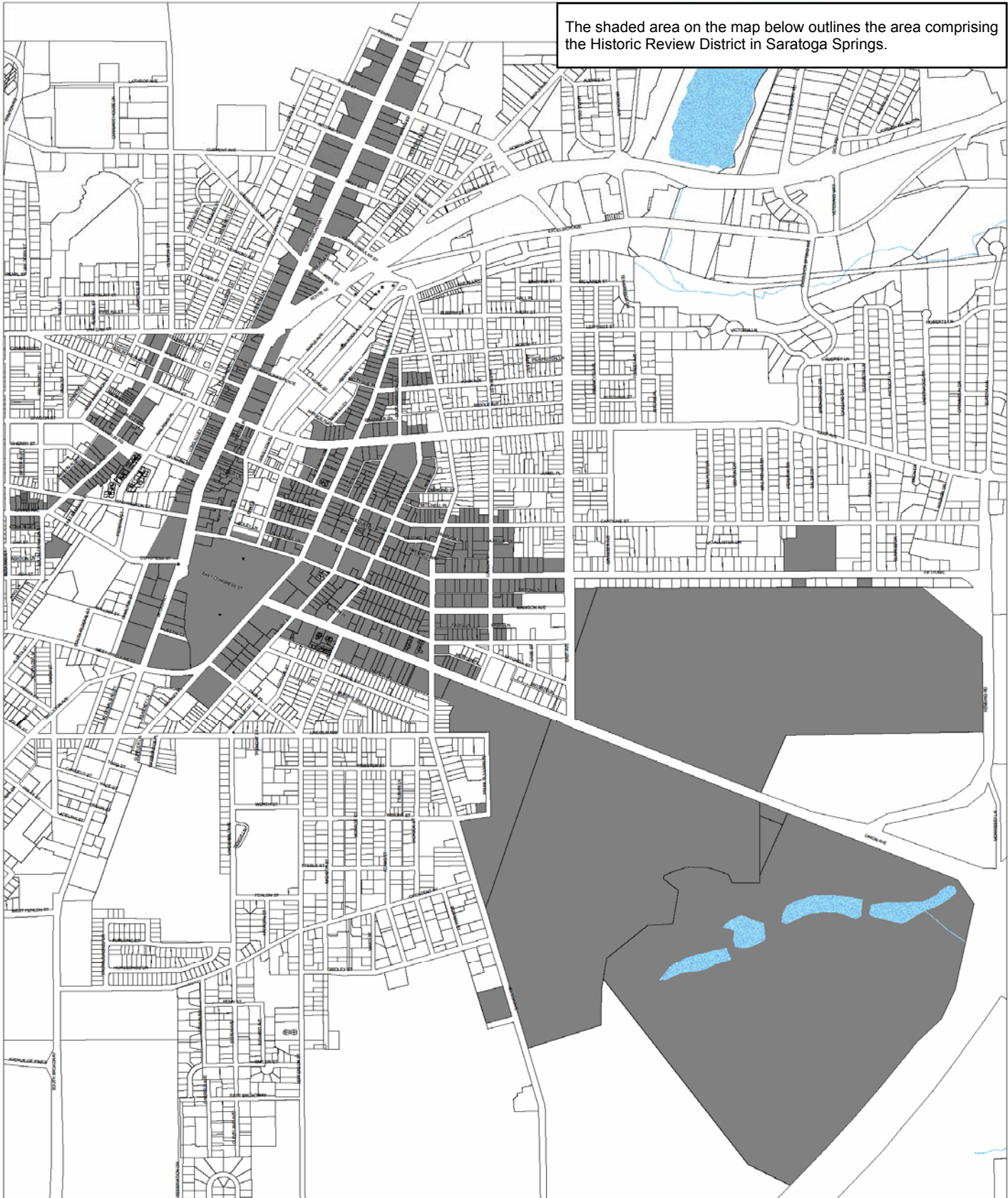
Street; thence easterly to a point 72 feet (plus or minus) east of the eastern line of the unnamed alley between Marion Place and Nelson Avenue; thence northerly 80 feet (plus or minus); thence westerly to eastern line of unnamed alley between Marion Place and Nelson Avenue; thence northerly along eastern line of alley and continuing straight northerly to the northern line of Lake Avenue; thence westerly to a point 215 feet (plus or minus) from the eastern line of East Harrison Street; thence northerly 100 feet (plus or minus); thence westerly along a line 100 feet (plus or minus) from the northern line of Lake Avenue to the western line of East Harrison Street; thence northerly to the northern line of Spruce Alley; thence westerly 169 feet (plus or minus); thence northerly along the eastern side of the unnamed private drive and extending to a point 90 feet (plus or minus) from the southern line of York Avenue and 120 feet (plus or minus) from the westerly line of East Harrison Street; thence easterly to a point 42 feet (plus or minus) from the eastern line of East Harrison Street; thence northerly to the northern line of York Avenue; thence easterly to the western line of Nelson Avenue; thence northerly 138 feet (plus or minus); thence westerly to a point on the western line of East Harrison Street 152 feet (plus or minus) northerly from the northern line of York Avenue; thence northerly to the southern line of North Street; thence westerly to the westerly line of Circular Street; thence northerly to a point 100 feet (plus or minus) south of the southerly line of the unnamed alley between the head of Henry Street and Circular Street; thence westerly to the eastern line of Henry Street; thence southerly along a line 150 feet (plus or minus) west of the western line of Circular Street to a point 100 feet (plus or minus) north of the northern line of the unnamed alley; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street to the southerly line of the unnamed alley; thence easterly to the western line of Bank Alley; thence southerly along the western line of Bank Alley to the southern line of Spruce Alley; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street 50 feet (plus or minus); thence southeasterly 40 feet (plus or minus); thence southerly 153 feet (plus or minus) to the northern line of Lake Avenue; thence southerly across Lake Avenue to a point 100 feet (plus or minus) east of the eastern line of Henry Street on the southern line of Lake Avenue; thence southerly to a point 135 feet (plus or minus) east of the eastern line of Henry Street on the southern line of Short Alley; thence southerly to the southern line of Caroline Street; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street to the southern line of the alley between Phila Street and Spring Street; thence easterly 98 feet (plus or minus); thence southerly to a point 100 feet north of the northern line of Spring Street; thence westerly along this line 100 feet north of the north line of Spring Street to a point in the easterly line of Putnam Street; thence northerly along the easterly line of Putnam Street and the easterly line of Maple Avenue to Grove Street; thence westerly along the northerly line of Grove Street to a point 100 feet easterly of the east line of Broadway; thence northerly parallel with and 100 feet easterly of the east line of Broadway or the rear lot line of the property facing Broadway, whichever is greater, to a point in the outside corporation line; thence westerly along the corporation line to the center of North Broadway; thence westerly along the northerly line of Fourth Street to the point or place of beginning.

2. Commencing at a point at the southwest corner of the intersection of Van Dam Street and Clinton Street, running westerly 286 feet (plus or minus) along the southern line of Van Dam Street; thence southerly 84 feet (plus or minus) to the northern line of Walton Street; thence across Walton Street to its southern line; thence easterly to a point 100 feet (plus or minus) westerly from the western line of Clinton Street; thence southerly 160 feet (plus or minus) to the southern line of Railroad Alley; thence 24 feet (plus or minus) easterly along the southern line of Railroad Alley; thence southerly 137 feet (plus or minus) to the northern line of Church Street; thence across Church Street to a point on the southern line of Church Street 106 feet (plus or minus) westerly from the western line of Clinton Street; thence 100 feet (plus or minus) southerly; thence 36 feet (plus or minus) westerly; thence 35 feet (plus or minus) southerly; thence 15 feet (plus or minus) westerly; thence 45 feet (plus or minus) southerly to the unnamed public alley between West Harrison Street and Clinton Street; thence southerly along the eastern line of the alley to the northern line of Thomas Street; thence across Thomas Street to a point on the southern line of Thomas Street 100 feet (plus or minus) westerly from the western line of Clinton Street; thence southerly 215 feet (plus or minus) to a point 115 feet (plus or minus) from the northern line of Division Street and 100 feet (plus or minus) from the western line of Clinton Street; thence westerly to a point on the eastern line of West Harrison Street 115 feet (plus or minus) northerly from the northern line of Division Street; thence southerly along the eastern line of West Harrison Street to the southern line of Division Street; thence easterly to the eastern line of Marvin Alley; thence southerly along the eastern line of Marvin Alley to a point 332 feet (plus or minus) south of the southern line of Cherry Street; thence easterly 150 feet (plus or minus) to the western line of Franklin Street; thence south to the southern line of Washington Street; thence westerly 145 feet (plus or minus) along the southern line of Washington Street; thence southerly 86 feet (plus or minus); thence westerly 37 feet (plus or minus); thence northerly 14 feet (plus or minus); thence westerly 49 feet (plus or minus); thence northerly 24 feet (plus or minus); thence westerly 99 feet (plus or minus); thence northerly 79 feet (plus or minus) to a point on the southern line of Washington Street 335 feet (plus or minus) from the western line of Franklin Street; thence westerly 102 feet (plus or minus) along the southern line of Washington Street; thence southerly 62 feet (plus or minus); thence westerly 50 feet (plus or minus); thence southerly 8 feet (plus or minus); thence westerly 56 feet (plus or minus) to a point on the eastern line of Beekman Street 150 feet (plus or minus); from the northern line of Grand Avenue; thence southerly to the northern line of Cobb Alley; thence easterly along the northern line of Cobb Alley to the eastern line of South Franklin Street; thence northerly along the eastern line of South Franklin Street and the eastern line of Franklin Street to a point 60 feet (plus or minus) northerly of the northern line of Congress Street; thence easterly 100 feet (plus or minus); thence northerly 161 feet (plus or minus) to a point on the south line of Washington Street 68 feet (plus or minus) from the eastern line of Franklin Street; thence across Washington Street to a point on the northern line of Washington Street 141 feet (plus or minus) from the eastern line of Franklin Street; thence northerly 46 feet (plus or minus); thence easterly 15 feet (plus or minus); thence northerly 142 feet (plus or minus); thence, easterly 45 feet (plus or minus); thence northerly 159 feet (plus or minus); thence westerly 20 feet (plus or minus); thence northerly 50 feet (plus or minus); thence easterly 100 feet (plus or minus); thence

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northerly 205 feet (plus or minus) to a point on the southern line of Division Street 159 feet (plus or minus) easterly from the eastern line of Franklin Street; thence across Division Street to a point on the north line of Division Street 200 feet (plus or minus) easterly from the eastern line of Clinton Street; thence northerly 220 feet (plus or minus); thence westerly 67 feet (plus or minus); thence northerly 290 feet (plus or minus); thence westerly 150 feet (plus or minus) to a point on the eastern line of Clinton Street 120 feet (plus or minus) southerly from the southern line of Church Street; thence northerly along the easterly line of Clinton Street to the northerly line of Church Street; thence easterly along the northern line of Church Street 100 feet (plus or minus); thence northerly 490 feet (plus or minus) to a point on the southern line of Exchange Alley 100 feet (plus or minus) easterly of the eastern line of Clinton Street; thence westerly along the southern line of Exchange Alley to the western line of Clinton Street; thence northerly to the southern line of Van Dam Street or place of beginning.

C. Map of Historic District Areas





## **7.5 ARCHITECTURAL REVIEW**

### **7.5.1 INTENT**

The City finds that appropriate architectural design and the consistent quality of building exteriors directly contribute to the positive value of real property, the enhancement of community character, and the health, safety and general welfare of the City's residents. Therefore, the intent of this Article is to provide architectural standards for the construction, maintenance and enhancement of structures within designated areas of the City as identified in Section 7.5.12.

### **7.5.2 DELEGATION TO DESIGN REVIEW COMMISSION**

The Design Review Commission is hereby charged with the responsibilities of administering and carrying out the intent, process and actions established in this Article and Article 7.4 "Historic Review".

### **7.5.3 ACTIONS SUBJECT TO REVIEW**

The following actions shall be subject to architectural review by the Commission when occurring within designated areas of the City as identified in this Article:

- A. Construction, renovation, alteration or exterior change to a structure that requires the issuance of a building or demolition permit.
- B. Installation of an awning, sign or sign structure that requires a building or sign permit, or such modification with respect to size, materials, illumination, method of attachment and color.
- C. Change of the exterior color of any structure within a non-residential Zoning District.
- D. Installation of telecommunications facilities per Article 6.3.2.

### **7.5.4 ACTIONS EXEMPT FROM REVIEW**

The following actions are exempt from architectural review:

1. Ordinary maintenance or repair of any exterior feature that does not involve a change in design, material, or outer appearance.
2. Any action having received historic review approval.

### **7.5.5 DESIGN CONSIDERATIONS**

For actions subject to review, the Commission shall evaluate whether the proposed alteration or construction is compatible with the subject structure, site and neighboring properties in the architectural review district with regard to:

#### **A. Height**

The Commission shall consider whether the height of the proposed structure is compatible with the historic form and context of the site and neighboring properties and with any specific zoning district intent.

B. Scale

The Commission shall consider whether the scale of the proposed structure is compatible with the relationship of the building and its architectural elements to neighboring structures and community character.

C. Mass and Open Space

The Commission shall consider whether the relationship of the dimension and mass of a building to the open space between it and adjoining buildings is compatible with the character of the neighboring area and with any specific zoning district intent.

D. Proportion

The Commission shall consider whether the proposed structure and its architectural elements, including front façades, windows, doors and bays, are consistent with the dominant proportion of neighboring structures and site.

E. Directional Expression

The Commission shall consider whether the directional expression of a building and its architectural elements are compatible with the dominant horizontal or vertical expression of the neighboring buildings.

F. Architectural Rhythm

The Commission shall consider whether the architectural, rhythmic pattern resulting from repeated elements such as window and door openings, columns, arches, and other facade elements is consistent within the subject structure and consistent with neighboring structures.

G. Front Setback

The front yard setback for the building line of all new construction shall be compatible with neighboring buildings and any specific zoning district intent.

H. New Construction and Additions

New construction and additions should be undertaken such that their removal will not impair the original historic form and integrity of the structure and site.

I. Treatment of Major Building Elements

1. Doors. Existing historic doors and door openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways shall be designed to respect the exterior architectural character of the building.
2. Windows. Existing historic windows and window openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.
3. Roofs. Features that give a roof its essential historic and architectural character shall be retained and rehabilitated whenever possible. Roof designs for new

structures shall be compatible with neighboring buildings. Exterior mechanical equipment shall be minimized and screened from view.

**J. Materials**

Materials used in new construction shall be compatible with those traditionally used in the neighboring area. Contemporary materials are acceptable provided that the overall texture, color and details of the building are compatible with neighboring buildings.

**K. Colors**

Colors used in new construction shall be compatible with neighboring buildings. Architectural features of historic buildings shall be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where historically documented colors are not used, colors shall be appropriate to the building's predominant architectural style(s).

**7.5.6 DEMOLITION**

The Commission shall determine whether the proposed structure has architectural or historic significance. "Significance" includes having particular important associations within the context of the architecture, history or culture of Saratoga Springs or region and may include listing as "contributing" on the State and National Registers of Historic Places.

**A. Structures with no architectural or historic significance**

The Commission may approve an application for demolition if it finds that the demolition is consistent with the intent and objectives of this Article and that the structure proposed to be demolished has no historic or architectural significance.

**B. Structures with architectural or historic significance**

For the proposed demolition of a structure with architectural or historical significance, the applicant must demonstrate "good cause" as to why such structure cannot be preserved.

1. The applicant shall document "good faith" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Commission and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition;
2. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure;
3. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
4. The applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" shall be required to demonstrate such hardship.
5. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans of the site. Such plans shall

include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The Commission may condition the issuance of a demolition approval on the applicant's receipt of all other necessary approvals and permits for the post-demolition plan.

6. The Commission shall schedule a public hearing on an application for demolition of a structure with historic or architectural significance and shall provide notice as follows.
  - a. **Public Hearing Notice**

The Commission shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Commission an affidavit from the newspaper confirming such publication and payment.
  - b. **Property owner notification**
    - i. The applicant shall obtain from the City the names and addresses of property owners within a 250 feet geographic radius from the applicant's subject property.
    - ii. The applicant shall receive from the Commission a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 but no more than 20 calendar days prior to the scheduled hearing.
    - iii. Prior to the public hearing, the applicant shall submit to the Commission confirmation of the property owner notification by obtaining a "certificate of mailing" provided by the U.S. Postal Service.
    - iv. Failure to provide notice in exact conformance with these provisions shall not invalidate a Commission determination provided the Commission finds that substantial compliance has occurred.

C. **Determination of Jeopardy to Health, Safety and Welfare of Community**  
In cases where an applicant has sought demolition approval on the basis that a structure represents an imminent danger to the health, safety and welfare of the community, the Commission shall refer the application to the Building Inspector for review and report pursuant to City Code Section 118 Unsafe Structures. The Building Inspector's report shall be advisory to the Commission. The Commission shall review the Building Inspector's report and make a determination that the structure can or cannot reasonably be repaired in such a way as to remove the imminent danger.

D. **Court action**

The Commission shall have no authority to act otherwise in cases where an appropriate legal action or procedure has resulted in a judgment or order by a Court of competent

jurisdiction that a structure endangers the health, safety and welfare of the public and shall be demolished.

**7.5.7 ARCHITECTURAL REVIEW APPLICATION**

A. It shall be the duty of the Zoning Officer to refer to the Commission all actions identified in this Article that require architectural review approval.

B. The Commission shall not accept any application for review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the application.

C. An eligible applicant for architectural review approval must be the owner, lessee or purchaser under contract for the involved parcel. A lessee and purchaser under contract must have the permission of the current property owners to submit an application for architectural review approval.

D. The City shall collect a fee for all applications to the Commission as established by the City Council.

**7.5.8 ADVISORY OPINION**

The Commission may request an advisory opinion of the Planning Board or any administrative department or agency in its evaluation of an application for architectural review.

**7.5.9 ARCHITECTURAL REVIEW DECISIONS**

A. In rendering its decision on any application, the Commission shall comply with all applicable provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations.

B. Within 62 days of the determination by the Commission that the application is complete, or the close of the public hearing, a written decision will be issued. This time frame may be extended by mutual consent of the applicant and the Commission.

C. Four affirmative votes are required to pass a motion regarding an application before the Commission. If four affirmative votes cannot be attained on a motion within this 62-day period, unless extended by mutual consent of the applicant and the Commission, the application shall be denied by default.

D. The Commission may issue any of the following decisions:

1. Approve as submitted
2. Approve with conditions

The Commission may impose appropriate conditions in connection with its approval including those related to:

- Nature and quality of building materials
- Manner of construction
- Design and other building elements

3. Preliminary approval  
Prior to the granting of final approval by the Commission, an applicant may seek “preliminary approval” for the general “mass and scale” of a proposed structure. This preliminary approval is subject to a SEQRA determination and constitutes approval of the footprint and proportions of the proposed structure, including any proposed rooftop structures, and its compatibility with the surrounding neighborhood. Such preliminary approval does not constitute approval of elevations and other façade and roofline details. Unless so noted within the preliminary approval, an applicant must obtain final approval by the Commission prior to issuance of a building permit.
  4. Disapprove  
The Commission may disapprove an application provided the Commission finds that such construction, alteration or demolition would be in opposition to the intent and objectives of this Article, and that this finding is not based on personal preference as to taste or choice of architectural style.
- E. Every Commission decision shall be signed and dated by the Chairperson and shall document the circumstances of the case and the findings on which the decision is based.
- F. Every Commission decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.
- G. Administrative Approval  
The Chairperson shall have the authority to approve minor modifications to existing Commission approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Commission.
- H. Building Permits, Inspections and Certificates of Occupancy
1. Upon receipt of Architectural Review approval and confirmation of compliance with any required conditions, the Building Department may issue building, sign or demolition permits associated with the Architectural Review application. No building, sign or demolition permit shall be issued in the event of Architectural Review disapproval.
  2. For actions subject to Architectural Review but not requiring a building, sign or demolition permit, the Building Department shall perform inspections as may be necessary to confirm compliance with Commission approval and any required conditions.
  3. Upon confirmation of the completion of an approved action requiring Architectural Review, and any required conditions, the Building Department may issue a certificate of occupancy.

**7.5.10 Expiration**

Unless otherwise specified or extended by the Commission, Commission approvals shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.

**7.5.11 Extensions**

The Commission may grant up to two 18 month extensions for architectural review approval provided that the application for extension was properly submitted prior to the expiration date of either the original architectural review approval or the first extension. When requesting an extension, it shall be the applicant's responsibility to demonstrate that there have been no significant changes to the site or neighborhood, and that the circumstances and findings of fact by which the original architectural review approval was granted have not significantly changed.

**7.5.12 ARCHITECTURAL REVIEW DISTRICTS**

- A. The following areas shall be designated architectural review districts:
1. Beginning at the intersection of the center line of Broadway (or NYS Route 9) and Circular Street and extending to the rear lot line of the property facing Broadway on both east and west sides or 100 feet in depth, whichever is greater, and extending southward along Broadway to the City line.
  2. Beginning at the intersection of the center line of Union Avenue (or NYS Route 9P) and Ludlow Street and extending to the rear lot line of the property facing Union Avenue on the north side or 100 feet in depth, whichever is greater, and extending eastward to the intersection of the center line of Union Avenue and the easterly line of Interstate 87; thence extending to the rear lot line of the property facing Union Avenue on both the north and south sides or 100 feet in depth, whichever is greater, and extending easterly and southeasterly along Union Avenue to the City Line.
  3. Beginning at the intersection of the center line of Lake Avenue (or NYS Route 29) and Broadway and extending to the rear lot line of the property facing Lake Avenue on both the north and south sides or 100 feet in depth, whichever is greater, and extending eastward along Lake Avenue to the City line.
  4. Beginning at the intersection of the center line of Route 50 and Broadway (or New York State Route 9) and extending to the rear lot line of the property facing Route 50 on both the north and south sides or 100 feet in depth, whichever is greater, and extending eastward to the City line.

5. Beginning at the intersection of the center line of Marion Avenue (or NYS Route 9) and Route 50 and extending to the rear lot line of the property facing Marion Avenue on both east and west sides or 100 feet in depth, whichever is greater, and extending northward along Marion Avenue to the City line.
6. Beginning at the intersection of the center line of Van Dam Street and Broadway and extending to the rear lot line of the property facing Van Dam Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Van Dam Street to the intersection of the center line of Church Street (or NYS Route 9N) and Van Dam Street.
7. Beginning at the intersection of the center line of Church Street (or NYS Route 9N) and Broadway and extending to the rear lot line of the property facing Church Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Church Street to the City line.
8. Beginning at the intersection of the center line of Washington Street (or NYS Route 29) and Broadway and extending to the rear lot line of the property facing Washington Street on both the north and south sides or 100 feet in depth, whichever is greater, and extending westward along Washington Street to the City line.
9. Beginning at the intersection of the center line of Ballston Avenue (or NYS Route 50) and Broadway and extending to the rear lot line of the property facing Ballston Avenue on both the east and west sides or 100 feet in depth, whichever is greater, and extending southerly or southwesterly along Ballston Avenue to the City line.
10. Beginning at the intersection of the center line of West Avenue and Church Street (or NYS Route 9N) and extending to the rear lot line of the property facing West Avenue on both the east and west sides or 100 feet in depth, whichever is greater, and extending southward along West Avenue to the intersection of the center line of Ballston Avenue (or NYS Route 50) and West Avenue.
11. All properties within the Transect Districts (T-4, T-5, and T-6), UR-4A District, and Neighborhood Complementary Use Districts (NCUD-1, NCUD-2, and NCUD-3).

B. Map of Architectural Review Area

A reference map displaying the Architectural Review areas may be found in the City Office of Planning and Economic Development and at [www.saratoga-springs.org](http://www.saratoga-springs.org).



## **8.0 VARIANCE AND INTERPRETATION APPEALS**

### **8.1 INTENT**

The intent of this Article is to provide for appeals from decisions made by an administrative official charged with the enforcement of the Zoning Ordinance.

### **8.2 DELEGATION TO ZONING BOARD OF APPEALS**

The Zoning Board of Appeals (ZBA) is hereby charged with the responsibilities of administering and carrying out the intent established in Section 8.1 above.

### **8.3 APPELLATE AUTHORITY**

The jurisdiction of the ZBA shall be appellate only and shall be limited to hearing and deciding appeals from any person aggrieved by any decision made by the administrative official charged with the enforcement of the Zoning Ordinance.

#### **8.3.1 AREA VARIANCE**

An area variance provides relief from the dimensional or physical requirements imposed by the applicable zoning regulations. An area variance does not authorize any change in the type of use of the property.

##### **A. Evaluation Criteria**

In making its determination whether to grant an area variance, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the ZBA shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of an area variance.

#### **8.3.2 USE VARIANCE**

A use variance provides relief to allow the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning regulations.

##### **A. Evaluation Criteria**

The ZBA shall not grant a use variance unless the applicant has demonstrated that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant must demonstrate that for each and every permitted use for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
3. The requested use variance, if granted, will not alter the essential character of the neighborhood;
4. The alleged hardship has not been self-created.

### **8.3.3 MINIMUM VARIANCE**

The ZBA, in granting a use or area variance, shall grant the minimum variance that it shall deem necessary and adequate while, at the same time, preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.

### **8.3.4 CONDITIONS OF APPROVAL**

The ZBA, in granting a use or area variance, shall have the authority to impose such reasonable conditions and restrictions as are directly related, and incidental, to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### **8.3.5 INTERPRETATION APPEALS**

An interpretation is an appeal by an aggrieved party seeking to overturn a determination made by the administrative official charged with the enforcement of the Zoning Ordinance.

### **8.3.6 COMPLIANCE**

The granting of any appeal from a specific requirement of this ordinance shall not obviate the necessity of complying with all other applicable provisions of this ordinance in every other respect.

## **8.4 VARIANCE AND INTERPRETATION APPEALS PROCEDURE**

### **8.4.1 ADMINISTRATIVE DECISION**

A. Each decision of the administrative official charged with the enforcement of this Zoning Ordinance shall be filed in the office of such official within five (5) business days from the day it is rendered and shall be a public record.

B. An application for appeal shall be submitted by an aggrieved person within sixty (60) days of the filing of any such decision.

### **8.4.2 APPLICATION FOR APPEAL**

A. The ZBA shall not accept any application for appeal that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the appeal.

B. Applications for appeals shall be on forms prescribed by the ZBA and shall be accompanied by a fee as established by the City Council. Every appeal shall specify the grounds for appeal and the requested relief or interpretation sought.

C. An appeal shall stay all enforcement proceedings relating to any violation under appeal unless the administrative official charged with the enforcement of the Zoning Ordinance finds that such stay would cause imminent peril to life or property.

#### **8.4.3 MEETINGS**

Meetings shall be held at the call of the Chairman or as the ZBA may determine. A quorum shall consist of 4 members. The ZBA shall keep minutes of its proceedings showing the vote of each member upon every action and shall keep records of its deliberations and decisions.

#### **8.4.4 PUBLIC HEARING NOTICE**

A. The ZBA shall schedule a public hearing on an application for an appeal and shall provide notice as follows.

B. The ZBA shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the ZBA an affidavit from the newspaper confirming such publication and payment.

#### **8.4.5 PROPERTY OWNER NOTIFICATION**

The applicant shall provide notice of an appeal to neighboring property owners in the following manner.

A. The applicant shall obtain from the City the names and addresses of property owners within a geographic radius from the applicant's subject property boundary as indicated below:

1. Use Variance: 250 feet
2. Area Variance: 100 feet
3. Interpretation: 100 feet

B. The applicant shall receive from the ZBA a property owner notification notice 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 calendar days prior to the scheduled hearing.

C. Prior to the public hearing, the applicant shall submit to the ZBA, confirmation of the property owner notification by obtaining a "certificate of mailing" provided by the U.S. Postal Service.

D. Failure to provide notice in exact conformance with these provisions shall not invalidate a ZBA determination provided the ZBA finds that substantial compliance has occurred and that the public has been fairly apprised of the fundamental character of the proposed request.

**8.4.6 PLANNING BOARD RECOMMENDATION**

Pursuant to General City Law Section 33.6, if a proposed subdivision plat contains one or more lots that do not comply with this Chapter and, therefore, require an area variance; the ZBA shall request that the Planning Board provide a written recommendation concerning the proposed variance.

**8.4.7 SARATOGA COUNTY PLANNING BOARD REFERRAL**

A. Any application for an appeal 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 ZBA on such appeal 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.

B. If the Saratoga County Planning Board recommends modification or disapproval of a proposed action, the Zoning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

**8.4.8 INTERMUNICIPAL NOTIFICATION**

Pursuant to General Municipal Law Section 239-nn, if the land involved in an application for a use variance lies within 500 feet of the boundary of another municipality, the ZBA shall submit a copy of the official notice of the public hearing to the municipal clerk of the other municipality at least 10 day prior to the public hearing.

**8.4.9 ADVISORY OPINION**

The ZBA may request an advisory opinion of the Planning Board, the Design Review Commission, or any administrative department or agency in its evaluation of an appeal.

**8.5 DECISIONS**

A. In rendering its decision on any application, the ZBA 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. The ZBA shall decide an appeal within sixty-two (62) days after the close of the required public hearing. This time frame may be extended by mutual consent of the applicant and the ZBA.

C. Four (4) affirmative votes are required to pass a motion regarding an appeal before the ZBA. The ZBA may amend a motion that fails to receive four affirmative votes within this 62-day period. Ultimately, if four affirmative votes cannot be attained on a motion within this 62-day period, unless extended by mutual consent of the applicant and the ZBA, the appeal shall be denied by default.

D. The ZBA shall have the authority to impose such reasonable conditions and restrictions as are directly related, and incidental, to the proposed project. As a condition of approval, the ZBA may require a letter of credit or equivalent security approved by the City to guarantee satisfactory performance of all required

improvements.

E. Every ZBA decision shall be signed and dated by the Chairperson and shall document the circumstances of the case and the findings on which the decision is based.

F. Every ZBA decision of an appeal shall be by Resolution and shall be filed in the Office of the City Clerk within five (5) business days thereof and a copy provided to the applicant and to the Building Department.

G. In order to rehear an appeal previously determined by the ZBA, the following must occur:

1. A ZBA member must move to formally rehear the appeal
2. A unanimous vote of all ZBA members present must approve the motion to rehear
3. The appeal shall be subject to the same notice provisions as an original hearing
4. The ZBA may reverse, modify or annul its original decision provided the ZBA finds that the rights vested in persons acting in good faith reliance upon the reheard order, decision or determination will not be prejudiced thereby
5. A unanimous vote of all ZBA members present is required to reverse, modify or annul its original decision

#### **8.5.1 EXPIRATION**

Unless otherwise specified or extended by the ZBA, a variance approval shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.

#### **8.5.2 EXTENSIONS**

The ZBA may grant up to two 18 month extensions for an approved variance provided that the application for extension was properly submitted prior to the expiration date of either the original variance or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

**9.0 ADMINISTRATION AND ENFORCEMENT**

**9.1 ADMINISTRATION**

**9.1.1 INTENT**

The provisions of this Article are intended to be procedures, standards, criteria and requirements to be used in administering this Zoning Ordinance.

**9.1.2 ZONING OFFICER DESIGNATION**

The Building Inspector, or person designated to acting in the capacity as Building Inspector, is hereby designated Zoning Officer and shall have authority to interpret, administer and enforce the provisions of the Zoning Ordinance and Subdivision Regulations.

**9.1.2.1 ZONING OFFICER AUTHORITY AND DUTIES**

In addition to all other authority conferred by law, the Zoning Officer shall have the following specific powers and duties:

- A. Administer and enforce all provisions of this Zoning Ordinance
- B. Record all complaints regarding possible Zoning Ordinance violations together with any investigation or action conducted in response to each complaint.
- C. Issue orders to remedy, notices of violation, stop work orders, appearance tickets in accordance with Article 150 of the Criminal Procedure Law, and other documents relative to enforcement, and the commencement of proceedings and actions reasonably necessary to carry out the lawful enforcement of this Chapter.
- D. Determine compliance with the provisions of this Zoning Ordinance, issue building permit denials and provide referrals to the Zoning Board of Appeals, Design Review Commission and Planning Board as necessary.
- E. Issue determinations, in response to inquiry, about the meaning of any part of this Zoning Ordinance.
- F. Submission of an annual report to the Office of the Mayor showing all complaints of violations and subsequent action taken in each case for the year.
- G. Such other specific duties or responsibilities as may be assigned by the Mayor as being reasonably necessary to carry out the provisions of this Chapter.

**9.1.3 FINANCIAL SECURITY**

A City land use board may require applicants to post sufficient financial security to guarantee compliance with any approvals or conditions. Such security may be provided in cash, by letter of credit, or by other means as the City Council may establish by schedule. Security provided in cash shall be retained by the City in an appropriate account until expended or returned to the applicant.

**9.1.4 INSURANCE REQUIREMENTS**

The City Council shall have authority to establish, by Resolution, a schedule of insurance requirements to be provided by applicants under this Chapter.

**9.1.5 FEES**

The City Council shall have authority to establish, by Resolution, a fee schedule for receipt, review, filing, or issuance of any application, permit, or license or any other activity referred to in this Chapter.

**9.2 ENFORCEMENT**

**9.2.1 VIOLATIONS**

A. No person or entity shall maintain any land or structure, or part thereof, in violation of the use or dimensional requirements permitted in this Chapter. Any person or entity that violates this article shall be subject to the procedures and penalties stated herein. The continuation of a violation shall constitute a separate and distinct offense for each day the violation is continued.

B. The Zoning Officer, or duly authorized assistants, shall have the right to enter upon, examine and inspect any building or property at any reasonable time for the purpose of carrying out his/her duties and to determine compliance with the provisions of this Zoning Ordinance.

**9.2.1.1 NOTICE OF VIOLATIONS**

Upon finding a violation of this Zoning Ordinance, the Zoning Officer shall deliver written notice to the property owner in person or by certified or registered mail.—This notice shall inform the recipient of:

- A. The nature and specific details of such violation
- B. The recommended remedial action
- C. The date by which the violation must be remedied

**9.2.1.2 STOP WORK ORDERS**

Upon finding a violation of this Zoning Ordinance, the Zoning Officer may require the suspension of work by issuing a stop work order to the responsible person. Such person shall suspend all unauthorized activity until the stop work order has been rescinded.

- A. The stop work order shall be in writing and shall state the conditions under which the activity may resume.
- B. The stop work order shall be presented to the person performing the work and, if different, the property owner in person or by certified or registered mail, and may be placed upon a conspicuous portion of the building or premises in use.
- C. The failure of any person to comply with the terms of a stop work order shall

constitute a separate violation.

### **9.2.1.3 APPEAL TO THE ZBA**

A determination of violation by the Zoning Officer may be appealed to the ZBA. Upon such appeal, any further enforcement efforts by the City shall be stayed pending ZBA determination of the appeal.

### **9.2.2 PENALTIES AND FINES**

Except as otherwise provided in this Ordinance, the following penalties shall apply:

A. First violations of this Zoning Ordinance shall be punishable by a fine of not more than fifty (\$50.00) dollars for each day the violation continues and/or imprisonment of up to five (5) days.

B. Second violations shall be punishable by a fine of not more than one hundred (\$100.00) dollars for each day the violation continues and/or imprisonment of up to fifteen (15) days.

C. Third and subsequent violations shall be punishable by a fine of not more than two hundred fifty (\$250.00) dollars or each day the violation continues and/or a jail sentence of up to thirty (30) days.

D. These fines and/or imprisonment shall be exclusive of any additional civil fees or remedies.

### **9.2.3 CIVIL ENFORCEMENT**

In addition to penalties prescribed elsewhere in this Chapter and other laws, any person who violates any provision of this zoning ordinance shall be liable to a civil penalty of not more than two hundred dollars (\$200.00) for each day during which the violation continues. These civil penalties shall be recoverable in an action instituted by the City of Saratoga Springs.

### **9.2.4 COURT ACTION**

The imposition of fines and/or imprisonment shall not preclude the City from instituting an action for injunction or other legal action to prevent any unlawful use or activity, or to correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises. In the event the City prevails in this action, the City shall have the authority to seek all reasonable attorneys' fees incurred by or on behalf of the City, together with all costs and disbursements of the litigation.

### **9.2.5 NON-EXCLUSIVITY OF REMEDIES**

The City of Saratoga Springs may proceed under any subsection hereof at any time without respect to whether any other remedy has been imposed or sought by the City. The alternative remedies, fees and penalties provided for herein are not mutually exclusive but may be commenced, implemented and enforced simultaneously without regard to whether any other remedies, fees, or penalties have been sought or imposed.



**APPENDIX A – DEFINITION OF TERMS**

Unless the context of this Chapter otherwise requires, the following definitions of words and phrases shall be used in the interpretation and construction of this Chapter:

100-YEAR FLOODPLAIN: Land subject to a one-percent or greater chance of flooding in any given year as specified in the City Code Chapter 120 Flood Damage Prevention.

ABANDONMENT: An intent to relinquish by some overt act, or some failure to act, which implies that the owner neither claims nor retains any interest in the use or activity.

Access Drive: A roadway, other than a street, which provides vehicular access from a street or private road to or within a lot.

ACCESSORY STRUCTURE (RESIDENTIAL): An unfinished and uninhabitable space in a detached structure. Includes private garages, storage sheds, non-commercial greenhouses, swimming pools, pool houses, antennas & satellite dishes and solar/heating/ventilation/utility equipment.

ADMINISTRATIVE OFFICE: An establishment primarily engaged in management and general administrative functions such as executive, personnel, finance and sales activities performed centrally for other establishments of the same company.

ADULT BOOK STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activity or specific anatomical areas," (as defined below).

A. Substantial or significant portion

A "substantial or significant portion of its stock in trade, books, magazines or other publications shall be determined to exist if either more than 20 percent of its gross sales receipts comprise items described in (B) or (C) hereof or that more than 20 percent of the net square footage of the establishment is dedicated to the display or advertising of items described below in (B) and/or (C) hereof."

B. Specified sexual activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

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### C. SPECIFIED ANATOMICAL AREAS:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, whether or not covered.

ADULT ENTERTAINMENT: Any business enterprise or adult entertainment establishment having operations depicting or relating to "specified sexual activity or specific anatomical areas" (as defined below) for observation by patrons therein.

#### A. Specified sexual activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

#### B. Specified anatomical areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, whether or not covered.

AGRICULTURE: The raising of crops, horticulture and the keeping or raising of domestic animals, fowl and livestock.

ALLEY: A narrow public right-of-way used primarily as a secondary means of access to the rear of abutting properties for service and/or parking access.

ALTERATION: As applied to a structure, any change or rearrangement in the structural parts or in the exit facilities or any enlargement, either by extending a side or by increasing in height.

ANIMAL CLINIC: A facility where animals receive medical care or surgical treatment, and may include post-treatment boarding.

ANIMAL KENNEL: A facility providing boarding and care for animals.

ANTENNA AND SATELLITE DISH: A device utilized for the personal receipt and/or transmitting of radio signals and any form of satellite receiving dishes. It shall specifically exclude customary VHF and UHF TV antennae and TV/Radio transmission towers licensed for public broadcast by the FCC.

AREA VARIANCE: An area variance provides relief from the dimensional or physical requirements imposed by the applicable zoning regulations.

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

ART GALLERY: An establishment engaged in the sale, loan, or display of paintings, sculpture, or other original works of art to the public.

ARTIST STUDIO: A workspace for the creation and instruction of fine arts and crafts such as painting, sculpture, photography, music, and the like.

ATTIC: An unfinished space immediately below the roof framing of a building.

AUTO JUNK YARD: An area used for the storage of 2 or more unlicensed, inoperable motor vehicles not housed by a permanent structure.

AUTOMOBILE GARAGE: A building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental or servicing of automobiles, trucks or similar motor vehicles. Servicing shall include lubrication, changing the oil and replacing filters, but shall not include the dispensing of gasoline or diesel fuel. The definition includes the term "motor vehicle repair establishment".

AUTOMOTIVE SALES: A facility for the sale and rental of motor vehicles and which may include incidental servicing and retail.

BAKERY, RETAIL: An establishment primarily engaged in the retail sale of baked goods.

BAKERY, WHOLESALE: An establishment utilized for the production of baked goods for sale off the premises.

BARN AND STABLES: A structure used for the keeping of domestic livestock, such as, horses, cattle, goats, sheep, pigs and associated storage.

BATHHOUSE / HEALTH SPA: An establishment providing baths or other treatment to the public in association with mineral waters.

BLOCK: The aggregate of lots and alleys circumscribed by streets.

BLOCK FACE: All the building facades on one side of a block. The block face provides the context for establishing streetscape continuity and architectural harmony.

BOWLING ALLEY: An establishment utilized primarily for the sport of bowling. Incidental activities may include the sale of food and drink and other entertainment.

BREW PUBS: An eating and drinking establishment where certain beverages are prepared on the premise for on-site consumption. The brewing and retail sale of such beverages is accessory to the eating and drinking establishment.

BUFFER: A vegetated portion of land intended to provide a continuous visual screen and noise attenuation.

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

**BUILD-TO LINE:** A line parallel to or coinciding with the frontage line, along which building facades are aligned.

**BUILDING CONFIGURATION:** The three dimensional form of a building and its relation to its lot.

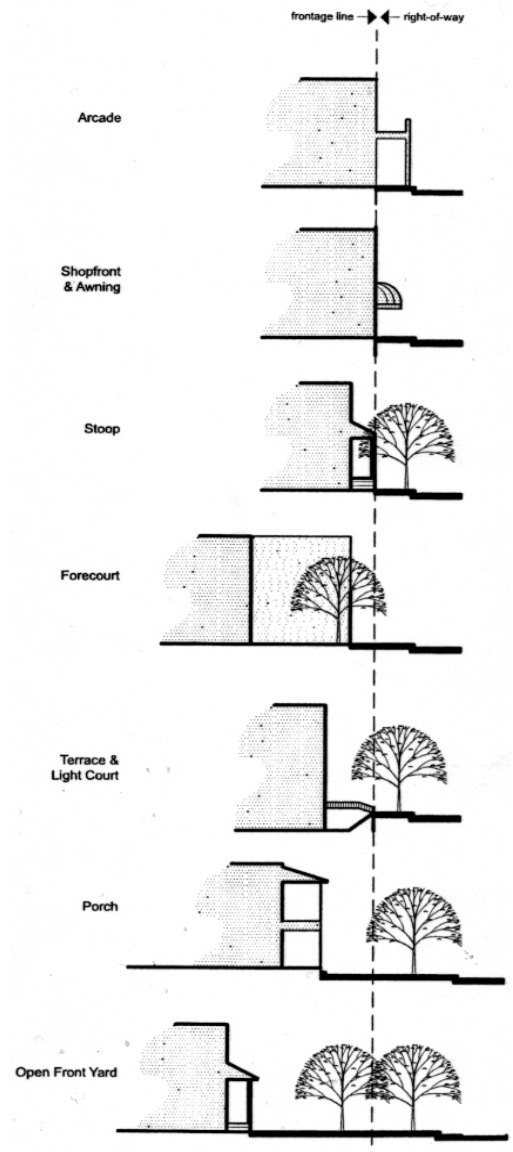
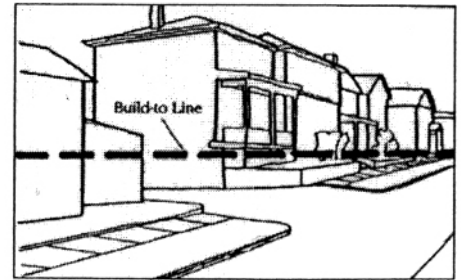
**BUILDING COVERAGE:** The percentage of the lot that is covered by the maximum horizontal cross section of all structures, including those structures below the finished lot grade.

**BUILDING ENVELOPE:** That portion of a lot excluding required setbacks.

**BUILDING FAÇADE TYPE:** The type of façade that lies along the frontage line. The following are façade types:

- A. **Arcade:** A facade aligned on the frontage line with an attached colonnade, or the second story of the building extends over the sidewalk, while the ground story remains set back at the frontage line. This type is indicated for retail use, but only when the sidewalk is fully absorbed within the arcade so that a pedestrian cannot bypass it. An easement for private use of the right-of-way is usually required. To be useful, the arcade should be no less than 12 ft. wide.
- B. **Shopfront and Awning:** A facade aligned close to the frontage line with the entrance at sidewalk grade. This type is conventional for retail frontage. It is commonly equipped with cantilevered shed roof or an awning.
- C. **Stoop:** A facade aligned close to the frontage line with the ground story elevated from the sidewalk, securing privacy for the windows. This type is suitable for ground-floor residential uses at shallow setbacks with row houses and apartment buildings. An easement may be necessary to accommodate the encroaching stoop.
- D. **Forecourt:** A facade aligned close to the frontage line with a portion of it set back. The forecourt created is suitable for gardens, vehicular drop-offs, and utility off loading. This type should be used sparingly to prevent a continuous excessive

**Build-to Line**



CITY OF SARATOGA SPRINGS ZONING ORDINANCE

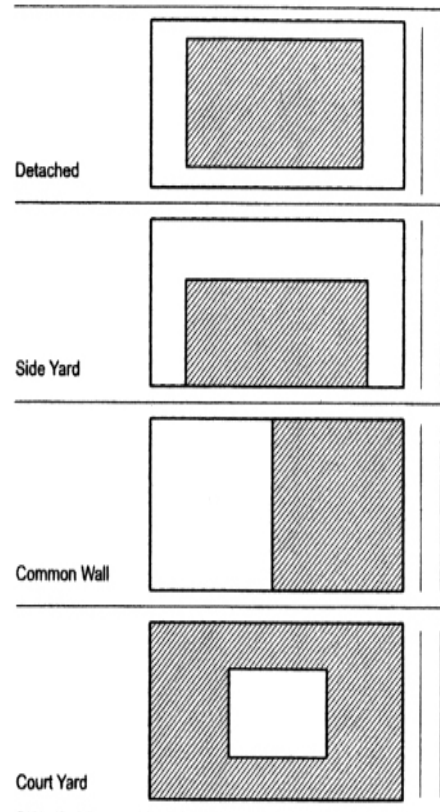
setback.

- E. Terrace and Light Court: A facade set back from the frontage line with an elevated garden or terrace, or a sunken light court. This type can effectively buffer residential quarters from the sidewalk, while removing the private yard from public encroachment. The terrace is suitable for restaurants and cafes as the eye of the sitter is level with that of the standing passerby. The light court can give light and access to a basement.
- F. Porch: A covered but unenclosed structure projecting from the outside wall of a building. A great variety of porches are possible, but to be useful, none should be less than 8 ft. wide.
- G. Open Front Yard: A facade set back substantially from the frontage line. The front yard thus created should remain unfenced and be visually continuous with adjacent yards.

**BUILDING TYPE:** The type of building allowed on a lot, defined by its configuration and disposition on the lot. The following are building types:

- A. Detached Building: A building with setbacks on all sides. The front yard is intended to be semipublic and visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed outbuilding.
- B. Side Yard Building: A building that occupies one side of the lot with the primary open space to the other side. The visual opening of the side yard on the street frontage causes this building type to appear freestanding.
- C. Common Wall Building: A building that occupies the full frontage of its lot, using shared walls, eliminating side yards, and leaving the rear portion as a large yard. The building facade defines the edge of the public space while the rear area can accommodate private space or substantial parking.
- D. Court Yard Building: A building that extends to the boundaries of its lot while internally defining one or more private courtyards. This building type is able to shield the private realm from all sides and accommodate potentially incompatible activities in close proximity, such as workshops, lodging, and schools.

**Building Type**



## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

**BUILDING FOOTPRINT:** The outline of the total area covered by a building's perimeter including any projecting surfaces with the exception of uncovered front steps that only service the basement and/or first floor level of the building.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs. Height limitations shall not apply to architectural features not used for human occupancy or mechanical equipment. Such features shall not exceed 25% in aggregate coverage of the roof area.

**BUILDING MATERIALS STORAGE AND SALES:** An establishment for the storage and sale of building materials and equipment.

**BUILDING PERMIT:** A permit authorizing the erection, demolition, relocation, enlargement or alteration of a structure in conformance with this chapter.

**CAR RENTAL AGENCY:** An establishment for the rental and storage of motor vehicles to the public, not including on-site servicing or repair of the vehicles.

**CAR WASH:** A facility designed for the cleaning of motor vehicles.

**CENTER LINE:** The midpoint of the travel way of the roadway.

**CENTRAL WATER SUPPLY SYSTEM:** The system for the collection, treatment, storage and distribution of potable water from the source of supply to the consumer.

**CERTIFICATE OF OCCUPANCY:** A certificate issued upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Chapter and such adjustments thereto granted by the Zoning Board of Appeals.

**CIVIC OR PRIVATE CLUB:** A social, fraternal, religious, or service organization not primarily operated for profit nor rendering a service that is customarily carried on as a business.

**CIVIC SPACE:** An area designated for public use or enjoyment such as a park, green, square, or plaza.

**CLUSTER:** A development design technique that concentrates (per permitted density) buildings in specific areas within the site allowing remaining land to be permanently protected open space.

**CO-LOCATION/TELECOMMUNICATION FACILITIES:** The use of a wireless telecommunication support facilities by more than one wireless telecommunication carrier, or several

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

wireless telecommunication support facilities on an existing building

COMMERCIAL DISTRICTS: Collectively refers to the following zoning districts contained in this Chapter: Office/Medical Business 1 and 2 (OMB-1, OMB-2); Tourist Related Business (TRB); Water Related Business (WRB); Highway/General Business (HGB); Transect-5 Neighborhood Center (T-5); and Transect-6 Urban Core (T-6).

COMMON WALL: See BUILDING TYPE

CONCESSION STAND: A structure utilized for the sale of food and drink and providing no inside seating.

CONDOMINIUM: A multifamily dwelling containing individually owned dwelling units, wherein the real property title and ownership are vested in an owner, who has an undivided interest with others in the common usage areas and facilities which serve the development.

CONSERVATION EASEMENT: A perpetual restriction on the use of land, created in accordance with the provisions of Section 49, Title 3 of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

CONSERVATION SUBDIVISION: A pattern of development that places housing units on those portions of a property most suitable for development, while leaving substantial portions as undeveloped open space.

CONSTRAINED LAND: Lands classified as wetlands, watercourses, 100-year floodplains, and slopes over 25% (2,000 square feet or more of contiguous sloped area).

CONVENIENCE SALES: A small retail establishment providing a limited line of groceries and household items, and catering primarily to nearby residential areas. The use may have up to twenty seats for customers consuming food sold or prepared on-premise. Gasoline pumps shall not be permitted unless separately authorized.

CORRIDOR BED AND BREAKFAST: A supplementary use in a single or two-family residential structure having a resident host which six to ten rooms are offered for rent and one or more meals are furnished to guests. Regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, etc., and the like may be permitted. See Corridor Lodging District, Section 3.4.

CORRIDOR ROOMING HOUSE: A single or two-family residential structure, owner-occupied or under the supervision of a resident manager, in which five to ten rooms are made available to lodgers for compensation for a rental period of no less than twenty-eight consecutive days. A common kitchen facility may be available to lodgers but shall have no kitchen facilities in any guestroom. See Corridor Lodging District, Section 3.4.

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

COURT YARD: SEE BUILDING TYPE

COVERAGE: See "building coverage." or "permeable surface coverage"

CULTURAL FACILITY/CENTER: An establishment for display, performance, or enjoyment of heritage, history or the arts. This use includes but is not limited to museums, libraries and arts performance venues by a public or private entity.

DAY CARE CENTER: Group care for persons away from their own homes for periods of less than 24 hours per day. Day care centers that enroll three or more persons for more than three hours a day must be licensed by the State.

DAY CARE - FAMILY: Care provided to children in a caregiver's home for periods of less than 24 hours per day. No more than six children can be cared for at any one time, including provider's own children.

DAY CARE - GROUP FAMILY: Care provided to children in a caregiver's home for periods of less than 24 hours per day for 7 to 12 children.

DENSITY: The number of dwelling units on an area of land.

DETACHED BUILDING: See BUILDING TYPE

DINING FACILITY: Food services provided predominantly for the occupants of an institution.

DOCK, PRIVATE: A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels and which does not produce income.

DORMITORY: A building operated by an educational or public institution and containing a room or rooms forming one or more habitable units which are used by residents of the institution.

DRIVE-IN ESTABLISHMENT: An establishment designed or operated by providing the sale of goods and services to patrons who are seated in a motor vehicle.

DWELLING UNIT: A residence having direct-access from the outside of the building or through a common hall and a complete kitchen facility for the exclusive use of the occupants.

EATING AND DRINKING ESTABLISHMENTS: An establishment where food and beverages are prepared, served and consumed primarily within the principal building or on the site.

ELEVATION: The exterior walls of a building not along a frontage.



## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

EMPLOYEE RECREATION AREAS: Indoor and outdoor recreational facilities principally for the use by employees, for recreational facilities, including but not limited to: picnic areas, shelter buildings with or without restroom facilities, ball fields, and similar park-like uses.

ENTRANCE – PRINCIPAL: The principal place of pedestrian entry to a building. The entrance door should generally be along the frontage rather than a parking area.

EQUIPMENT REPAIR SHOP: An establishment for the repair of small equipment, watches, clocks, lawn mowers, small engines, small appliances, and the like.

FAÇADE: The exterior walls of a building along a frontage line.

FARM: Land greater than five acres used for the commercial cultivation of agricultural products and/or raising of livestock.

FARM STAND: A temporary structure, not to exceed a gross floor area of 500 square feet, from which agricultural products produced on the premises are sold.

FENCE: An unroofed barrier or enclosing structure, including retaining walls.

FINANCIAL INSTITUTIONS: An establishment providing financial and banking services to consumers and clients. Typical uses include banks, savings and loans, credit unions, brokerage firms and lending institutions.

FINISHED GRADE: The elevation at which the finished surface of the surrounding lot intersects the structure.

FLOOR AREA: The sum of the gross horizontal areas of the several floor(s) of a building, measured at the perimeter. All horizontal dimensions of each "floor area" shall be measured by the exterior face of walls of each such floor, including the walls of roofed porches having more than 1 wall. The following shall be included in computing gross floor area:

1. Any floor area devoted to mechanical equipment serving building with structural headroom of 7 feet, 6 inches or more
2. Elevator shafts and stairwells at each floor
3. Penthouses
4. Interior balconies and mezzanines
5. Enclosed porches
6. Basements and cellar space

The following shall not be included:

1. Uncovered steps, exterior fire escapes
2. Terraces, stairways, open porches, outside balconies

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

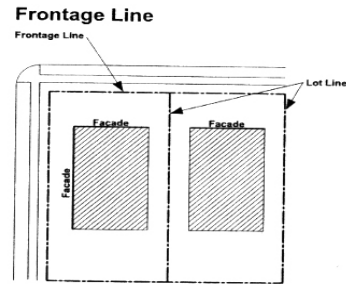
3. Accessory outside water tanks and cooling towers or equipment.

FORE COURT: See BUILDING FAÇADE TYPE

FOREST MANAGEMENT: Activities relating to the growing, managing, harvesting, and interim storage of timber for commercial sale.

FRONTAGE BUILD-OUT: The minimum percentage of the length of a build-to line along which a building façade must be constructed in order to properly define the public space of the street.

FRONTAGE LINE: The lot line coincident with a street. For corner lots, the frontage line shall be along the higher capacity street. Building front facades should be oriented toward the frontage line.



FUNERAL HOME: An establishment used and occupied by a professional licensed mortician for burial preparation and funeral services.

GARAGE: An accessory building or portion of a principal building used for the storage of motor vehicles of the occupants of the premises.

GOLF COURSE: A tract of land for playing golf, and which may include clubhouses and shelters.

GROUP ENTERTAINMENT: Includes performances, events, ceremonies, and the like.

HABITABLE/LIVING SPACE: A space in a building suitable for living, sleeping, cooking, bathing, washing and sanitation purposes.

HEAVY EQUIPMENT: Large vehicles and/or equipment customarily used for transportation, distribution, construction activities, and the like.

HELIPORT: An area either at ground level or elevated on a structure licensed or approved for the landing and take off of helicopters and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

HIGH DENSITY RESIDENTIAL: Development that occurs at a density of 10 or more dwelling units to the acre.

HOME OCCUPATION: An activity conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the residence and does not change the character thereof. See Section 6.4.3.

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

HOSPITAL: An institution providing physical and mental health services primarily for inpatients, and medical or surgical care of the sick or injured; may include such related facilities as laboratories, offices, outpatient or, training facilities, and the like.

HOTEL / MOTEL: An establishment in which more than six rooms are made available to lodgers for compensation for any rental period, and that may offer food service to lodgers and the public.

INDUSTRIAL DISTRICTS: Collectively refers to the following zoning districts contained in this chapter: Warehouse District (WD), Light Industrial (IND-L), General Industrial (IND-G), Industrial Extraction (IND-EX).

INDUSTRY OR INDUSTRIAL: The storage, manufacture, preparation, processing or repair of any item for off premises distribution and/or sale.

INN: A residential building with a resident manager in which eleven to twenty-five rooms are made available to not more than fifty lodgers. An inn may offer food service for compensation to lodgers or to both lodgers and the public. An inn may have regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like. See Corridor Lodging District, Section 3.4.

INSTITUTION/INSTITUTIONAL: A facility that provides a public service such as a religious institution, library, public or private school or college, hospital, or public agency.

INSTITUTIONAL DISTRICTS: Collectively refers to the following zoning districts contained in this Chapter: Institutional Educational (INST-ED), Institutional Horse Track Related (INST-HTR), Institutional Municipal Purpose (INST-MP), Institutional Parkland/Recreation (INST-PR).

LABORATORY: A facility for research, investigation, testing, experimentation or related educational activities.

LAND DISTURBANCE ACTIVITY: Activity including clearing, grading, excavating, filling, demolishing or stock piling activities that result in soil disturbance. Includes land development activity and construction activity.

LAYER: The depth of the lot within which certain activities or structures are permitted. The first layer is the area between the frontage line and the facade. The second layer starts at the building facade to a depth of 20 ft. The third layer starts 20 ft. behind the front facade to the rear lot line. Layers on corner lots only apply to the primary frontage. Buildings set at the frontage line have no first layer.

LIGHT COURT: See FRONTAGE TYPE

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

LINER BUILDING: A shallow building designed to mask a parking lot, parking structure, or blank wall.

LOADING, OFF-STREET: A space provided for the loading and unloading of trucks and not general vehicular circulation.

LOT: A parcel of land occupied, or designed to be occupied, by principal and accessory use(s) and/or building(s) together with such open spaces as may be required.

LOT - CORNER: A lot abutting upon 2 or more streets at their intersection or upon 2 parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. Such lot lines shall be considered front lot lines.

LOT - INTERIOR: A lot other than a corner lot.

LOT LINES: Any line dividing one lot from another lot or from a public right-of-way.

LOT OF RECORD: A lot that is part of a properly filed subdivision plat or in a legally recorded deed as filed in the Saratoga County Clerk's Office.

LOT SIZE: The total horizontal area within the lot lines.

LOT WIDTH: The average width of the lot as measured across the frontage, approximate midsection, and rear boundary of the lot.

MACHINE SHOP: An establishment utilized for the repair, servicing, assembly and/or modification of small motors and/or equipment and/or small parts used in connection with others to comprise large equipment.

MANUFACTURING: Heavy manufacturing is primarily engaged in the processing of raw materials. Light manufacturing is predominately manufacturing of previously processed materials or parts and includes assembly.

MARINAS AND DOCKS: A facility located within 500 feet of a navigable waterway for boat storage and servicing, and which may include retail and eating and drinking facilities.

MASS: The size, volume, area, and shape of a structure, and its relationship to lot lines, other structures, and all open spaces.

MIXED USE DEVELOPMENT: A lot or structure with a variety of complementary and integrated uses, such as residential, office, manufacturing, retail, public, or entertainment.

MOBILE HOME: A vehicle constructed so as to permit its being used, as a conveyance upon the public streets and duly titled as such, and constructed in a manner as to permit

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

occupancy as a residence. A travel trailer is not considered a mobile home.

MOBILE HOME LOT: A designated site portion of land within a mobile home park for the exclusive use by the occupants of a single mobile home.

MOBILE HOME PARK: A designated site in which two or more residential mobile homes are located, regardless of whether or not a charge is made for such accommodation.

MOTOR VEHICLE REPAIR: An establishment for the repair and servicing of motor vehicles; includes collision service, painting, detailing and incidental retail sale. Shall not include fuel dispensing to the public.

MOVIE THEATER: A place where motion pictures are shown to the public for a fee.

NEIGHBORHOOD BED AND BREAKFAST: A supplementary use in a single or two-family residential structure having a resident host which one to five rooms are offered for rent and one or more meals are furnished to guests. Regularly scheduled commercial indoor or outdoor activities such as weddings/receptions/showers, business meetings, catered events, and the like, are not permitted.

NEIGHBORHOOD ROOMING HOUSE: A single-family or two-family residential structure, owner-occupied or under the supervision of a resident manager, in which one to four rooms are made available to lodgers for compensation for a rental period of no less than twenty-eight consecutive days. A common kitchen facility may be available to lodgers but shall have no kitchen facilities in any guestroom.

NON-CONFORMING LOT (LEGAL): Any lot which was lawfully on record on the effective date of this Chapter, or any applicable amendment, but which does not meet the regulations of this Chapter.

NON-CONFORMING STRUCTURE (LEGAL): Any structure which was lawfully in existence on the effective date of this Chapter, or any applicable amendment, but which is not situated in conformance with the regulations of this Chapter.

NON-CONFORMING USE (LEGAL): Any use which was lawfully in existence on the effective date of this Chapter, or any applicable amendment, but which is not in conformance with the regulations of this Chapter.

NUISANCE: Any activity or use that endangers health and safety, or unreasonably offends the senses or has a detrimental effect on the property of another person or to the community.

NURSERIES: Any place where trees, bushes or plants are raised for wholesale and/or retail sale; includes greenhouses.

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

NURSING OR CONVALESCENT HOME: A facility used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or medical clinic.

OFFICE: A business and/or professional establishment providing direct services to consumers, but not engaged in the manufacture or retail sale of goods. Includes attorneys, architects, engineers, accountants, and the like, but which does not include Administrative Office, Office-Medical/Clinics, or Real Estate Office.

OFFICE - MEDICAL/CLINICS: An establishment where one or more licensed health care Professionals provide health care services for persons on an out-patient basis. A clinic may include laboratory facilities.

OPEN AIR MARKETS: An area utilized on a temporary or seasonal basis for the sale of crops or other merchandise, which is not enclosed. Open air markets include, but are not limited to, farmers' markets, bazaars, flea markets, craft shows, and the like.

OPEN FRONT YARD: See BUILDING FAÇADE TYPE

OUTBUILDING: An ancillary building, usually located towards the rear of the lot, on the same lot as the Principal Building.

OUTDOOR ATHLETIC FIELD AND COURT FACILITY: An area designed and constructed to be utilized in connection with athletic endeavors such as football, baseball, softball, rugby, soccer, lacrosse, basketball or tennis courts, and the like.

OUTDOOR EATING AND DRINKING FACILITY: A facility where food or beverages are served or consumed in an area that may, or may not, have a roof, canopy, awning or tent over it, but for at least half its perimeter, has 75% of its sides uncovered by any building material, including screening or netting. See Outdoor Eating and Drinking Facilities, Section 6.4.2.

OUTDOOR STORAGE: Display or storage, in an unroofed area, of any goods, materials, or vehicles (other than in an approved parking space under site plan review) on a lot.

PARI-MUTUEL WAGERING HOTEL: A building containing more than 15 rooms which are rented or hired out to be occupied for sleeping purposes by guests and where a general kitchen and dining room are provided within the same structure and where pari-mutuel wagering on horse racing is available in each sleeping room and in a central wagering room. Within this hotel pari-mutuel wagering shall be allowed only between the hours of noon and midnight. A pari-mutuel wagering hotel shall not have rooms for business meetings or conferences.

PARKING FACILITY: A facility, either open or enclosed, used for the parking or storage of motor vehicles.

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

PASSAGE: A pedestrian connection between buildings. Passages provide shortcuts through long blocks and connect rear parking areas with street frontages.

PERMEABLE AREA: A surface which allows water to infiltrate into the ground.

PERMEABLE SURFACE COVERAGE: That percentage of a lot that is not covered by all buildings, paved areas and other impermeable surfaces.

PLANNED UNIT DEVELOPMENT (PUD): An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards than would normally apply under these regulations. See Planned Unit Development, Section 10.2.

PLAT: A map representing a subdivision of land.

PORCH: See BUILDING FAÇADE TYPE

PREMISES: Land and all buildings and structures thereon.

PRINCIPAL BUILDING: A building in which the principal use of the lot is conducted, and is located closest to the frontage line.

PUBLIC REALM: Includes all exterior places (parks, open spaces, waterfronts, natural features), linkages (sidewalks/paths, bikeways, bridges) and built form elements (plazas, landmarks, building facades) that are physically and/or visually accessible to the public regardless of ownership.

RECREATIONAL FACILITIES: Facilities, either public or private, offering recreational activities.

RELIGIOUS INSTITUTIONS: An establishment for religious worship which is used only for such purpose and those accessory activities as are customarily associated with such use. Includes churches, temples, synagogues, mosques, and the like.

RESIDENCE - MULTIFAMILY: A residential structure containing three or more dwelling units.

RESIDENCE – SINGLE-FAMILY: A residential structure containing one dwelling unit.

RESIDENCE – TWO-FAMILY: A residential structure containing two dwelling units.

RESIDENTIAL DISTRICT: Collectively refers to the following zoning districts contained in this Chapter: Rural Residential (RR), Suburban Residential 1 and 2 (SR-1, -2), Urban Residential 1, 2, 3, 4, 4A, 5, 6 and 7 (UR-1, -2, -3, -4, -4A, -5, -6, -7), Neighborhood Complementary Use 1, 2 and 3 (NCUD-1, -2, -3), and Transect-4 Urban Neighborhood

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

(T-4).

RESIDENTIAL RECREATIONAL FACILITIES: A place designated and equipped for the conduct of sports, leisure time activities and other customary and usual recreational facilities located or associated with a single entity containing residential housing units.

RETAIL: Establishments engaged in selling goods to the public for personal and household consumption and rendering services incidental to the sale of such goods. Includes florists, drugstores, and the like.

RIDING STABLE: An establishment providing riding instruction and boarding of horses and where horses may be hired for riding.

SALVAGE AND SCRAP PROCESSING: The utilization of waste materials and processing of discarded or rejected materials that result from manufacturing or fabricating operations.

SANITARY SEWERS: Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted.

SCHOOL: A facility offering instruction under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body meeting NYS requirements.

SELF STORAGE FACILITY: A facility consisting of individual, self-contained units leased to individuals or businesses for self-service storage of personal property.

SENIOR ASSISTED CARE FACILITY: A facility containing residential units, exclusively for persons who are at least 55 years old where long-term residential care, room, board, housekeeping, supervision, and the like are provided.

SENIOR HOUSING: A structure containing individual residential units each occupied by at least one person aged 55+. Continued medical or nursing care is not provided.

SERVICE ESTABLISHMENT: Establishments primarily engaged in providing services, such as grooming, salon services, drop-off/pick-up dry cleaning, Laundromat, and the like, and the incidental retail sale of associated products.

SETBACK: The minimum distance by which any building or structure must be separated from a lot line.

SHOPFRONT: See BUILDING FAÇADE TYPE

SIGN: Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term "sign" shall not include any flag, badge, or insignia of any



## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

governmental unit, nor shall it include any official traffic signs or signals. See Signage, Section 6.1.

1. **AWNING SIGN:** A sign incorporated into an awning attached to a building.
2. **BACKLIT SIGN:** A sign whose light source is located in the interior of the sign so that only the letters and/or message are illuminated.
3. **CHANGEABLE COPY SIGN:** A sign designed to allow the changing of copy through manual, mechanical, or electrical means.
4. **DIRECTIONAL SIGN:** A sign limited to directional messages such as “entrance”, “exit” and “one way”.
5. **Directory Sign:** A sign listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings.
6. **FREE STANDING SIGN:** Any non-movable sign not attached to a building. Including post-mounted and pedestal signs.
7. **ILLUMINATED SIGN:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
8. **OFF-PREMISE SIGN:** A sign which directs attention to an activity, commodity or service at a location other than the premises on which the sign is located.
9. **PORTABLE SIGN:** A sign designed or intended to be movable and not structurally attached to the ground or other permanent structure.
10. **SANDWICH BOARD SIGN:** A temporary ground sign advertising an adjacent business.
11. **WALL SIGN:** A sign which is painted on or attached to the outside wall of a building with the sign face parallel to and not extending more than 6 inches from such wall.
12. **WINDOW SIGN:** A sign attached to or painted on the interior of a window.

**SIGN AREA:** The entire area within a continuous perimeter enclosing the extreme limits of sign display, including any frame or border. The sign structure shall be included if designed as integral to the sign display. The calculation for a double-faced sign shall be the area of one face only.

**SIGN STRUCTURE:** The supports, bracing, or framework for any structure exhibiting a sign.

**SITE PLAN:** A plan to scale showing topography, location of all structures, roads, rights-of-ways, lot boundaries, all essential dimensions and bearings and any other information as required.

**SOLID WASTE LANDFILL:** A site for the disposal of unwanted or discarded material, including garbage.

**SPECIAL USE:** A use, which because of its unique characteristics requires individual consideration by the Planning Board, before it may be permitted.

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STOOP: See BUILDING FAÇADE TYPE

STORY: That portion of a building designed for human occupancy between the surface of any floor and the surface of the next floor or roof above.

STREET: An existing public or private way open to general public use which affords principal means of access to abutting properties and is suitably improved.

STREETWALL: An opaque wall built along the frontage line, or in the same plane as the facade, for the purpose of masking the interior of a lot from the street.

STRUCTURE: Any constructed or placed material in or upon the ground, including buildings, towers, sheds, pools, signs and the like, but excluding sidewalks, paving, grading, patios, and the like.

SUBDIVISION: An area of land divided or re-divided into two or more lots, plots, sites or other divisions of land for sale or for building development.

SWIMMING POOL: Any structure containing water having a depth at any point greater than 2 feet, intended to be used for swimming, and constructed, installed, or maintained in or above the ground.

TELECOMMUNICATION FACILITY: A commercial facility consisting of equipment and structures involved in transmitting and receiving telecommunication signals. See Telecommunication Facilities and Towers, Section 6.3.2.

TELECOMMUNICATION TOWER: A structure intended to support equipment to transmit and/or receive telecommunication signals. See Telecommunication Facilities and Towers, Section 6.3.2.

TEMPORARY ACCESSORY DWELLING: A temporary accessory residential unit within an existing legal single-family residence. See Temporary Accessory Dwellings, Section 6.4.4.

TERRACE: See BUILDING FAÇADE TYPE

TRUCKING AND FREIGHT TERMINAL: An area where cargo is stored and where trucks load and unload cargo on a regular basis.

USABLE LAND: Class A Type refers to developable land generally devoid of wetlands, drainage courses, steep slopes, etc. Class B Type refers to land not suitable generally for development except for passive open space.

USE: The specific use for which land or a building is designed, occupied or maintained.

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

USE – ACCESSORY: A use customarily intended to be incidental and clearly subordinate to the principal uses or buildings on a lot.

USE - PERMITTED: Any use which is or may be lawfully established in a particular district provided it conforms with all the requirements applicable to that district.

USE - PRINCIPAL: The primary or predominant use for which a building, or lot is designed, occupied or maintained.

USE - PROHIBITED: A use that is not permitted in a particular district.

USE VARIANCE: Authorization by the Zoning Board of Appeals for the use of land or buildings for a use that is not otherwise permitted in a particular district.

UTILITY ESTABLISHMENTS: Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems; substations carrying more than 34.5 kilovolts; administration offices for such use; maintenance facilities; accessory buildings and outdoor storage. Also included are above ground electrical transmission lines carrying greater than 115 kilovolts. Telecommunication facilities and telecommunication towers are not utility establishments.

UTILITY EQUIPMENT: Telephone, electric and cable TV lines, poles, appurtenances and structures; electrical substations carrying 34.5 kilovolts or less; water or gas pipes, regulators, mains, valves or structures; sewer pipes, valves or structures, pumping stations; telephone exchanges equipment, and other facilities, appurtenances and structures necessary to house and maintain utility equipment. Above ground electrical transmission lines carrying more than 115 kilovolts, telecommunication facilities and telecommunication towers are not utility equipment.

VEHICLE FUELING STATION: A facility that is used for the sale of motor vehicle fuel and accessories, and shall not include a car wash or motor vehicle repair.

WAREHOUSE: A building used primarily for the storage of goods and materials.

WASTE RECYCLING CENTER: A facility where waste products may be reduced to raw materials and/or processed into new products.

WATERCOURSE: Any stream, pond, lake, drainage channel, or similar features that is normally filled with water. Boundaries of a watercourse shall be measured at the mean high-water mark.

WETLAND: An area of land that is characterized by hydrophytic vegetation, saturated soils, or periodic inundation which is classified as a wetland by either the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers.

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WHOLESALE (ESTABLISHMENT): An establishment engaged in selling to retailers rather than directly to consumers.

YARD – FRONT: The area between the lot line that is parallel, or nearly parallel, to a street and the building setback line. Where a lot has frontage on more than one public or private street, the lot shall have more than one front yard. If a lot has frontage on a street and an alley, the alley side shall not be considered a front yard. In the case of a lot that has no street frontage, the front yard line shall be considered the lot line that is closest and most parallel to the nearest street.

YARD - REAR: The area between the lot line that is opposite of the front lot line and the building setback line. In the case of a lot pointed at the rear, the rear yard area shall be the area between a point that is the furthest from the front lot line and parallel to the front lot line and the building set back line.

YARD - SIDE: The area between the lot line that is perpendicular, or nearly perpendicular, to a street and the building setback line.

ZONING AMENDMENT: A change in the text of this Ordinance and/or the official zoning map.

ZONING OFFICER: The administrative officer charged with enforcing the provisions of this Chapter.

**APPENDIX B - SITE PLAN REVIEW SUBMISSION REQUIREMENTS**

**A. Submission Requirements for Sketch Plan Review**

The submission of a sketch plan to the Planning Board is a non-binding option available to the applicant prior to formal site plan review with the intent to seek advice and direction. A sketch plan submission requires 3 large scale copies, (10) 11x17 copies, and one digital version (.pdf) of the application and supporting documents, and must be submitted to the Planning Board at least 21 days prior to the meeting. The Planning Board Chairperson, or designated staff, has the right to reject any application if it fails to meet the minimum submittal requirements.

Application for Sketch Plan Review shall include the following:

1. A narrative generally describing the project including the uses (i.e. # of residential units, square footage of non-residential space).
2. Sketch drawings no larger than 24"x36") showing anticipated changes in the existing topography and natural features, the locations and dimensions of principal and accessory structures, access and parking areas, signage, existing and proposed vegetation, storm water management concept, and other planned features;
3. A sketch drawing of the area identifying site location and proximity to nearby street rights-of-way, properties, easements, utilities and other pertinent features

**B. Submission Requirements for Formal Site Plan Review**

The submission for formal site plan review before the Planning Board requires 3 large scale copies, (10) 11x17 copies, and one digital version (.pdf) of the application, SEQRA forms and supporting documents, and must be submitted to the Planning Board at least 30 days prior to the meeting. A NYS-licensed engineer, landscape architect, or architect shall prepare all plans unless waived by the Planning Board. The Planning Board Chairperson, or designated staff, has the right to reject any application if it fails to meet the minimum submittal requirements.

Application for formal site plan review requires the following:

1. **Stormwater Management**  
A stormwater management report, pursuant to City Code Chapter 242, shall be submitted providing design certification demonstrating that there is adequate disposal capacity for drainage and surface runoff. The storm water management report shall include all off-site watershed influences including existing storm sewers, streams and/or tributaries and downstream watercourses.

A Stormwater Management Pollution Prevention Plan (SWPPP) consistent with the requirements of City Code Chapter 242 shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in City Code Chapter 242.

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### 2. Site Plan Drawings

Site plan drawings shall be (no larger than 24"x36") at a scale of not more than one inch equals 50 feet identifying the following information, unless waived by the Planning Board or its agent:

- a. General Plan Details
  - i. All plans shall be based on a survey prepared by a New York State licensed professional land surveyor unless waived by the Planning Board. The Site Plan shall be at the same scale as the survey and shall not be more than 1 inch equals 50 feet. The surveyor shall establish all monuments and property corners, identify any existing (found) pipes or other survey markers, and shall tie all topographic information into the Saratoga County Geodetic Survey, 1929 Datum.
  - ii. Site location map: a portion of the City of Saratoga Springs map shall be affixed to the site plan with the project area or site shown and labeled.
  - iii. Vicinity map: A map at an appropriate scale shall be submitted which shows in a generalized manner all properties, structure footprints, utilities, subdivisions, roads, and easements within 300 feet of the project site.
  - iv. A North arrow and a scale; a title block identifying project name, address and applicant and property owner.
  - v. The tax map sheet, block and lot number of parcel and the names of owners of all adjacent properties.
  - vi. A statement indicating that in the event that the applicant defaults, the City shall possess a license and be entitled to enter upon the applicant's property and complete construction in accordance with the site plan approval.
- b. General Site Details
  - i. All existing zoning, special use permit or variance information.
  - ii. Street names.
  - iii. All existing and proposed property lines, building setback lines, easements and right-of-way lines, with dimensions, azimuths or angle data and curve data.
  - iv. Site Grading/Drainage/Soil Erosion Plan showing existing and finished grade contours and spot elevations where required. This plan shall incorporate the location and design for the proposed storm water management facilities.
  - v. Existing and proposed contour lines and spot grades as required to demonstrate grading, drainage, and required earth work (cuts and fills). Also, all spoil and borrow areas should be identified.
  - vi. The location, design specifications and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls, berms and fences.
  - vii. Watercourses, marshes, State or Federally designated wetlands,

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significant rock outcrops and other important land or geological features.

- c. Utility Details
  - i. Existing water and sewer utilities servicing the property must be shown including sizes, inverts, valve locations, structures, etc. A description of the method of providing potable water and sewage disposal must be shown. Proposed locations, design specifications and calculations, and construction materials must be provided showing their adequacy for serving the proposed project.
  - ii. The location of fire and other emergency zones, including location of fire hydrants. Existing fire hydrants must be shown (or the distance to and location of the nearest hydrant must be noted).
  - iii. The estimate of annual increase in water consumption (measured in cubic feet or gallons) for all the proposed uses on the property.
- d. Building Locations and Details
  - i. All buildings, sidewalks and lighting, as well as the location of any signs, heating and air conditioning units, trash bins and any other outdoor storage or machinery, shall be shown on the plans.
  - ii. Location, design, type of construction and materials, proposed use and exterior dimensions of all buildings. The storage of any potentially hazardous materials should also be identified.
  - iii. The location of proposed outdoor storage, if any.
- e. Access, Circulation, and Parking Details
  - i. Vehicular circulation shown providing adequate turn around area for emergency vehicles, safe accessibility to all required off street parking, onsite loading and maneuvering space, trash/garbage pickup area, and eliminating standing or waiting traffic within the public right-of-way.
  - ii. Provision for pedestrian access, sidewalks and bike paths, if any. All plans shall show provisions for designing for the physically impaired.
  - iii. If on-site parking is required, a parking plan showing the demand calculations, number of parking spaces and the parking arrangement, including parking and pedestrian walkways for physically impaired persons. It shall also show the location, design and construction materials of all parking and truck loading areas.
  - iv. Location of at least one central point for trash/garbage pickup. This facility shall be located either within a building or outside of a building in a totally enclosed container, obscured from view from parking areas, streets, and adjacent uses or zoning districts by a fence, wall, plantings or a combination of the three. If located within the building, the doorways may serve both the loading and trash/garbage collection functions.

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- f. Landscaping and Lighting Details
  - i. A landscape plan delineating the existing and proposed plant material shall be provided. Existing wooded and/or natural landscaped areas shall be shown and noting whether they shall remain or be removed. Existing specimen or individual trees, shrubs and all shrub masses shall be shown and labeled with the botanical and common name and noting whether they shall remain or be removed. All trees and shrubs to be removed must be approved by the Planning Board prior to any clearing and grubbing of the project site. This plan shall include a planting schedule listing all proposed plants (trees and/or shrubs), their size at initial planting, their ultimate maximum size at maturity and the quantity of each plant material specified.
  - ii. Existing streetlights and all existing area lighting must be shown on the plan. A proposed lighting plan showing the type and location of all exterior lighting with the anticipated lighting level in foot candles shown.
- g. Other Required Elements
  - i. Record of application for, and approval status of, all necessary permits from state, county and local officials.
  - ii. Identification of any state, county or local permits required for the project's execution.
  - iii. Other elements integral to the proposed development as considered necessary by the Planning Board.

C. Submission Requirements for Approval of Final Site Plans

Final Site Plan submission shall include one reproducible set of mylars and 2 paper prints (24"x36") of the final site plan. Each plan shall bear an original seal and signature of the professionals responsible for the preparation of the site plan, and each plan shall include the following form:

Approved by the Saratoga Springs Planning Board under authority of a resolution	
adopted _____	
Chairperson: _____	Date _____

D. Post-construction ("as-built") Plan Submission

Upon completion of all required improvements, one paper copy of the proposed "as-built" drawings shall be submitted to the City Engineer for review and approval. These drawings shall contain:

1. The actual field location of all underground utilities including lengths of pipes, rim



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elevations, frame elevations, material of pipe, inverts, percents-of-grade for sanitary and storm sewers, ties to all wyes and curb boxes, lengths of pipe between all appurtenances (i.e., valves, tees, bends, hydrants, etc.).

2. Light poles, parking spaces, curbing, trees, sidewalks, bench marks, retention/detention areas, berms, retaining walls, dumpsters, etc.
3. Record of all covenants, easements, restrictions, and conditions required under project approval.
4. Record Drawing Certification in the following form:

RECORD DRAWING CERTIFICATION:

I, \_\_\_\_\_, Registered Professional Engineer/Architect/Landscape Architect/Surveyor No. \_\_\_\_\_, in the State of New York, was retained by \_\_\_\_\_ to undertake or cause to be performed by staff members under my supervision periodic inspections and reports and hereby certify that this drawing stamped by me as "As-built" has been completed in accordance with the approved drawings and specifications of any authorized changes and show the actual facilities and infrastructure as they were installed in the field.

Upon approval by the City Engineer of the proposed paper copy, the applicant shall submit two reproducible sets of mylars (24"x36") of the final approved "as-built" drawings.

**Appendix C:**

**1. Division Street Planned Unit Development (formerly 241.1)**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "DIVISION STREET PLANNED UNIT DEVELOPMENT"**

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

**SECTION I – NAME:**

This ordinance shall be known as the "Division Street Planned Unit Development," and amends Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

**SECTION II – HISTORY:**

The Zoning Ordinance of the City of Saratoga Springs and the Zoning Map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing zoning districts of R-2 Single Family, R-3 Two Family and R-4 Multi Family, as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known as the Division Street Planned Unit Development.

**SECTION III – BOUNDARIES:**

The area of the Division Street Planned Unit Development consists of approximately 23 acres in the City of Saratoga Springs and is bounded and described as set forth in Appendix A – Legal Description, attached hereto and made a part hereof, and Appendix B – Sketch Plan, which is on file in the City Engineer's Office in the City of Saratoga Springs. The area is located on the west side of the City of Saratoga Springs and is known as Division Street.

**SECTION IV – PURPOSE:**

It is the purpose of this ordinance to provide a means to establish parameters and limits around which the desired commercial and industrial activities in the Division Street area of the West Side Neighborhood may expand and grow in a manner which will contribute to the redevelopment of the residential and neighborhood commercial uses as well. It is further the purpose of this ordinance to promote flexibility in the development and design of the Division Street Planned Unit Development that will result in the more

efficient use of land, promote good site design and visual quality, and result in a more pleasing environment than that otherwise possible.

**SECTION V- PERMITTED USES, DENSITY AND OFF-STREET PARKING:**

There shall be constructed within the boundaries of the Division Street Planned Unit Development, primarily industrial uses; said uses shall include any or all of the following: office, production, metal fabrication, retail sales facilities, garages, storage, service spaces, adequate parking and loading docks have been planned for with minimal impact to the neighborhood. New buffer plantings will be provided to further mitigate any impact on the neighborhood. The major uses proposed can be serviced and accessory uses are planned to support the main activity.

The attached preliminary plan, Exhibit B shall be used by the City and the applicant as a guide for the overall development of the Division Street Planned Unit Development.

The entire Division Street Planned Unit Development area is adequately serviced by existing water and sanitary service lines.

Prior to the issuance of a building permit to develop any or all of the area within the Division Street Planned Unit Development, the applicant shall receive final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval and final development plan shall be in conformance with Section 135-44-F of the Zoning Ordinance of the City of Saratoga Springs.

Within sixty days of receipt of the final site plan the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the final site plan according to the procedure and time as specified in Section 135-44-G of the Zoning Ordinance of the City of Saratoga Springs.

Copies of the final approved site plan shall be filed with the City Planning Board, City Clerk and the City Building Inspector.

The Division Street Planned Unit Development shall be developed in strict compliance with the approved final site plan.

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983

EXHIBIT "A"

DESCRIPTION OF LANDS FOR  
"DIVISION STREET PLANNED UNIT DEVELOPMENT"

BEGINNING at a point at the intersection of Marvin Alley and Cherry Street; thence running along the centerline of Cherry Street northwesterly 289 feet to a point on the centerline of Cherry Street; thence running southerly along the eastern boundary of lands owned by Allerdice 225 feet to a point; thence running westerly along the southerly boundary of lands owned by Allerdice 180 feet to a point on the centerline of Walworth Street; thence running northerly along the centerline of Walworth Street 225 feet to a point at the intersection of Walworth Street and Cherry Street; thence running westerly along the centerline of Cherry Street 345 feet to a point at the intersection of Cherry Street and Beekman Street; thence running southerly 135 feet along the centerline of Beekman Street to a point; thence running southerly 135 feet along the centerline of Beekman Street to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 209.5 feet to a point; thence southerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 55 ½ feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 184 feet to a point; thence southerly along the southern boundary of land owned by the Saratoga Springs Enlarged City School District 50 feet to a point; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 400 feet to a point at the centerline of Walnut Street; thence running northerly along the centerline of Walnut Street 200 feet to a point at the centerline of Walnut Street; thence running westerly along the southern boundary of lands owned by the Saratoga Springs Enlarged City School District 564 feet to a point at the centerline of Bensonhurst Avenue; thence running northerly along the centerline of Bensonhurst Avenue 325 feet to a point at the intersection of Bensonhurst Avenue and Division Street; thence running easterly along the centerline of Division Street and Beekman Street; thence running northerly along the centerline of Beekman Street 230.5 feet to a point on the centerline of Beekman Street; thence running westerly along the southern boundary of lands owned by Dehn 104 feet to a point; thence running southerly along the eastern boundary of lands owned by Dehn 50.5 feet to a point; thence running westerly along the southern boundary of lands owned by Dehn 30 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 126 feet to a point at the centerline of Andrew Street; thence running easterly along the centerline of Andrew Street 134 feet to a point at the centerline of Beekman Street 25 feet to a point on the centerline of Beekman Street; thence running easterly along the northern boundary of lands owned by Dehn 175 feet to a point; thence running northerly along the western boundary of lands owned by Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 100 feet to a point; thence running northerly along the western boundary of lands owned by

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Dehn 50 feet to a point; thence running easterly along the northern boundary of lands owned by Dehn 85 feet to a point at the centerline of Walworth Street; thence running southerly along the centerline of Walworth Street 100 feet to a point on the centerline of Walworth Street; thence running easterly along the northern boundary of lands owned by Dehn 239 feet to a point at the centerline of Park Street; thence running southerly along the centerline of Park Street 50 feet to a point at the centerline of Park Street; thence running westerly along the southern boundary of lands owned by Dehn 239 feet to a point at the centerline of Walworth Street; thence running southerly along the centerline of Walworth Street 281.1 feet to a point at the intersection of Walworth Street and Division Street; thence running easterly along the centerline of Division Street 643 feet to a point at the intersection of Marvin Alley and Division Street; thence running southerly along the centerline of Marvin Alley 306 feet to the point and place of beginning.

EXHIBIT "B"

SKETCH PLAN ON FILE  
IN THE OFFICE OF THE CITY ENGINEER  
IN THE CITY OF SARATOGA SPRINGS

EXHIBIT "C"

AN ORDINANCE TO AMEND CHAPTER 135 OF THE CODE  
OF THE CITY OF SARATOGA SPRINGS, NEW YORK,  
ENTITLED "ZONING."

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

SECTION 1. Chapter 135 of the Code of the City of Saratoga Springs, New York, entitled "Zoning" is hereby amended to show and reflect the following change in district boundaries from its classification as R-2 Single Family, R-3 Two-Family and R-4 Multi-Family to a Planned Unit Development, which property is located in the Inside Tax District of the City of Saratoga Springs, and includes lands occupied by Ellsworth Ice Cream Company; Allerdice Building Supply; Dehn's Flowers, Inc.; West Side Recreation Field; Division Street School and only those residential properties within the area which are logical or integral to the contiguousness of the proposed zone to be known as the "Division Street Planned Unit Development."

SECTION 2. This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: October 17, 1983.

**Appendix C:**

**2. Interlaken Planned Unit Development (formerly 241.2)**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "INTERLAKEN PLANNED UNIT DEVELOPMENT"**

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

**SECTION I – NAME:**

This ordinance shall be known as the "Interlaken Planned Unit Development," and amends Chapter 240 of the Code of the City of Saratoga Springs, New York, entitled "Zoning."

**SECTION II – HISTORY:**

The City Council of the City of Saratoga Springs, following a public hearing on July 6, 1982, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of land having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P). The City Council of the City of Saratoga Springs, following a public hearing on August 6, 1984, adopted an ordinance which created a Planned Unit Development which encompassed approximately 205 acres of real property having frontage of 4,106.32 feet on the south side of Union Avenue (Route 9P), 1,295 feet on Crescent Avenue and 1,770 feet on the north side of Union Avenue (Route 9P), which was intended to amend the ordinance which had been passed by the City Council of the City of Saratoga Springs on July 6, 1982. The City of Saratoga Springs of Saratoga Springs, following a public hearing on May 7, 1996 amended the Interlaken Planned Unit Development legislation as it pertains to Zone "BB" within the Planned Unit Development.

**SECTION III – BOUNDARIES:**

The area of the Interlaken Planned Unit Development consists of approximately 205 acres and is bounded and described as set forth in Appendix A, attached hereto and made a part hereof, and Appendix B, a certain sketch plan which is on file in the Office of the City Engineer in the City of Saratoga Springs.

The Planned Unit Development presently consists of the following parcels of real property as set out on the present Assessor's Map for the City of Saratoga Springs Outside Tax District as of May 7, 1996.

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<u>Section</u>	<u>Block</u>	<u>Lot</u>
180	2	13.2, 13.3, 49.1, 49.2, 49.3, 49.4, 49.5, 49.6, 50.1, 50.2, 50.3 and 57
180	4	18, 24 and 25
180.61	1	1 through 51
180.62	1	1 through 24
180.53	1	1 through 30
180.53	1	32 through 58

**SECTION IV - PURPOSE**

It is the purpose of this Ordinance to provide a logical extension of the present zoning and land use as recommended in the 1970 Master Plan. It is the further purpose of this Ordinance to promote flexibility in the development and design of this area.

The Interlaken Planned Unit Development is conceptually sound. It meets all local and area wide needs and it conforms to the accepted principles of functional, highway and pedestrian circulation systems, land use configurations, open space systems and drainage systems. The scale and design of the elements are humane and related to each other and the area in general.

**Zone "B"/Marina:**

This zone shall be developed for the sole purpose of permitting a boathouse for not-for-profit rowing association with associated parking, marina and docking facilities.

**Zone "BB":**

This zone can be developed into a subdivision of single family residences with an attached or detached associated single bedroom units consistent with the residential designation set out for this area of the City in the 1987 Master Plan.

As an alternative, this zone, which had developed into a planned senior citizen housing community that will meet the needs of a special segment of the City's population.

As another alternative, this zone, which has previously been the site of a restaurant and night club, could recapture this resort theme by the construction of a 110 room hotel/conference center along with or independent of an attached or detached restaurant offering seating for 150 diners.

These uses would compliment the already existing and projected residential areas within the Planned Unit Development or the mores rustic restaurant and potential Inn use which

may be established upon the zone of the Planned Unit Development presently housing the Longfellow's Restaurant.

**SECTION V – PERMITTED USES AND DENSITY:**

There may be constructed within the boundaries of the Interlaken Planned Unit Development the following types of activities and uses as set forth below:

Zone "B"/Marina:

This area may be developed with the following uses:

1. A boathouse facility, not to exceed 17,500 square feet, that may include facilities for storage of rowing vessels, equipment, restrooms, meeting rooms, training and associated activities. This facility may only be owned and operated by a not-for-profit rowing association.
2. On-site parking shall be provide for this facility and users in accord with the following standards:
  - a) Marina and docks shall have 1 parking space per 3 slips.
  - b) Boathouse shall have 75 parking spaces. This number may be reduced by the Planning Board, at their sole discretion, during the PUD site plan review process if evidence of shared parking with the marina use is presented and accepted by the Board.
3. A marina with up to 68 docking slips. All slips must be owned and maintained by the not-for-profit rowing association and shall be leased in the following manner:
  - a) Residents of Zone B, D and E (Regatta View) shall be given first priority in leasing slips by January 31<sup>st</sup> of each calendar year.
  - b) Remaining slips shall be made available to residents of Interlaken PUD Zones, A, BB and C until March 1<sup>st</sup> of each calendar year.
  - c) The remaining slips (not to exceed 20) shall be made available to the general public after March 1<sup>st</sup> of each calendar year.
  - d) This process will take place each year prior to the installation of docks and slips. Only slips that have been leased shall be installed each season.
4. There shall be no sale of petroleum products permitted on this site.
5. There shall be no boat ramp or launch facility permitted on this site.
6. There shall be no picnicking, special events or other outdoor recreational facilities on this site that are associated with the marina use.
7. There shall be no outdoor storage of boats permitted on this site except for boats owned by the not-for-profit rowing association. Outdoor storage of



docks shall permitted but the location of such storage shall be determined during the PUD site plan review process.

8. There shall be no sales or rental of boats or equipment on this site.

Zone "BB":

Either use 1, 2 or 3 as listed below, so long as the permission to construct that permitted use has not expired pursuant to Section XV herein, but not more than one shall be permitted:

1. A subdivision of detached single family residences with attached or detached garages with associated single bedroom units with frontage on a road dedicated to and accepted by the City of Saratoga Springs.
  - a. A maximum of 31 lots, Each lot shall have a minimum of 10,000 square feet and may have a single-family residence as well as an associated single bedroom unit. The maximum height for any structure shall be 35 feet.
  - b. The associate single bedroom units shall be no larger than 800 square feet and shall be constructed in the principal structure or in a detached accessory garage.
  - c. A parcel with frontage on Lake Lonely may have a single private dock that may extend into the water up to 30 feet from the mean low water mark on the shoreline.
  - d. The off-street parking demand for both the principal residential unit and an associated single bedroom unit shall be two parking spaces per unit. The location of the required off-street parking spaces do not have to meet any of the minimum setback requirements.
2. A planned Senior Citizen Housing Community offering attached or detached townhouse units and, apartments, interior and exterior recreational facilities, marina and docks, eating and drinking establishment and retail space all intended for the use of the residents of this zone and their guests. The living units shall be on lease basis only, wherein at least one of the tenants in any leased units must be 50 years of age at the commencement of the leasehold. None of the units shall be converted to cooperative apartments or to condominiums. In addition the lands within this PUD shall not be subdivided into more than two real property tax parcels. This project shall consist of the following:
  - a. A maximum of 30 attached or detached residential units with a maximum building footprint of 2,000 square feet per unit for a maximum building square footage of 60,000 square footage. The maximum height for the residential units shall be 35 feet. Attached or detached car ports may be included

- with these units but shall not be included as a portion of the building footprint for square footage calculation purposes.
- b. A maximum of 120 residential apartments situated in a maximum of two buildings, which shall be no greater than 50 feet in height. The apartment buildings(s) shall have a maximum total building footprint of 105,000 square feet and a maximum total square footage of 350,000 square feet. The following ancillary uses shall be permitted for the exclusive use of the residents of Zone "BB" and their guests: interior eating and drinking facilities, interior recreational space, retail space, beauty/barber shop, physical therapy facilities, and meeting rooms. The ancillary uses within a structure shall comprise no more than fifteen (15%) per cent of the square footage of that structure up to a maximum of 18,000 square feet. The ancillary uses shall be for the exclusive use of the residents of Zone "BB" and their guests.
  - c. Off-street parking shall be supplied within this zone to a ratio of 1.5 parking space for each residential unit unless lowered by the Planning Board. During the site plan review the Planning Board may lower the parking requirement if market studies show that the demand may be less. There shall be no parking requirement for any of the permitted ancillary uses.
  - d. Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for recreational uses are permitted but their total size shall not exceed 17,500 square feet.
  - e. A hotel conference center and restaurant.
    - (a) A 110 room hotel conference center to include, as ancillary uses; eating and drinking facilities, retail space; interior recreational facilities, and meeting rooms. The center shall have a maximum interior square footage of 203,000 square feet and a maximum height of 65 feet. The ancillary uses within any structure shall comprise no more than fifteen (15%) percent of the square footage of that structure.
    - (b) A restaurant attached or detached to the hotel conference center to include seating for up to 150 persons. This structure shall not exceed 10,000 square feet. This use shall be permitted in addition to an eating and drinking facility contained within the hotel conference center.
    - (c) Exterior recreational facilities shall be permitted which may include a marina and docks on Lake Lonely with slips for up to twelve boats. Accessory structures for

- recreational uses are permitted but their total size shall not exceed 17,500 square feet.
- (d) The hotel conference center shall have a parking requirement of 1 parking space for each hotel room, and there shall be no parking requirement for any of the permitted ancillary uses. The restaurant shall have a parking demand of 0.3 spaces for every seat.
  - (e) The lands within this PUD shall not be subdivided into more than two real property tax parcels.

**SECTION VI – HOMEOWNERS ASSOCIATIONS:**

Zone “B”/Marina:

There shall be no homeowners association or equivalent organization established in Zone “B”/Marina, but if permitted, the owner of this site may obtain full or selected rights of membership in the Regatta View homeowners association.

Zone BB:

There shall be no homeowners association, or equivalent organization, established in Zone "BB".

**SECTION VII – SKETCH PLAN:**

Zone “B”/Marina:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for the overall development of this zone.

Zone "BB":

The attached Sketch Plans, Appendix B, shall be used by the City and the developer as a guide for overall development of Zone "BB" within the "Interlaken Planned Unit Development". The Sketch Plans may be amended and modified and so long as the use, density, height, parking, setbacks and impervious surface requirements set out within this ordinance are not violated, this Ordinance, as amended, shall not have to be submitted for further amendments. Nothing in this section is intended to negate the requirement for PUD site plan approval as established herein and in the Zoning Code of the City of Saratoga Springs.

Appendix B contains a sketch plan for the single family development plan, the planned senior housing community and the hotel conference center.

If in the development of the site plan, it becomes apparent that certain elements of the Sketch Plan are unfeasible and in need of significant modification above that which is permitted above, any significant modification thereof must be approved in accordance with Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

**SECTION VIII – SETBACKS:**

Zone “B”/Marina:

The areas and bulk standards shall be as follows for principal buildings, on-site parking and accessory structures:

	Minimum Requirement:
Lot size:	4 acres
Mean width	200 feet
Front yard:	30 feet
Rear yard:	30 feet
One side:	10 feet
Total side:	20 feet
Building height	40 feet
% of lot to be permeable	30%

Docks on this site shall not be subject to any of the above requirements.

Zone "BB":

With regard to the single family residential use of the zone, the setbacks shall be as follows:

	Principal Building and Lot Minimum Setback Requirements:
Lot Size	10,000 square feet
Mean Lot Width	80 feet
Front Yard: Principal Residence	10 feet
Front Yard: Attached Garage	22 feet
Rear Yard	30 feet
Side Yard: One Side	10 feet
Side Yard: Total Side	20 feet
Minimum % of Lot to be Permeable	30%

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Accessory Structures (not attached to Principal Building other than by walkway, breezeway or porch)  
Minimum Setback Requirements:

Front Yard	22 feet
Rear Yard	30 feet
Side Yard: One Side	5 feet
Side Yard: Total Side	20 feet
Minimum Distance to Principal Building	5 feet

- B. With regard to the Hotel conference center use and the planned senior housing community use of this zone, the setbacks shall be as follows:
- A. All setbacks shall be from the perimeter of the real property of Zone "BB" to the nearest building(s) with there not being a requirement setback between buildings, or internally on the site, other than as specified herein:

Minimum Setback Requirement:

Front Yard	50 feet
Rear Yard	50 feet
Side Yard	50 feet
Distance between detached buildings	15 feet

In addition, within Zone "BB" the minimum amount of required impervious surface shall be 60%.

**SECTION IX - INFRASTRUCTURE SERVICE AND IMPROVEMENTS.**

Zone "BB":

The entire zone will be serviced by City of Saratoga Springs water, unless there is a judicial order stating otherwise, and Saratoga County sewer lines. All services and improvements that are dedicated to a municipality or a municipal authority will be constructed to that municipality's or authorities building standard as that standard exists at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

If the zone is developed as a single family residential project, the following shall take place: (1) Each residential unit shall be required to tap off of a City or public authority main for purposes of obtaining a potable water supply; (2) A public sidewalk shall be constructed along side of all roads to be dedicated to the City of Saratoga Springs; and, (3) All public roadways shall have curbs.

For uses if the zone is developed as a hotel conference center or a planned senior housing community, the water service to the structures which are more than 50 feet from

the boundary of a public right-of-way shall not be required to directly tap off of a city main for purposed of obtaining a water supply.

The community sanitary sewer collection system may be owned and operated by the Saratoga County Sewer District #1.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a traffic impact analysis to be preformed to determine specific on-site or off-site improvements that might be required to accommodate projected traffic volumes to or from this PUD. The determination as to whom shall pay for the required improvements shall be negotiated by the applicant and the City.

At the time of the development of any portion of any phase within Zone "BB", the Planning Board of the City of Saratoga Springs may require during the PUD site plan review process a Stage 1B archeological investigation of the soils. The applicant shall be expected to adequately mitigate any findings from such investigations.

#### **SECTION X – SIGNS:**

Zone "B"/Marina:

A single freestanding sign shall be permitted on this site. The sign shall not exceed 24 square foot in size and it shall be no higher than 12 feet.

Zone "BB":

- A. With regard to the single family development of this zone, the following signs shall be permitted:
  - 1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit of the subdivision near Crescent Avenue, provided such sign shall be not be placed within the public right-of-way and provisions for its permanent maintenance is made.
- B. With regard to the hotel conference center use and the planned senior housing community use of this zone, the following signs shall be permitted:
  - 1) A 40 square foot per side internally or externally illuminated sign shall be permitted at the entrance/exit roadway near Crescent Avenue.
  - 2) On premise directional signs identifying private property, restrictions, public parking, recreational facilities, fire zones, entrances and exits signs may be

located on the real property and may not be internally illuminated. Each sign lettering panel shall not exceed 4 square feet.

- 3) Temporary, non-illuminated, "For Rent" signs may be permitted on the building(s) or placed as free-standing. The sign lettering panel shall not exceed 4 square feet.
- 4) Each detached or attached townhouse may have attached a number or letter identification sign measuring no more than 1.5 square feet. Such sign may be internally illuminated.
- 5) The apartment(s) structure, hotel and restaurant may each have its own free-standing sign, internally or externally illuminated, attached thereto measuring not more than 40 square feet per side. These signs shall be permitted in additions to the sign permitted pursuant to Section IX(1), but, the signs specified in this paragraph shall be located no closer than 600 feet from the Crescent Avenue public right-of-way.

#### **SECTION XI – ROADWAY:**

##### **Zone "BB":**

If any road or street within Zone "BB" are to be offered for dedication to the City of Saratoga Springs, then they shall be constructed and sized to comply will the applicable City of Saratoga Springs standards for said roads as that exists at the time of construction and/or dedication.

If a portion of the roadway to be constructed within Zone "BB" is to continue under the control of and be maintained by the real property owner, then they may be constructed to a City standard acceptable for private driveways.

#### **SECTION XII – PHASING:**

##### **Zone "BB":**

Zone BB may be developed in one or more phases.

#### **SECTION XIII – CONSTRUCTION STANDARDS:**

##### **Zone "BB" and Zone "B"/Marina:**

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the

plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer.

**SECTION XIV – DEVELOPMENT PROCESS AND AMENDMENTS:**

**Zone "BB" and Zone "B"/Marina:**

Prior to the issuance of a building permit to develop any of the area within Zone "BB" and Zone "B"/Marina, the developer shall receive preliminary and final site plan approval from the Planning Board of the City of Saratoga Springs. Such site plan approval shall be in conformance with Section 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs.

For the single family residences in Zone "BB" the Planning Board shall have the authority to review the specific lot layout plans, showing the configuration of all structures on the lot, as part of the PUD site plan approval process. The developer shall be permitted to present several proposed lot layout plans, at the time of PUD site plan approval, which proposed plans may be pre-approved by the Planning Board for development of the lots within this Zone.

Any standard concerning the construction of dwelling units to be constructed within Zone "BB" and Zone "B"/Marina shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of PUD site plan approval for the units to be so constructed.

**SECTION XV – EXPIRATION:**

**Zone "B"/Marina:**

For all development in Zone "B"/Marina, the developer must obtain final PUD site plan approval and start construction prior to January 1, 2010 or the zoning shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed as of January 1, 2003.

**Zone "BB":**

For the single family residential use, the developer must obtain final PUD sites plan approval and start construction for all phases by December 31, 2010. If the developer fails to obtain all PUD site plan approvals and start construction on the final phase prior to December 31, 2010, the zoning for zone "BB" shall revert to Rural Residential-1 (RR-1) classifications and development standards that existed at the time of the enactment of this amendment.



For the senior citizen community the developer must obtain final PUD site plan approval and start construction for all phases prior to January 1, 2000.

For the hotel/conference center, the developer for Zone BB must obtain final PUD site plan and start construction for the first phase (either a restaurant or a hotel) approval prior to January 1, 2000. The developer must obtain final PUD site plan and start construction for all phases of the hotel/conference center prior to January 1, 2005. If the developer fails to meet any of the above requirement, the uses allowed for the hotel/conference center shall no longer be permitted, but the uses associated with the senior citizen center shall be permitted.

**SECTION XVI – CASH IN LIEU OF RECREATION LAND:**

Zone “B”/Marina:

Cash in lieu of recreational lands shall not be required for any subdivision within this section. The not-for-profit and recreational aspects for this use are consistent with community recreational activities and shall not be held to the same standard as commercial and residential development.

Zone “BB”:

For the single family residential use, the developer shall pay a special fee for cash in lieu of recreation land to the City of Saratoga in the amount of \$750 per lot because of the limited size and unique characteristics of the associated residential units.

**SECTION XVII – VALIDITY:**

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

**SECTION XVIII – EFFECTIVE DATE:**

This Ordinance shall take effect the day after publication as provided by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: May 7, 1996

AMENDED: March 18, 1997

AMENDED: February 4, 2003

APPENDIX "A"

LEGAL DESCRIPTION

Description of lands in Zone "BB" of the "Interlaken Planned Unit Development" are on file in the City Engineer's Office in the City of Saratoga Springs.

APPENDIX "B"

SKETCH PLAN FOR ENTIRE PUD

SKETCH PLAN FOR ZONE "BB" SENIOR CITIZEN COMMUNITY

SKETCH PLAN FOR ZONE "BB" HOTEL CONFERENCE CENTER

**Appendix C:**

**3. Saratoga Hospital Professional Planned Unit Development (formerly 241.3)**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF  
A PLANNED UNIT DEVELOPMENT DISTRICT  
TO BE KNOWN AS  
“SARATOGA HOSPITAL MEDICAL/PROFESSIONAL PUD”**

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

**I. NAME**

This Ordinance shall be known as SARATOGA HOSPITAL MEDICAL/PROFESSIONAL PUD and amends Chapter 241.3 of the Zoning Ordinance of the City of Saratoga Springs, New York.

**II. AMENDMENT**

The City Council of the City of Saratoga Springs, on September 8, 1987, adopted the ordinance creating The Saratoga Hospital Medical/Professional Planned Unit Development District. That Planned Unit Development legislation was amended by the Saratoga Springs City Council on April 19, 1993, on January 21, 1997 and on October 21, 2003. The purpose of this legislation is to further amend the boundaries and uses of the original Saratoga Hospital Medical/Professional Planned Unit Development District legislation, so as to meet the needs of the institution and the community it serves.

This Ordinance amends the City of Saratoga Springs Zoning Map by rezoning the properties described in **Appendix “A”** and shown on a map attached hereto and made a part hereof and entitled **Sketch Plan for Saratoga Hospital Medical/Professional PUD**, prepared by C.T. Male and dated May 23, 2003 and revised January 26, 2009 from their current zoning designation of “Office/Medical Business District” to “Saratoga Hospital Medical/Professional Planned Unit Development District.”

This Ordinance also amends Chapter 241.3 of the City of Saratoga Springs by identifying certain uses which may be established within the amended boundary of the Saratoga Hospital Medical/Professional PUD and describing the review processes necessary to establish said uses.

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### III. BOUNDARY

The total area of the Saratoga Hospital Medical/Professional PUD, as amended by this ordinance, will consist of 29.38 ± acres as bounded and described in **Appendix “B”** attached hereto and made a part hereof. The area is located on the westerly side of the City of Saratoga Springs, north and south of Church Street, generally east of West Avenue, west of Seward Street, and generally south of Morgan Street. The tax map references are as follows:

#### Initial PUD:

1. Existing PUD: Map 165.41, Block 1, Lots 12.2 and 12.3 (Inside District); Map 165.49, Block 2, Lots 2 and 3 (Inside District); Map 165, Block 1, Lot 39 (Outside District).

#### Parcels added in 2003:

2. Former Metzger parcels: Map 165.41, Block 1, Lot 11 (Inside District); and Map 165.50, Block 1, Lots 1, 2, 71, 72, 73 (Inside District).

3. Patients’ Accounts parcel: Map 165.41, Block 1, Lot 12.1 (Inside District).

4. North Van Rensselaer Street: (from the intersection of Church Street to the southerly boundary of the former Metzger Parcel) Map 165.49, Block 2, Lot 42 (Inside District).

#### Parcels added in 2009:

5. Myrtle Street Parcel: Map 165.49, Block 2, Lot 41 (Inside District)

6. 238 Church Street Parcel: Map 165.49, Block 2, Lot 10 (Inside District)

### IV. SKETCH PLAN

The Saratoga Hospital Medical/Professional PUD shall be developed in general compliance with a sketch plan filed in the Offices of the Planning Board of the City of Saratoga Springs, New York, and attached hereto and made a part hereof as **Appendix “C”**. The plan shall be used by the City and the Hospital as a guide for overall development. The sketch plan may be changed, altered or amended, pursuant to Section 240-3.6 of the City of Saratoga Springs Zoning Ordinance.

### V. PURPOSE

It is the purpose of this Ordinance to provide a means for the development of the Planned Unit Development, as amended by this ordinance, in which certain economics of scale or creative planning concepts may be utilized by the developer without departing from the spirit and intent of

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

the Zoning Ordinance of the City of Saratoga Springs. It is further the purpose of this Ordinance to promote flexibility in the development and design of Saratoga Hospital Medical/Professional PUD that will result in the more efficient use of land, promote good site design and visual quality, and result in a more pleasing environment than otherwise possible to the maximum extent practicable.

### VI. USES AND CHARACTERISTICS

There may be contained within the boundaries of Saratoga Hospital Medical/Professional PUD, City of Saratoga Springs, buildings for medical, hospital, clinical, diagnostic and treatment uses, all of the aforesaid construed in their broadest terms, as well as professional uses and associated support services and customary accessory uses for all of the foregoing. The PUD shall be divided into zones A, B, C, D, E and F as depicted on the sketch plan attached hereto as **Appendix "C."** Within each zone, certain projects described in Article IX of this Ordinance may be constructed consistent with the requirements herein.

#### A. ZONE A

The area of Zone A, as amended by this ordinance, consists of 10.6+/- acres. The existing Hospital building in Zone A (including its adjoining structures) is commonly known as 211 Church Street, and it generally consists of thirteen (13) tax parcels (inclusive of North Van Rensselaer Street as one tax parcel). The existing Hospital building presently covers an area of 94,000± square feet. The principal building has five above grade levels, with a total square footage of 292,400. 238 Church Street presently covers 1,587 square feet on two levels. Future Hospital building coverage within Zone A may increase the lot coverage by 56,000 square feet to a maximum permitted lot coverage of 150,000 square feet.

In addition to the above, the Hospital building may be increased to a total of five above ground levels, not exceeding a height of seventy feet (70').

Within Zone A, principal uses shall be for acute medical/surgical services and related support (non-clinical) systems. These generally may include medicine, diagnostic and treatment, surgery, emergency medicine, pediatrics, obstetrics/gynecology, psychiatry, clinical ancillary, radiation therapy, long term & elder care, business, medical and professional office use, on call physicians' respite area, along with administrative, material support systems and parking for these uses. Building setbacks in Zone A shall, at a minimum, comply with the setback requirements in Article XIV of this Ordinance.

Primary health services may consist generally of in-patient (admission more than twenty-four hours), out-patient (admission for less than twenty-four hours) and an internal support system (administrative services, etc.) necessary for the delivery of acute/medical surgical care.

The structures and coverages on properties in Zone A, identified in Article III (2) and (3) of this Ordinance at the time of its adoption are specifically permitted in their current configuration; i.e., (i) number of buildings, (ii) building coverage, (iii) building height (iv) gross

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functional area, and (v) maximum density.

	<u>Hospital</u>
(a) Maximum number of buildings	2
(b) Maximum building coverage	150,000 sf
(c) Maximum building levels (above ground)	5
(d) Maximum building height	70
(e) Gross functional area <sup>1</sup>	644,000 sf

**B.     ZONE B**

Zone B consists of 3.57 ± acres.

Within Zone B uses shall be for primary medical care and ancillary clinical functions, including laboratory, radiology, ultrasound and other like services necessary to support such care, as well as administrative support services for any or all of the foregoing, and parking.

The medical office building or buildings in Zone B shall not exceed 31,200 square feet of gross functional area. An existing medical office building in this zone is a single story structure of 10,200 square feet. The use may be achieved through the development of up to two, two-story structures with total building coverage not to exceed 20,700 square feet.

The B-2 area is currently being utilized as a temporary parking area containing 165 parking spaces.

All uses in Zone B shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

Maximum number of buildings	2
Maximum building coverage	20,700 sf
Maximum building height	2 stories or 40 feet

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<sup>1</sup> Gross functional area for purposes of this PUD shall mean the total usable square footage of all structures within a particular zone.

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Gross functional area 31,200 sf

**C. ZONE C**

Zone C consists of 4.86± acres.

Within Zone C Medical and Professional Offices for primary medical care and ancillary clinical functions, including a chronic kidney dialysis center and kidney care center, including laboratory, radiology, ultrasound and other like services necessary to support such care, and parking may be permitted. Zone C shall be used, if necessary, for storm water management from Zone B, D and E.

The kidney dialysis center shall not exceed 10,000 square feet of gross space. Total building coverage is not to exceed 30,000 square feet.

All uses in Zone C shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

Maximum number of buildings	3
Maximum building coverage	30,000 sf
Maximum building height	3 stories or 45 feet
Gross functional area	40,000 sf

**D. ZONE D**

Zone D consists of 1.72± acres.

Hospital Accessory Support areas may be established in Zone D. It is anticipated that this zone will be used to complement and support the activities undertaken in Zone A; it may also be used for management of storm water received from Zone B, C, and E. This zone will remain as green space until a further amendment to this Ordinance. This area shall be reserved for further development.

All uses in Zone D shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.



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**E. ZONE E**

Zone E consists of 8.14± acres.

Zone E may support accessory parking for staff associated with activities in Zone A, B, C and D.

Supplemental parking is to contain spaces for a total of 538 cars. Currently, there are 531 parking spaces in Zone E.

Wholly contained landscaped islands will be provided at the ratio of one planting area per each fifteen vehicles. Planting areas shall be at least 162 square feet or 9 x 18 feet. Planting areas may be located together to increase parking and maintenance efficiencies.

All uses in Zone E shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

Zone E contains a heliport.

**F. ZONE F**

Zone F consists of .49 ± acres.

Zone F may support accessory parking for staff and patients associated with activities in Zone A, B, C and D.

Supplemental parking is to contain spaces for a total of 46 cars.

Wholly contained landscaped islands will be provided at a ratio of one planting area per each fifteen vehicles. Planting areas shall be at least 162 square feet or 9 x 18 feet. Planting areas may be located together to increase parking and maintenance efficiencies.

All uses in Zone F shall be subject to final site plan approval in accordance with Article VIII of this Ordinance.

To accommodate the planned expansion of the Hospital services in Zone F, the buildings and structures presently located on properties defined in Article III (5) will be demolished and removed in accord with the project description.

**VII. DENSITY**

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The overall density of the Saratoga Hospital Medical/Professional PUD shall not exceed the thresholds defined below.

		% of PUD occupied
Total PUD Area = ± 29.38 acres	1,279,817 sf	
Total Building Coverage	202,287 sf	15.81%
Total Gross Functional Area	717,675 sf	56.08%
Total pavement (parking area)	553,415 sf	43.24%
Total green space	524,115 sf	40.95%

### VIII. REQUIREMENTS FOR ISSUANCE OF BUILDING PERMITS

Prior to the issuance of a building permit to develop any or all of the area within Saratoga Hospital Medical/Professional PUD, the applicant shall receive final site plan approval from the City of Saratoga Springs Planning Board.

The final site plan shall show the area of the Saratoga Hospital Medical/Professional PUD proposed for development and its relationship to existing development and vacant areas within Saratoga Hospital Medical/Professional PUD. The final site plan shall also conform to the requirements as set forth in Article V of the City of Saratoga Springs Zoning Ordinance.

### IX. PROJECTS

Following the effective date of this Ordinance, projects as described below may be developed within the Saratoga Hospital Medical/Professional PUD. Certain projects identified in this Article have been completed prior to the adoption of this amendment and are so identified. The projects listed below may progress in any order. In addition, projects may be undertaken or completed in more than one stage.

#### A. Projects, Zone A

Project A-1: Hospital Complex: Completed.

Project A-2 - Parking Expansion: Completed.

Project A-3 - Ambulatory Care Facility Expansion: Completed.

Project A-4 - Future Expansions: Project abandoned.

Project A-5: Radiation Oncology Center, Cafeteria, Parking Relocations and Expansion and Driveway Alterations: Completed, except 2<sup>nd</sup> floor addition on Radiation Oncology Center

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and additional radiation vault. Radiation Oncology Center Expansion shall not exceed 9,000 sf of additional building coverage. The structure itself may have one or two levels, but it is currently contemplated that the Radiation Oncology Center will occupy only the lower portion of the new building. The upper level, if any, will be utilized for any authorized use in Zone A.

Project A-6: Central Plant Expansion: Completed.

Project A-7: Patient Care Addition: Phase I completed. Patient Care Addition shall consist of below grade logistical support services, on-grade Emergency Department and critical care beds, and patient care rooms. It will not exceed 30,000 sf of additional building coverage. The structure itself shall have a maximum of five above grade levels, which may be constructed in phases, and 150,000 sf additional gross functional area.

Project A-8: Physician Respite Area: The Physician Respite Area shall consist of the existing building at 238 Church Street, which will be internally upgraded to accommodate an area for on call physicians to rest when not caring for patients.

### **B. Projects, Zone B**

Project B-1: Existing Saratoga Care Medical Office Building: Completed.

Project B-2: Medical Professional Office Expansion: This expansion will include one additional building with 10,500 sf building coverage and 21,000 sf of gross functional area.

### **C. Projects, Zone C**

Project C-1: Existing Hortense and Louis Rubin Dialysis Center: Completed.

Project C-2: Medical Professional Offices: This project includes 1 or 2 additional buildings with a total of 20,000 sf building coverage and a total of 40,000 sf gross functional area.

### **D. Projects, Zone D**

Project D-1: Hospital Accessory Support Reserve Area: Completed.

No projects are planned for Zone D at the time of this amendment.

### **E. Projects, Zone E**

Project E-1: Parking Expansion: Completed.

Project E-2: Parking Expansion: Completed.

Project E-3: Storage Building: Abandoned.

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Project E-4: Heliport: Completed.

Project E-5: Parking Expansion: Completed.

**F. Projects, Zone F**

Project F-1: Parking Expansion: This project shall consist of the creation of 46 additional parking spaces in the area encompassed by Zone F - 1.

**G. PUD Site Plan Applications**

PUD Site Plan Applications for any of the Projects identified in this Article may be made at any time to the Saratoga Springs Planning Board.

Planned Unit Development zoning approval for the project shall expire for all uncompleted projects if site plan approval is not obtained from the City of Saratoga Springs Planning Board by January 1, 2024.

**X. PARKING**

Parking demand for the entire PUD is to be met through the provision of a large group parking lot in Zone E, a new parking area on Myrtle Street and/or in the provision of smaller parking areas associated with each of the buildings in the respective zones. Zone E parking contains spaces for up to 538 cars on approximately 8.14± acres.

Zone F parking contains spaces for up to 46 cars on approximately .49± acres.

During construction of specific projects in Zones A, B and C, the parking areas, Zones E and F, may be altered or improved upon.

The minimum number of parking spaces shall be provided as shown in the following schedule:

**ZONE PARKING REQUIREMENTS (RATIO)**

- Zone A.** 1 space/2 in-patient acute beds
- 1 space/5 in-patient skilled nursing beds
- 1 space/300 sf of out-patient service
- 1 space/300 sf of internal support
- Zone B.** 1 space/300 sf of gross floor space for medical office buildings

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- Zone C.** 16 spaces for the 10,000 sf kidney dialysis center  
1 space/300 sf of gross floor space for medical office buildings
- Zone D.** Green space until a further amendment.
- Zone E.** No parking demand required for heliport.
- Zone F.** No parking demand required.

The interior open space is primarily designed for the required parking. All of the buildings will be designed to ensure that the front entrance will be oriented toward the center.

All new or revised parking created as a demand of this PUD shall contain landscaping areas at a ratio of one 9' x 18' space/15 spaces for vehicles.

### **XI. AMENDMENTS TO THIS ORDINANCE**

Amendments may be made to this Ordinance by the City of Saratoga Springs City Council. It is anticipated that at a future date Zone D will be developed and such an amendment will be necessary.

### **XII. INFRASTRUCTURE IMPROVEMENTS**

The entire project as set forth herein will be serviced by City water and sanitary sewer lines. These lines will be constructed to City standards, but will not be conveyed to the City of Saratoga Springs. The water and sewer lines will be maintained by the Hospital.

Storm water disposal areas shall be constructed and maintained by the Hospital.

The roadways and thoroughfares through the project will be private drives maintained by the Hospital.

Upon request, the City of Saratoga Springs shall be granted appropriately sized easements for the construction and maintenance of water, sanitary sewer or storm water sewer lines through Zone A of the PUD site.

The City, upon request, may take over ownership, control and responsibility for any infrastructure main, pipe, or line presently within or constructed within the PUD site and the City shall further be granted reasonable easements to interconnect with any infrastructure main, line or pipe for which they have taken responsibility.

The City is hereby granted the right to enter upon the PUD site for the purpose of making emergency repairs to any privately owned main, pipe or line. The City shall have the right to charge the Hospital or the individual project's sponsor whose pipe or main is repaired for any

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necessary services.

All private water lines connecting into any structure within the PUD site shall be individually metered.

The Saratoga Springs City Council shall establish a capital reserve fund to be used exclusively to fund traffic improvements on the Church Street corridor between Myrtle Street and Van Rensselaer Street. Any revenues received from the sale of North Van Rensselaer Street to the Hospital and/or revenues received by the City from any development application fees for site plan review, architectural review, etc. and building permit application fees for the construction of any Project within the Saratoga Hospital Medical/Professional PUD shall be deposited in such fund.

### XIII. OFF SITE IMPROVEMENTS

**Project A-1 - Hospital Complex:** Completed. A-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project A-2 - Parking Expansion:** Completed. A-2 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project A-3 - Ambulatory Care Facility Expansion:** Completed. A-3 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project A-4 - Future Expansion:** Project abandoned. A-4 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project A-5 - Radiation Oncology Center, Cafeteria, Parking Relocations and Expansion and Driveway Alterations:** Completed. A-5 was identified in the 2003 Ordinance and is included for reference and consistency only.

**Project A-6 - Central Plant Expansion:** None required.

**Project A-7 - Patient Care Addition:** The City shall require the Hospital to undertake a traffic study relating to vehicle access to the PUD site with a focus on the capacity of the Church Street and Myrtle Street intersection as part of the Planned Unit Development site plan approval for Project A-7. After reviewing the results of this study, the City of Saratoga Springs Planning Board has the right to restrict further development of the project until appropriate and necessary off-site traffic improvements are made. The means of payment for any improvement identified as necessary by this study shall be negotiated between the Hospital and the City Council of the City of Saratoga Springs. The Hospital may be required to contribute an appropriate share toward said improvements.

The Hospital shall complete a study relating to storm water management, parking management and traffic generation as part of the PUD site plan approval for Project A-7. Provisions shall be included for off-site or on-site mitigation of increased storm water run-off,

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

required parking and traffic impacts, if required.

**Project A-8 - Physician Respite Area:** None required. This project encompasses minor interior renovations of an existing Hospital-owned property.

**Project B-1 - Existing Saratoga Care Medical Office Building:** Completed. B-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project B-2 - Future Medical Professional Office Expansion:** The Hospital shall undertake and/or update appropriate studies relating to (1) storm water management for the area of the PUD site west of Myrtle Street; (2) sanitary sewer condition and capacity for lines which serve the site; and (3) a traffic study relating to vehicle access to the PUD site with focus on the capacity of the Church Street/Myrtle Street intersection as part of the Planned Unit Development site plan approval for Project B-2. After reviewing the results of these studies, the City of Saratoga Springs Planning Board has the right to restrict further development of the Planned Unit Development until the necessary off-site improvements (if any) are made. The means of payment for any improvement identified as needed by any of these studies shall be negotiated between the Hospital and the City Council of the City of Saratoga Springs. The Hospital may be required to contribute an appropriate share toward said improvements.

**Project C-1 - Existing Hortense and Louis Rubin Dialysis Center:** Completed. C-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project C-2 - Future Medical Professional Offices:** The Hospital shall undertake and/or update appropriate studies relating to (1) storm water management for the area of the PUD site west of Myrtle Street; (2) sanitary sewer condition and capacity for lines which serve the site; and (3) a traffic study relating to vehicle access to the PUD site with focus on the capacity of the Church Street/Myrtle Street intersection as part of the Planned Unit Development site plan approval for Project C-2. After reviewing the results of these studies, the City of Saratoga Springs Planning Board has the right to restrict further development of the Planned Unit Development until the necessary off-site improvements (if any) are made. The means of payment for any improvement identified as needed by any of these studies shall be negotiated between the Hospital and the City Council of the City of Saratoga Springs. The Hospital may be required to contribute an appropriate share toward said improvements.

**Project D-1 - Hospital Accessory Support Reserved Area:** Completed. D-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project E-1 - Parking Expansion:** Completed. E-1 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project E-2 - Parking Expansion:** Completed. E-2 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project E-3 - Storage Building:** Project abandoned. E-3 was identified in the 1997 Ordinance and is included for reference and consistency only.

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**Project E-4 - Accessory Parking and Heliport:** Completed. E-4 was identified in the 1997 Ordinance and is included for reference and consistency only.

**Project E-5 - Parking Expansion:** Completed. E-5 was identified in the 2003 ordinance and is included for reference and consistency only.

**Project F - 1 - Parking Expansion:** The Hospital shall complete a study relating to storm water management and parking management as part of the PUD site plan approval for project F - 1. Provisions shall be included for off-site or on-site mitigation of increased storm water run-off and required parking.

### XIV. SETBACKS

#### **ZONE A**

Any buildings constructed in Zone A on or after the effective date of this Ordinance shall be no closer than fifty feet (50') from the exterior boundary of the PUD with the following exceptions: 1) the minimum setbacks along Myrtle Street shall be ten feet (10'); and 2) for Project A-7, the minimum setbacks shall be eighty feet (80') from the northern property line. There shall be no internal setbacks between parcel lines for building, parking, driveways or paved areas. There shall be no setbacks in Zone A for driveways, parking areas, or other paved areas, but during PUD site plan review, the City Planning Board may require special mitigating measures than otherwise possible to the maximum extent practicable (fencing, landscaping, etc.) to provide adequate buffers for neighboring properties.

The setbacks for the principal structure at 238 Church Street is three feet (3') for the front yard set back, one foot (1') from the side yard setback, and sixty-three feet (63') from the rear yard setback.

#### **ZONES B, C, D, & E**

For Zones B, C, D & E, a thirty foot (30') wide (minimum) planted buffer strip shall be maintained or installed along the PUD exterior boundary lines, except as follows: (1) a forty foot (40') and a fifty foot (50') wide (minimum) planted buffer strip as shown on the PUD Sketch Plan shall be maintained or installed along the northern boundary line on Zone C; (2) a ten foot (10') wide (minimum) planted buffer strip shall be maintained along the southern and western boundary lines of Zone E to within 140' of Myrtle Street as shown on the PUD Sketch Plan. No buffer will be required within the remaining 140' southern boundary of Zone E as shown on the PUD Sketch Plan.

In Zones B, C, D, & E, no structure or parking space will be constructed within the required buffer zone. At least 40% of the installed plant material in the planted buffer strips shall be evergreen.



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No building in Zones B, C, D & E shall be constructed within forty feet (40') of another building unless the two buildings are connected with an enclosed hallway meeting all local and state building codes.

No building in Zones B, C, D & E shall be constructed within thirty feet (30') of the PUD property line or within fifty feet (50') of the Myrtle Street property line.

**ZONE F**

No parking space shall be constructed within 5 feet of the boundary lines.

**XV. SIGNAGE**

All signs currently located on the Hospital campus are part of an approved signage plan implemented in 2003 and subsequently updated. The approved signage plan categorized the signs into the categories set forth below, and approved the below sign types with the dimensions and other restrictions included herein. The below types of signs currently exist on the hospital campus and have received approval by the Saratoga Springs Zoning Board of Appeals and the Design Review Commission.

The Hospital may add or replace signage within the PUD consistent with the guidelines contained in this section, providing the new signs do not exceed the existing specifications, including height and dimensions, for each sign type, as set forth more fully below, and subject to the regulations set forth in this provision. Signs shall be erected and constructed with the purpose of safe and efficient flow of traffic in and through the site. All signs shall be compatible within the context of its visual and physical environment.

	<u>Sign type</u>	<u>Maximum size and height</u>
ED.1	Large two-sided campus entrance identification sign	66.5 sf 12 feet height No more than 2 signs
ED.2	Medium size vehicular directional sign	42" X 49" or 14.29 sf 6 feet height Signage type shall be limited to use for emergency entrances to the campus.
ED.3	Small vehicular directional sign	42" x 30" or 8.75 sf 6 feet height
FID.1	Large facade-mounted identification sign	11' 4" X 240" No more than 2 signs per establishment

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FID.2	Small facade-mounted identification sign	108" X 52" or 39 sf 4.25 feet height Only one sign per facade that has street frontage
FID.3	Large building entrance identification sign	9' x 20" or 15 sf No more than one sign per public entrance for significant hospital functions (ie. emergency department, maternity, main entrance, radiation oncology, etc)
FID.4	Small building entrance identification	24" X 24" or 4 sf
FID.5	Ambulance/ emergency department entrance identification sign	60" x 20" or 8.33 sf 6 feet height Allowable as needed to identify Ambulance and Emergency entrances to the Emergency Department
ID.1	Large two-sided outpatient facility identification sign	3' x 3' or 9 sf 6 feet height No more than one sign per outpatient facility
ID.4	Ground-mounted identification sign	54" x 36"
ID.5	Tall, ground-mounted identification sign	24" x 24" or 4 sf 9'6" height
	Ground mounted donor identification sign	47.2 sf 9'6" height
PKG. 1	Parking lot identification signs	30" X 36" or 6.25 sf 6 feet height Limited to one per entrance to parking lot.
	Non- smoking facility designation signs	10" x 14" One sign per bench for all outdoor seating

Only ED.1 (large two sided campus entrance identification) and ED.3 (small vehicular directional) signage shall be allowed to be located within 150 feet of the signalized intersection of Myrtle and Church Streets.

The following types of signs shall be permitted within 50 feet of a non-signalized intersection: ED.1 (large two sided campus entrance identification), ED.2 (medium sized vehicular directional), ED.3 (small vehicular directional), ID.1 (large two sided outpatient facility identification sign), and any signage located on the facade of the buildings.

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Throughout the campus, signs shall be permitted to be located within 50 feet of another sign.

Within the limitations set forth above, facade signage may be permitted to occur in excess of one sign per facade. The dimensions shall not exceed the sizes noted above within each category. The location or relocation of wall signage shall be completed in a manner that prevents irreversible damage to the facade substrate. Sign anchors in masonry facades shall be limited to mortar joints. Any areas from which wall signage has been removed or relocated shall be repaired to match surrounding facades.

The Hospital signage should utilize Franklin Gothic font and the following colors shall be utilized throughout the signage on the PUD site : Purple (PMS 0519), Gold (PMS 4515), Blue (PMS 2748), Red (PMS 0186), Teal (PMS 3155) and White (White 00).

The FID.3 (large building entrance identification sign), ED.1 (large two sided campus entrance identification sign) and ED.2 (medium vehicle directional sign) signs are designed for internal illumination using florescent lamps which conform to UL and industry standards. Light is contained within the sign, except where the translucent white acrylic letters or symbols have been inserted into the aluminum face. Neon lighting for a back lit halo effect is used for the FID.1 (large facade mounted identification sign) sign near the hospital entrance. LED lights may replace the neon on future installations.

The Hospital shall submit documentation to the Saratoga Springs Office of Planning and Economic Development when additional signage in compliance with the above restrictions is necessary or required on the PUD campus. The documentation shall include information on the proposed location, style, dimensions and height of the proposed sign. The request may be treated as an administrative action. The Planning Board Chair will consider any applications which raise issues of the location of signage. The Design Review Commission Chair will consider any applications pertaining to percentage of blank space on the signs, lighting of the signs and design. The appropriate Chair will seek guidance and input from the Office of Planning and Economic Development in reviewing any applications submitted by the hospital. The Chair or the Hospital, at their option, shall determine if any individual submission shall be decided by the appropriate city board and shall refer such applications for full board consideration.

### **XVI. TIME EXTENSIONS**

On good cause shown, the Hospital may apply for an extension of an approved PUD site plan. An application for such request shall be made to the Planning Board.

### **XVII. CONSTRUCTION STANDARDS**

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs

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associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer. Prior to the construction of any approved Project, a pre-construction conference with the City Engineer and the City Building Department shall be required. At such conference, the City may impose reasonable standards designed to lessen the impact of construction noise, dust and construction vehicle traffic on any adjacent residential area.

### **XVIII. ADDITIONAL FUTURE PROJECTS**

Although the development of the proposed PUD has been set forth in its entirety and this Ordinance rezones the entire 29.38± acres as a Planned Unit Development, it grants only the actual development of Projects within the PUD area. The remaining undeveloped land will remain as green space until such time as the Hospital and Planning Board of the City of Saratoga Springs agree upon the impact, if any, upon the infrastructure of the City, the meeting of those needs, and the specific development uses.

### **XIX. OWNERSHIP**

Saratoga Hospital intends to own and/or control, as well as maintain and operate, the roadways and land within its PUD. In the event that ownership of the area wholly encompassed by the Saratoga Hospital Medical/Professional PUD is transferred or conveyed to any third person, firm, corporation, partnership or other entity by the applicant herein, the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedures set forth in Section 240-3.7 of the Zoning Ordinance of the City of Saratoga Springs.

### **XX. MAP**

A sepia mylar of the final approved sketch plan shall be filed with the City Planning Board and the City Clerk. A copy shall be filed with the City Building Inspector.

### **XXI. AMENDMENTS**

Saratoga Hospital Medical/Professional PUD shall be developed in compliance with the final approved sketch plan. Any amendments thereto will be made pursuant to the City of Saratoga Springs Zoning Ordinance.

### **XXII. VALIDITY**

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

### **XXIII. EFFECTIVE DATE**

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This Ordinance shall take effect one day after approval by the Saratoga Springs City Council and posting and publishing in the official newspaper of the City as required by law.

ADOPTED: September 8, 1987

AMENDED: April 19, 1993

AMENDED: January 21, 1997

AMENDED: October 21, 2003

AMENDED: April 7, 2009

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APPENDIX "A"

Amendments to Zone A, Saratoga Hospital Medical/Professional PUD

LEGAL DESCRIPTION AND MAP OF PARCELS TO BE ADDED TO  
THE SARATOGA HOSPITAL  
PLANNED UNIT DEVELOPMENT DISTRICT

**PARCEL 1:**  
**PATIENTS' ACCOUNTS PARCEL**

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying East of Myrtle Street, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands now or formerly of Saratoga Medical Realty Group as described in Book 1281 of Deeds at Page 535 on the North and lands now or formerly of Saratoga Hospital as described in Book 266 of Deeds at Page 457 on the South with the Easterly street boundary of Myrtle Street; thence from said point of beginning along said Easterly street boundary North 03 deg. 58 min. 54 sec. West 147.84 feet to its point of intersection with the common division line between the lands of said Saratoga Medical Realty Group on the South and lands now or formerly of Mary Grygiel as described in Book 1099 of Deeds at Page 3, lands now or formerly of Larry D. Fox and Linda C. Fox as described in Book 1336 of Deeds at Page 220 and lands now or formerly of Ronald G. Conlee and Diane M. Conlee as described in Book 1054 of Deeds at Page 537 on the North; thence along said common division line North 86 deg. 15 min. 14 sec. East 176.50 feet to its point of intersection with the division line between the lands of said Saratoga Medical Realty Group on the West and other lands now or formerly of Saratoga Medical Realty Group as described in Book 991 of Deeds at Page 152 on the East; thence along said division line South 03 deg. 58 min. 54 sec. East 147.82 feet to its point of intersection with the above first mentioned division line; thence along said above first mentioned division line South 86 deg. 15 min. 06 sec. West 176.50 feet to the point or place of beginning, containing 0.599± acres of land.

Subject to any easements, covenants or restrictions of record.

CONTAINING 0.599± ACRES OF LAND

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**PARCEL 2:**

**METZGER NORTH LOT**

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying North of North Van Rensselaer Street, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the division line between the lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 4 on the East and lands now or formerly of Saratoga Hospital as described in Book 266 of Deeds at Page 457 on the West with the Northerly terminus of North Van Rensselaer Street; thence from said point of beginning along said division line North 03 deg. 45 min. 12 sec. West 56.40 feet to its point of intersection with the division line between the lands of said Metzger on the North and lands of said Saratoga Hospital on the South; thence along said division line South 86 deg. 15 min. 06 sec. West 125.00 feet to its point of intersection with the division line between the lands of said Metzger on the East and other lands now or formerly of Saratoga Hospital as described in Book 990 of Deeds at Page 792 on the West; thence along said division line North 03 deg. 58 min. 54 sec. West 147.81 feet to its point of intersection with the common division line between the lands of said Metzger on the South and lands now or formerly of Raymond C. Yager and Terry A. Yager as described in Book 866 of Deeds at Page 364, lands now or formerly of Laurence Aryeh Alpern and Anna Alpern as described in Book 1241 of Deeds at Page 750 and other lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 6 on the North; thence along said common division line North 86 deg. 15 min. 24 sec. East 175.31 feet to its point of intersection with the division line between the lands of said Metzger on the West and other lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel Nos. 6 and 10 on the East; thence along said division line South 04 deg. 02 min. 45 sec. East 203.47 feet to its point of intersection with the above mentioned Northerly terminus of North Van Rensselaer Street; thence along said above Northerly terminus South 85 deg. 26 min. 15 sec. West 50.77 feet to the point or place of beginning, containing 0.660± acres of land.

Subject to any easements, covenants or restrictions of record.

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**PARCEL 3:  
METZGER SOUTH LOT**

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying East of North Van Rensselaer Street, and being more particularly bounded and described as follows:

**BEGINNING** at a point on the Easterly street boundary of North Van Rensselaer Street at its point of intersection with the division line between the lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel Nos. 11 and 7 on the South and other lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 10 on the North, said point also being the Northeasterly terminus of North Van Rensselaer Street; thence from said point of beginning along said division line North 85 deg. 26 min. 15 sec. East 166.00 feet to its point of intersection with the Westerly boundary of a 20-foot wide alley (a.k.a. Medical Arts Lane); thence along said Westerly boundary South 04 deg. 02 min. 45 sec. East 350.00 feet to its point of intersection with the Northerly boundary of a 15-foot wide alley (a.k.a. Corey Lane); thence along said Northerly boundary South 85 deg. 26 min. 15 sec. West 166.00 feet to its point of intersection with the above mentioned Easterly street boundary of North Van Rensselaer Street; thence along said above Easterly street boundary North 04 deg. 02 min. 45 sec. West 350.00 feet to the point or place of beginning, containing 1.334± acres of land.

Subject to any easements, covenants or restrictions of record.

**CONTAINING 1.334± ACRES OF LAND**

**PARCEL 4:  
NORTH VAN RENSSELAER STREET**

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying Northerly of Church Street, and being more particularly bounded and described as follows:

**BEGINNING** at the point of intersection of the Northerly street boundary of Church Street with the Westerly street boundary of North Van Rensselaer Street; thence from said point of beginning along said Northerly street boundary of Church Street and along the Southerly terminus of North Van Rensselaer Street, North 84 deg. 27 min. 34 sec. East 53.49 feet to its point of intersection with the



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Easterly street boundary of North Van Rensselaer Street; thence along said Easterly street boundary North 04 deg. 02 min. 45 sec. West 164.28 feet to its point of intersection with the Westerly terminus of a 15-foot wide alley (a.k.a. Corey Lane); thence continuing along said Easterly street boundary of North Van Rensselaer Street and along the Westerly terminus of said alley North 04 deg. 02 min. 45 sec. West 15.00 feet to a point, said point being the Northwesterly terminus of said alley; thence continuing along said Easterly street boundary of North Van Rensselaer Street, North 04 deg. 02 min. 45 sec. West 350.00 feet to its point of intersection with the Northerly terminus of said North Van Rensselaer Street; thence along said Northerly terminus South 85 deg. 26 min. 15 sec. West 50.77 feet to its point of intersection with the above mentioned Westerly street boundary of said North Van Rensselaer Street; thence along said Westerly street boundary South 03 deg. 45 min. 12 sec. East 530.22 feet to the point or place of beginning, containing 0.634± acre of land.

Subject to any easements, restrictions or covenants of record.

CONTAINING .634± ACRES OF LAND

**PARCEL 5:  
35 MYRTLE STREET**

All that certain piece or parcel of land situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York, lying westerly of Myrtle Street and being more particularly bounded and described as follows:

BEGINNING on the west line of Myrtle Street at the northeast corner of lands of Ronald Loffredo as described in Book 1083 of Deeds at Page 520 and running thence westerly along said Loffredo's north line North 83 degrees 22 minutes 34 seconds West, a distance of 99.32 feet; thence northerly along the east line of lands of Saratoga Golf and Polo Club and also along a page wire fence North 06 degrees 37 minutes 26 seconds East, a distance of 214.00 feet to a corner post of said page wire fence; thence easterly and continuing along the page wire fence South 82 degrees 51 minutes 44 seconds East, a distance of 101.51 feet to the aforementioned west line of Myrtle Street; thence southerly along the said west line of Myrtle Street South 07 degrees 12 minutes 43 seconds West, a distance of 213.10 feet to the point or place of beginning. Containing 0.492 acres.

All bearings are referred to magnetic north taken in June 1960.

The above premises were previously described as follows:

All that piece or parcel of land, together with the buildings and improvements thereon situate in

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the City of Saratoga Springs, County of Saratoga, and State of New York, located on the westerly side of Myrtle Street, and more particularly described as follows:

### Parcel I

Commencing at a point on the westerly side of Myrtle Street, said point being the southeast corner of premises heretofore conveyed to William F. Lee, Jr., by a certain deed dated October 26, 1962, and duly recorded in the Saratoga County Clerk's Office on October 29, 1962, in Book 729 of Deeds at Page 128; running thence westerly along the southerly boundary of the premises heretofore conveyed to William F. Lee, Jr. and at right angles to Myrtle Street 100' more or less to a point; being the southwest corner of the aforementioned premises heretofore conveyed; thence southerly parallel to Myrtle Street and along a page wire fence 70' more or less to a pin; thence easterly and parallel to the first mentioned course a distance of 100' more or less to a pin located along the westerly side of Myrtle Street; thence northerly along the westerly bounds of Myrtle Street 70' more or less to the point or place of beginning.

### Parcel II

Commencing at a post and page fence located on the westerly side of Myrtle Street, said post fence being approximately 48 feet southerly from the northerly boundary of lands of William F. Lee, Jr., and being the southerly boundary line of the service entrance to the restaurant known as the Dorian; running thence westerly along said page wire fence and at right angles to Myrtle Street 100' more or less to a post being the westerly boundary of a page wire fence; thence southerly along said page wire fence and parallel to Myrtle Street a distance of 75 feet; thence easterly and parallel to the first mentioned course a distance of 100' more or less to a pin located on the westerly side of Myrtle Street; thence northerly along the westerly bounds of Myrtle Street 75 feet to the point or place of beginning.

Being the same premises as conveyed in deed by Warren C. Litts, Jr., to Litts, Izzo and Cetner Medical Office Building Partnership, dated March 27, 1987 and recorded in the Saratoga County Clerk's Office on April 1, 1987 in Book 1189 of Deeds at Page 302.

### Parcel III

All that certain tract or parcel of land situate in the City of Saratoga Springs, County of Saratoga and State of New York, being bounded and described as follows;

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Beginning at a point in the westerly line of Myrtle Street, said point being the southeast corner of premises conveyed by Peter A. Issaris to John A. Behrmann by deed dated November 22, 1967, and recorded December 17, 1967 in Book 822 at Page 8; running thence southerly along the westerly line of Myrtle Street 60 feet, more or less, to the northeast corner of premises conveyed by Peter A. Issaris to George D. Anderson and Nancy Lee Anderson, his wife, by deed dated February 4, 1966 and recorded April 6, 1966 in Book 787 at page 131; running thence westerly along the north boundary line of said Anderson parcel, 100 feet, more or less, to the lands now or formerly owned by the Saratoga Golf and Polo Club, Inc., ; running thence northerly 60 feet, more or less, along said lands to the southwest corner of the above mentioned Behrmann parcel; running thence easterly along the southerly line of said parcel 100 feet, more or less, to the point of beginning.

**PARCEL 6:  
238 CHURCH STREET**

**BEGINNING** at a point on the south bounds of Church Street (a/k/a New York State Route 9N) at the northwest corner of a parcel of land conveyed by Ralph M. Flinton, et. ux. to Transitional Housing Realty, Inc. by deed dated February 1, 1979 and recorded in the Saratoga County Clerk's Office in Deed Book 1004 at Page 101, said point is about 100.00 feet westerly of the intersection of the south bounds of Church Street with the west bounds of Van Rensselaer Street and running thence South 07 degrees 05 minutes West along lands of Transitional Housing Realty, Inc. for 112.00 feet to the north bounds of North Alley; thence North 82 degrees 21 minutes West along said North Alley for 50.00 feet to the southeast corner of lands of Ronald W. Diel; thence North 07degrees 05 minutes East along lands of said Diel for 115.50 feet to the south bounds of Church Street; thence South 78 degrees 21 minutes East along said Church Street for 50.16 feet to the place where this lot first began, and containing 5,687 square feet of land.

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APPENDIX "B"

LEGAL DESCRIPTION OF ENTIRE AMENDED PUD AREA

ZONE A

All that certain tract, piece or parcel of land situate in the City of Saratoga Springs, County of Saratoga, State of New York, lying Northerly of Church Street and Easterly of Myrtle Street, and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the Northerly street boundary of Church Street with the Easterly street boundary of Myrtle Street; thence from said point of beginning along said Easterly street boundary of said Myrtle Street the following two (2) courses: 1) North 03 deg. 50 min. 09 sec. West 558.30 feet to a point; and 2) North 03 deg. 58 min. 54 sec. West 147.84 feet to its point of intersection with the common division line between Zone A, Saratoga Hospital Medical/Professional PUD on the South and the lands now or formerly of Mary Grygiel as described in Book 1099 of Deeds at Page 3, lands now or formerly of Larry D. Fox and Linda C. Fox as described in Book 1336 of Deeds at Page 220, lands now or formerly of Ronald G. Conlee and Diane M. Conlee as described in Book 1054 of Deeds at Page 537, lands now or formerly of Alice A. Smith as described in Book 1373 of Deeds at Page 745, lands now or formerly of Margaret A. MacFarland as described in Book 1097 of Deeds at Page 471, lands now or formerly of Raymond C. Yager and Terry A. Yager as described in Book 866 of Deeds at Page 364, lands now or formerly of Laurence Aryeh Alpern and Anna Alpern as described in Book 1241 of Deeds at Page 750 and lands now or formerly of Irving L. Metzger and Marcia P. Metzger, d.b.a. Metzger and Sons as described in Book 1052 of Deeds at Page 872 Deed Parcel No. 6 on the North; thence along said common division line North 86 deg. 15 min. 24 sec. East 550.31 feet to its point of intersection with the division line between said Zone A, Saratoga Hospital Medical/Professional PUD on the West and said lands of Metzger Deed Parcel No. 6 and No. 10 on the East; thence along said division line South 04 deg. 02 min. 45 sec. East 203.47 feet to its point of intersection with the division line between said Zone A, Saratoga Hospital Medical/Professional PUD on the South and said lands of Metzger Deed Parcel No. 10 on the North; thence along said division line North 85 deg. 26 min. 15 sec. East 166.00 feet to its point of intersection with the Westerly boundary of a 20-foot wide alley (a.k.a. Medical Arts Lane), said point also being the Northwesterly terminus of said alley; thence along said Westerly boundary South 04 deg. 02 min. 45 sec. East 350.00 feet to its point of intersection with the Northerly boundary of a 15-foot wide alley (a.k.a. Corey Lane), said point also being the Southwesterly terminus of said 20-foot wide alley (a.k.a. Medical Arts Lane); thence along the Northerly boundary of said 15-foot wide alley (a.k.a. Corey Lane) South 85 deg. 26 min. 15 sec. West 166.00 feet to the Northwesterly terminus of said 15-foot wide alley (a.k.a. Corey Lane); thence along the Westerly terminus of said 15-foot wide alley (a.k.a. Corey Lane) South 04 deg. 02 min. 45 sec. East 15.00 feet to its point of intersection with the division line between said Zone A, Saratoga Hospital Medical/Professional PUD on the West and lands now or formerly of J.J. Byrne as described in Book 887 of Deeds at Page 11 on the East; thence along said division line South 04 deg. 02 min. 45 sec. East 164.28 feet to its intersection with the above mentioned Northerly street boundary of Church Street; thence along said above Northerly street boundary the following two (2) courses: 1) South 84 deg. 27 min. 34 sec. West 53.49 feet to a point; and 2) South 89 deg. 29 min. 56 sec. West 500.00 feet to the point or place of beginning, containing

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10.466± acres of land.

CONTAINING 10.466± ACRES OF LAND.

Also including non contiguous property at 238 Church Street which is bounded and described as follows:

BEGINNING at a point on the south bounds of Church Street (a/k/a New York State Route 9N) at the northwest corner of a parcel of land conveyed by Ralph M. Flinton, et. ux. to Transitional Housing Realty, Inc. by deed dated February 1, 1979 and recorded in the Saratoga County Clerk's Office in Deed Book 1004 at Page 101, said point is about 100.00 feet westerly of the intersection of the south bounds of Church Street with the west bounds of Van Rensselaer Street and running thence South 07 degrees 05 minutes West along lands of Transitional Housing Realty, Inc. for 112.00 feet to the north bounds of North Alley; thence North 82 degrees 21 minutes West along said North Alley for 50.00 feet to the southeast corner of lands of Ronald W. Diel; thence North 07degrees 05 minutes East along lands of said Diel for 115.50 feet to the south bounds of Church Street; thence South 78 degrees 21 minutes East along said Church Street for 50.16 feet to the place where this lot first began, and containing 5,687 square feet of land.

CONTAINING .13± ACRES OF LAND.

**ZONES B, C, D & E**

All that certain tract or parcel of land situate and being in the City of Saratoga Springs, County of Saratoga and State of New York, bounded and described as follows:

BEGINNING at a point at the westerly side of Myrtle Street, said point being the southeasterly corner of the herein described parcel and the northeasterly corner of lands of Saratoga Golf and Polo Club, described in Liber 506 of deeds at page 405, said point being located S 36E 23' 18" W 91.69 feet from the northwesterly corner of the above described Parcel 1, thence along lands of Saratoga Golf and Polo Club, S 85E 34' 45" W 151.73 feet, N 4E 56' 05" W 70.00 feet, S 85E 34' 45" W 529.19 feet, N 3E 50' 15" W 10.00 feet, S 85E 34' 45" W 215.95 feet, N 49E 39' 29" W 42.60 feet, N 4E 53' 43" W 589.54 feet, and N 32E 06' 27" E 462.57 feet to a point; thence along lands of Dicresce, described in Liber 1235 of deeds at page 68, S 70E 59' 24" E 720.70 feet to a point at the westerly side of Myrtle Street; thence along the same, S 4E 12' 45" E 223.95 feet, S 4E 08' 15" E 490.70 feet, S 3E 25' 45" E 50.01 feet and S 4E 20' 55" E 20.00 feet to the point or place of beginning.

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CONTAINING 18.30 ACRES OF LAND

**ZONE F**

All that certain piece or parcel of land situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York, lying westerly of Myrtle Street and being more particularly bounded and described as follows:

**BEGINNING** on the west line of Myrtle Street at the northeast corner of lands of Ronald Loffredo as described in Book 1083 of Deeds at Page 520 and running thence westerly along said Loffredo's north line North 83 degrees 22 minutes 34 seconds West, a distance of 99.32 feet; thence northerly along the east line of lands of Saratoga Golf and Polo Club and also along a page wire fence North 06 degrees 37 minutes 26 seconds East, a distance of 214.00 feet to a corner post of said page wire fence; thence easterly and continuing along the page wire fence South 82 degrees 51 minutes 44 seconds East, a distance of 101.51 feet to the aforementioned west line of Myrtle Street; thence southerly along the said west line of Myrtle Street South 07 degrees 12 minutes 43 seconds West, a distance of 213.10 feet to the point or place of beginning.

CONTAINING .492 ACRES OF LAND

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**APPENDIX "C"**  
**SKETCH PLAN**

(On File in the City Planning Board Office)

ADOPTED: September 8, 1987

AMENDED: April 19, 1993

AMENDED: January 21, 1997

AMENDED: October 21, 2003

AMENDED: April 7, 2009

**Appendix C:**

**4. Water's Edge/Woodlands on Saratoga Lake Planned Unit Development (formerly 241.4)**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS THE WATER'S EDGE/WOODLANDS PLANNED UNIT DEVELOPMENT DISTRICT**

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

**SECTION 1 – TITLE:**

This Ordinance shall be known as "The Water's Edge/Woodlands on Saratoga Lake Planned Unit Development," and amends Chapter 241.4 of the Code of the City of Saratoga Springs, New York entitled "Zoning" and supersedes the Ordinance adopted thereunder on January 21, 1992, known as "The Water's Edge on Saratoga Lake Planned Unit Development."

**SECTION 2 – ZONING AND DEVELOPMENT HISTORY:**

The Zoning Ordinance of the City of Saratoga Springs and the zoning map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing Water's Edge on Saratoga Lake Planned Unit Development zoning district, and creating within the boundaries of said district a planned unit development district to be known and described as "The Water's Edge on Saratoga Lake Planned Unit Development."

The original Planned Unit Development for the land in the project now known as The Water's Edge/Woodlands on Saratoga Lake was first established on April 30, 1987, by the adoption of an ordinance by the City Council of the City of Saratoga Springs establishing a Planned Unit Development to be known as, "The Water's Edge on Saratoga Lake Planned Unit Development." On January 21, 1992, a third ordinance for the Planned Unit Development was adopted by the City Council of the City of Saratoga Springs, also naming the district, "The Water's Edge on Saratoga Lake Planned Unit Development." Collectively, these three previous ordinances will be referred to as the, "Past PUD Legislation."

Past PUD Legislation contemplated that the are of planned unit development would consist of approximately 143 acres and that the said land could be developed with a maximum of 349 units (consisting of a maximum of 244 townhouses and 105 single family homes) in five phases. To date, the Planning Board has granted PUD site plan approval pursuant to past PUD Legislation for 117 townhouses and 64 single family homes.



**SECTION 3 – BOUNDARIES:**

The area of "The Water's Edge/Woodlands on Saratoga Lake Planned Unit Development," consists of approximately 143 acres located in the City of Saratoga Springs and is bounded and described as set forth in Appendix "A" – Legal Description, attached hereto and made a part hereof, and Appendix "B" – Sketch Plan, which is on file in the Office of the Planning Board of the City of Saratoga Springs, New York. The property is designated on the Assessor's Map of the Outside Tax District as set forth on Appendix "C" – Tax Map Identification.

**SECTION 4 – PURPOSE:**

It is the purpose of this Ordinance to provide a means, to establish parameters and limits of residential growth in the Kaydeross Park Road and Arrowhead Road areas. It is the further purpose of this Ordinance to promote flexibility in the development and design of that area by creating a variety of residential types that will result in the more efficient use of land, promote good site design and visual quality and result in a more pleasing environment than otherwise possible and to meet the objectives otherwise set forth in Section 240-3.1 of the City's Zoning Ordinance.

**SECTION 5 – PERMITTED USES, DENSITY AND OFF-STREET PARKING:**

1. There shall be constructed within the boundaries of "The Water's Edge/Woodlands on Saratoga Lake Planned Unit Development," residential use types consisting of single family dwelling units and attached townhouses.

2. The sketch plan has three zones:

Zone A has approximately 38 acres. This area will be developed with a maximum of 180 townhouses (of which approximately 109 have been built to date) and includes an existing boardwalk, four tennis courts, an outdoor swimming pool, a beach not to exceed 600' in length, a marina for the exclusive use of association members not to exceed 175 slips (of which 70 slips have already been provided), a stormwater detention pond, slope stabilization, if required pursuant to reasonably accepted engineering standards, a community and indoor recreation center and adjacent parking. Zone A shall also include the following additional amenities: a level "village green" passive park of approximately one contiguous acre with vehicular access to Arrowhead Road that may include an outdoor playground; approximately 655 linear feet of seawall and shoreline restoration; and approximately 350 linear feet of extended boardwalk along the shoreline of Saratoga Lake.

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The gross density of Zone A is 4.7 units per acre.

Zone B has approximately 47 acres. This area will be developed with a maximum of 85 single family detached residential units (of which approximately 45 have been built to date).

The gross density of Zone B is 1.8 units per acre.

Zone C has approximately 58 acres. This area will be developed with a maximum of 38 new single family detached residential units. Zone C shall include a 26 acre Archaeological Park and a 2 acre parcel which contains a pre-existing, single family residence, such that Zone C may contain a maximum of 39 single family units upon completion of development. A recreation area not exceeding 3.5 acres, including any buffer, environmentally sensitive and storm water management areas, may be developed within the park area. Said recreation area and all associated uses and amenities shall be subject to PUD site plan approval by the City Planning Board. The sketch plan for this recreation area as shown in Appendix B shall serve as a general guide to preparation of the preliminary and final PUD site plan.

Said recreation area is principally intended to serve children residing in a unit within the Water's Edge/Woodlands on Saratoga Lake Homeowner's Association.

Said recreation area may include space for active general recreation activities, a play area for children, a picnic area and covered pavilion with restrooms. The size and location of said uses shall be determined by the City Planning Board during PUD site plan review. Said area may also include parking and an access drive, the locations of which shall be determined by the City Planning Board during PUD site plan review. The Planning Board, in its judgment, may limit the number of parking spaces and determine the location of parking and any access drive on the site; however, no more than 12 parking spaces, including any designated handicapped spaces, shall be permitted.

All adjacent residential properties shall be adequately buffered by appropriate plant materials and, if deemed necessary by the Planning Board, fencing and other noise absorbing barriers. No amplified sound or music shall be allowed. Buffer areas shall, at a minimum, be consistent with those shown on the referenced Sketh Plan.

Use of said recreation area shall be limited to from sunrise to sunset and no outdoor lighting designed and intended to allow night recreational activities shall be installed on the site. The HOA shall monitor site activities to ensure compliance with this section and shall be solely responsible for its good management and upkeep and shall install appropriate signage detailing hours of operation and the prohibition against on-site amplified music and sound.

A significant portion of Zone C contains sensitive archaeological resources and any

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development within this zone is contingent upon appropriate archeological investigations and mitigation, if required.

The gross density of Zone C shall not exceed 0.8 units per acre.

3. The applicant shall have the right to increase the density in Zone A up to 5 percent and Zone B and Zone C up to 15 percent of the number of units set forth above, provided, however, the overall density of the planned unit development is not increased thereby and the use within each phase, i.e. attached townhouse or single-family, is not altered, amended or changed.
4. Accessory use: The HOA shall be permitted to construct an accessory maintenance building up to 700 square feet in size in one of the common areas located in the Recreation Area in Zone A. The facility shall be located on level buildable land sufficient to accommodate such a building.
  - A. This facility shall be located on level buildable land sufficient to accommodate such a building.
5. Off-street parking requirements for facilities will be as follows: up to 5 permitted public parking spaces for trail system in the archaeological parking in Zone C; 100 parking spaces for the Recreation Area in Zone A; 2 parking spaces for each dwelling unit, and; for attached townhouses, 1 space shall be provided in the garage and one space outside of the unit. However, for attached townhouses which are constructed after the effective date of this ordinance, two outside parking spaces shall be provided in addition to the one required space in the garage.
6. A common parking area shall be permitted to be constructed on property to be conveyed by the developer or its successor to the HOA not later than 60 days after the effective date of this ordinance, which property is located across from "Beach Court," and known as Tax Map Identification Number 193.29-2-70. The HOA may apply for PUD site plan approval for a common parking area on this property at any time prior to June 1, 2002.

### **SECTION 6– HOMEOWNER'S ASSOCIATION AND COMMON AREAS:**

1. There previously has been established a "Water's Edge," homeowners association which was established in accordance with law. Said homeowners association, now known as "Waters Edge/Woodlands on Saratoga Lake Homeowners Association, Inc." shall hold in common ownership all open spaces and other common amenities and shall maintain the same. The developer shall not transfer fee ownership of any land in Phases 6, 7 or 8 in Zone A, to the HOA, except for land associated with or required for the additional construction of the boardwalk, marina and dock storage.

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2. The common areas shall encompass all lands associated with storm water retention and management.
3. The HOA shall be permitted to construct an accessory maintenance building, up to 700 square feet in size, on a common area parcel located in the Recreation Area in Zone A and consisting of buildable land sufficient to accommodate such building in compliance with all city codes. The HOA may apply for PUD site plan approval for this maintenance facility at any time prior to June 1, 2002.

### **SECTION 7– SKETCH PLAN:**

The attached Sketch Plan, Appendix "B", shall be used by the City and the developer as a guide for overall development of "The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development".

The Sketch Plan is to be used as a guide by the Saratoga Springs Planning Board as it undertakes PUD site plan approvals for each phase or project. The permitted uses, overall PUD density and PUD boundaries may be amended and modified by the City Council under provisions hereinafter provided.

### **Section VIII - Utilities**

1. The entire "The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development" area, with the exception of the archaeological park and the adjacent two acre residential parcel, will be serviced by municipal water and sanitary sewer lines in the manner directed by the City of Saratoga Springs.
2. All water and storm drainage lines shall be constructed to City standards at the time of dedication and when completed shall be turned over to the City for ownership and maintenance. The City will be provided with any easements necessary for the maintenance of utility systems.
3. All sanitary sewer lines shall be constructed to Saratoga County Sewer District #1 (SCSD) standards and, when completed, shall be turned over to the SCSD #1 for ownership and maintenance.

### **Section IX - Development Procedures**

- 1, Prior to the issuance of a building permit to develop any of the area within the Planned Unit Development the developer shall receive PUD site plan approval from the

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Planning Board of the City of Saratoga Springs. Such PUD site plan approval shall be in conformance with Sections 240-3 and 240-5 of the Zoning Ordinance of the City of Saratoga Springs. If in the development of the PUD site plan it becomes apparent that certain elements of the Sketch Plan are infeasible and in need of significant modification, any significant modification thereof must be approved in accordance with the Zoning Ordinance of the City of Saratoga Springs. Any standard concerning the construction of residential units to be constructed within "The Waters Edge on Saratoga Lake Planned Unit Development" shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the HOA Architectural Control requirements and New York State Building Codes in force and effect at the time of PUD site plan approval for the units to be so constructed.

2. Within sixty (60) days of receipt of the PUD site plan application, the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the PUD site plan according to the procedure and time as specified in Section 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs.
3. The official signature of the Planning Board must be placed on the PUD site plan no later than six months from the date of the Board's authorizing resolution or motion except for those approvals which do not require the action of any state or county agency, in which case the official signature of the Planning Board must be placed on the PUD site plan no later than three months from the date of the Board's authorizing resolution or motion. The original Board authorization shall expire if not stamped and/or signed within these periods.
4. The Planning Board shall require the developer to post financial securities to cover 100 percent of the cost estimate approved by the Board of all required improvements for any PUD site plan approval. These improvements include any and all on-site and off-site improvements, within the existing or proposed public right-of-way and on private property. All such securities shall have an expiration date of less than two years from the date of issuance.
5. The City Council shall have the discretion to consider any proposed amendment to the Ordinance in accord with the provisions set forth in Section 240-3.12 of the Zoning Ordinance. The Council shall weigh the need for the proposed change in the legislation with its consistency with the adopted Comprehensive Plan and existing character of the neighborhood. The City Council shall consider all necessary safeguards to minimize possible detrimental effects of the proposed change on the adjacent properties, on public services, on the natural elements making up the environment of the area, and on the historic and archaeological character of the area.

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**Section X - Phasing**

1. The Planned Unit Development shall be developed in accordance with the following phasing plan:

<u>Phase</u>	<u>Maximum Number of Units</u>		<u>Site Plan Approval Must be obtained by</u>
	<u>Townhouses</u>	<u>Single Family</u>	
1	69	2	(approved)
2	46	20	(approved)
3	0	42	(approved)
4	15	0	12/31/1999
5	12	0	12/31/2002
6	12	0	12/31/2004
7	13	0	12/31/2006
8	13	0	12/31/2008
9	0	21	12/31/1999
10	0	20 (19 new)	12/31/2004
11	0	19	12/31/2008
<b>Total:</b>	<b>304</b>	<b>180</b>	<b>124 (123 new)</b>

2. The developer or its successor shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 3 before applying for PUD site plan approval for Phase 4. The developer shall apply for PUD site plan approval for Phase 4, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 4, before applying for PUD site plan approval for Phase 5. The developer shall apply for PUD site plan approval for Phase 5, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 5, before applying for PUD site plan approval for Phase 6, 7 or 8. However, because of their geographic proximity and the City's development standards, the developer shall not be required to obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 6 or 7 before applying for PUD site plan approval for Phases 7 and 8. Therefore, the developer may elect to apply for PUD site plan approval for Phases 6, 7 and 8 (collectively to be known as "Rafters Ridge") in any order on less than three separate occasions. A completed public access road for all lots in Phases 6, 7 and 8, which shall be accepted for ownership and maintenance by the City, shall be

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required to be constructed as part of PUD site plan approval for the first of Phases 6, 7 and/or 8 for which PUD site plan approval is sought.

The developer shall apply for PUD site plan approval for Phase 3, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 3, before applying for PUD site plan approval for Phase 9. The developer shall apply for PUD site plan approval for Phase 9, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 9, before applying for PUD site plan approval for Phase 10. The developer shall apply for PUD site plan approval for Phase 10, and shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in Phase 10, before applying for PUD site plan approval for Phase 11.

3. There will also be an existing single family dwelling near the archaeological park. An application for PUD site plan approval for the creation of a separate parcel for this residence or for any improvements associated with this dwelling can be made at any time.
4. The developer shall not subdivide the maximum number of units within a phase. Upon receipt of PUD site plan approval for a phase, the developer shall not reapply for additional PUD site plan approval for any lots within said phase. This provision shall not restrict the right of the developer to reapply for PUD site plan approval for a phase(s) pursuant to subsections 1 and 2 of this section, in the event of site plan approval expiration pursuant to subsection 5 of this section.
5. PUD site plan approval for a phase shall expire if the applicant has not obtained at least one building permit for a dwelling unit(s) to be constructed within that particular phase within one year of the date of PUD site plan approval for such phase. In the event PUD site plan approval for a phase(s) expires pursuant to this section, the developer may reapply for PUD site plan approval only if in compliance with the conditions and deadline dates set forth in Section X, "Phasing", subsections 1 and 2. On good cause shown an application may be made for an extension of an approved site plan, which request shall not be unreasonably denied. An application for such request may be made to the Planning Board of the City of Saratoga Springs.
6. Planned Unit Development zoning approval for the project may expire for a phase and all subsequent phases if PUD site plan approval is not obtained from the City of Saratoga Springs by the dates specified above, after notice and public hearing. In that event, the zoning for this site shall revert to the zoning district of C-

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Conservancy, as established and in force at the time of enactment of the Ordinance adopted on April 30, 1987 known as An Ordinance For The Establishment of a Planned Unit Development District to be known as "The Vista on Saratoga Lake Planned Unit Development".

On good cause shown, an application for an amendment to the expiration date may be made to the City Council of the City of Saratoga Springs, the approval for which shall not be unreasonably withheld.

### **Section XI: Development Standards**

1. All interior roads servicing the Planned Unit Development as per the Sketch Plan shall be constructed in accordance with City standards and specifications at the time of dedication. No cul-de-sacs or eyebrow street patterns are permitted in Phases 4, 5, 6, 7 or 8 in Zone A. The developer, or its successor, shall be required to post a performance bond, irrevocable letter of credit or similar instrument providing for the completion of all road improvements within "The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development" as per the Sketch Plan and specifications established by the City of Saratoga Springs during PUD site plan review. Such bond, irrevocable letter of credit or similar instrument shall be in the form and for the amounts directed by the City of Saratoga Springs.
2. Any shoreline restoration in the area designated as Phase 6, 7 and 8 in Zone A required pursuant to reasonably accepted engineering standards shall be addressed not later than the PUD site plan approval process for Phase 5.

The developer, or its successor, shall apply for and obtain PUD site plan approval from the Planning Board for improvements associated with slope stabilization, if required by the City pursuant to reasonably accepted engineering standards and boardwalk construction for the area along the shoreline of Saratoga Lake in Zone A owned by the developer, not later than the PUD site plan approval process for the first of Phase 6 or 7 for which PUD site plan approval is sought.

3. All streets within the Planned Unit Development shall be dedicated to the City of Saratoga Springs, New York.
4. The developer, or its successor, shall install streetlights pursuant to City standards within the rights of way within the project site for PUD site plan approvals granted after the effective date of this ordinance.



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5. The developer, or its successor, shall install street trees, street signs and parking control signs pursuant to City standards for PUD site plan approvals granted after the effective date of this ordinance.
6. The developer, or its successor, in cooperation with the City, shall provide and install street signs and street lights as required by the City and pursuant to City standards in the previously approved and developed Phases 1 and 2, no later than December 31, 1998. The City shall provide street trees to the developer for planting in the previously approved and developed Phases 1 and 2 which the developer shall install upon receipt of said trees from the City. One tree for each approved lot in Zone B which does not have a tree in the right-of-way at the date of this Ordinance shall be provided by the City and installed by the developer.
7. The developer, or its successor, shall install sidewalks and curbs within the project site within the City right-of-way.
8. Adequate lighting, to be owned and maintained by the individual homeowners, shall be installed and located outside of the rights-of-way within the project site.
9. During PUD site plan approval for any phase or at any other time, the developer, or its successor, may apply to construct dock improvements to add boat slips up to the allowed maximum of 175 total slips, in the area of the existing marina. Upon completion of the installation of additional boat slips, the developer, or its successor, shall convey to the HOA the land along and/or near the Saratoga Lake shoreline adjacent to said boat slips, including the adjacent boardwalk. The developer, or its successor, shall install approved boat slips of the same design and quality as those installed in earlier Phases, up to the 175 maximum allowed.
10. . Except for any archaeological testing required by the City of Saratoga Springs, no lands in Zone A or in the Archaeological Park in Zone C greater than 1,200 square feet in area within the PUD may be disturbed (including but not limited to excavation, grading, filling, and soil disturbance) by any property owner without first having obtained PUD site plan approval or soil disturbing and sediment control plan approval from the Planning Board.

### **Section XII - Off-site Improvements**

The developer, or its successor, shall be responsible for the following off-site improvements:

1. The developer shall design and construct any off-site improvements to the sanitary sewer lines as required by the Saratoga County Sewer District #1.

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

2. The developer shall agree to a traffic monitoring plan as part of the Planned Unit Development site plan approval for the first phase of Phase 6, 7 or 8 for which PUD site plan approval is sought. New traffic counts must be taken and traffic studies completed to verify the level of traffic service then existing on all segments and intersections identified in the traffic impact study prepared by Greiner Engineering Services. After reviewing such traffic study, the City of Saratoga Springs has the right to restrict further development of the Planned Unit Development until the necessary off-site highway improvements are made. In the event that the traffic monitoring plan indicates that the Planned Unit Development has caused or contributed to a level of traffic service which necessitates off-site highway improvements, the City of Saratoga Springs will require the developer to contribute to the cost of any such off-site highway improvements deemed necessary in proportion to the degree which the Planned Unit Development has caused or contributed.
3. The off-site improvements set forth in the previously adopted planned Unit Development Ordinance for the project, as recited at Section II of this Ordinance, which are not set forth in this section, have been constructed and completed prior to the effective date of this ordinance.

### **Section XIII - Archaeological Park**

1. Approximately sixteen (16) acres will be preserved as an archaeological site as shown on the Sketch Plan. The Water's Edge/Woodlands on Saratoga Lake Homeowner's Association, Inc. shall be responsible for the maintenance and management of the facilities at the archaeological park. A public pedestrian access easement will be provided through the archaeological park in a manner to be determined at PUD site plan approval for Phase 10.
2. The design for the improvements in this area shall be part of PUD site plan approval for Phase 10.
3. The ownership of any portion of the archaeological park cannot be sold, transferred or conveyed without prior approval by the City of Saratoga Springs unless such transfer or conveyance of the archaeological park is to the Waters Edge/Woodlands on Saratoga Lake Homeowners Association, Inc. The HOA shall not be permitted to sell, transfer or convey any portion of the archaeological park, its management or its maintenance, to a not-for-profit or land conservancy organization, without the prior approval of the City Council to such sale, transfer or conveyance.
3. Nothing in this ordinance shall be construed as restricting the rights of the owners of this property from regulating the property relative to prohibiting camping,

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

boat launching (other than small non-motorized boats such as canoes and rowboats), picnicking, hunting, etc.

### **Section XIV - Area and Bulk Schedule**

The area and bulk schedule for The Waters Edge/Woodlands on Saratoga Lake planned Unit Development is attached hereto as Appendix "D".

### **Section XV - Filing Requirements**

Copies of the final approved site plan shall be filed with the City Planning Board and City Clerk.

### **Section XVI - Validity**

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

### **Section XVII - Construction Standards**

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. The City may require any or all costs connected with this to be borne by the developer.

### **Section XVIII - Transfer of Ownership**

In the event that ownership of the area wholly encompassed by The Waters Edge/Woodlands on Saratoga Lake Planned Unit Development is transferred or conveyed to any third person, firm, corporation, partnership or other entity by the applicant herein, the City Council of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the procedures set forth in Section 240-3 of the Zoning Ordinance of the City of Saratoga Springs.

### **Section XIX - Effective Date**

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

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Adopted: April 30, 1987

Amended: November 18, 1991

Amended: January 21, 1992

Amended: June 16, 1998

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**APPENDIX "A"**

**.LEGAL DESCRIPTION OF LANDS TO BE IN  
"THE WATER'S EDGE/WOODLANDS ON SARATOGA LAKE PUD"**

ALL THOSE CERTAIN PARCELS OF LAND situated within the City of Saratoga Outside District, County of Saratoga, New York State being bounded and described as follows:

Parcel No. 1:

Beginning at the intersection of the east line of Arrowhead Road with the north line of lands now or formerly owned by Robert S. O'Fee and Helena B. O'Fee according to Book 692 of Deeds at page 413 and proceeding thence northerly along the east line of the said Arrowhead Road about 743 feet to the northwest corner of lands now or formerly owned by Kaydeross Park Corporation according to Book 922 of Deeds at page 129; thence in an easterly direction along the north line of the said Kaydeross Park Corporation lands having an interior angle of 89 deg. 30 min. for a distance of about 700 feet a point located in the west line of the Kaydeross Park Road (formerly Union Avenue), said point being the southeast corner of Lot 95 as shown on a map entitled "Hudson Valley Railroad Company - Map Showing Land And Subdivision of portion of The Land, Saratoga Lake, NY" dated January 22, 1923 and filed in the Saratoga County Clerk's Office February 16, 1926 in Drawer "CC" as Map No. 83; thence continuing along said north line extended across Kaydeross Park Road to the southeast corner of Lot No. 79 as shown on said map and further described as the southeast corner of lands now or formerly owned by Robert D'Andrea and Teresa D'Andrea according to Book 786 of Deeds at page 109; thence running around the said lands of D'Andrea the following three (3) courses: 1) northerly along the east line of the said Kaydeross Park Road about 325 feet to the northwest corner of Lot No. 82 as shown on said map; 2) easterly about 463 feet to the northwest corner of Lot No. 54 as shown on said map; 3) Southerly about 325 feet to the southwest corner of Lot No. 51, said point being the southeast corner of the aforesaid lands of D'Andrea and located in the north line of a parcel of land owned by Kaydeross Park Corporation according to Book 451 of Deeds at page 396; thence easterly along said north line about 277 feet to the southeast corner of Lot No. 37 as shown on said map; thence northeasterly along the southeasterly end of Lot Numbers 37, 38, 39 and 40, about 379 feet to the northeasterly corner of Lot No. 40, which corner is also in the southwesterly side of Walker street; thence southeasterly along the extension southeasterly of the northwesterly side of Walker Street about 485 feet to a corner in the northwesterly shore of Saratoga Lake; thence southwesterly along said shore of lake as it winds and turns about 2,070 feet to its intersection with the northeasterly line of lands now or formerly owned by Malcolm E. Quinn according to Book 897 of Deeds at page 289; thence along the said lands of Quinn the following two courses: 1) northwesterly about 141 feet to Quinns most northerly corner and 2) southwesterly at right angles to the previously described line 55 feet to a point located in the northeasterly line of lands now or formerly owned by Antonio

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

Ottani and Alberta Ottani as described in Book 445 of Deeds at page 358; thence along the said lands of Ottani the following two (2) courses: 1) northwesterly 40.5

feet to Ottani's most northerly corner and 2) southwesterly at right angles to the previously described line 65 feet to the most northerly corner of lands now or formerly owned by Floyd N. Christopher and Kathrine Christopher according to Book 650 of Deeds at page 272; thence southwesterly along the northwest line of said Christopher 109 feet to a point in the northeasterly line of a lot sold to Arthur E. Deyoe by Deed dated March 23, 1926; thence northwesterly along the said line 105 feet to the most northerly corner of the said lot conveyed to Deyoe; thence continuing northwesterly across a driveway and along the northeasterly side of Lot No. 25 as shown on said map 164 feet to the most northerly corner of said lot; thence northerly 82.78 feet along the east side of a 20 foot wide driveway as shown on said map to the most westerly corner of lands now or formerly owned by William P. Wrobel and Josephine C. Wrobel according to Book 728 of Deeds at page 264; thence along the said lands of Wrobel the following five (5) courses: 1) South 68 deg. East, 123.6 feet; 2) South 40 deg. 20 min. East 64.8 feet; 3) South 87 deg. 40 min. East, 60.55 feet; 4) North 02 deg. 20 min. East, 161.25 feet; 5) North 84 deg. 10 min. West, 164.15 feet to a point lying in the aforesaid east line of a 20 foot wide driveway; thence running westerly across the said driveway 20 feet to the northeast corner of Lot No. 36 as shown on said map; thence northerly about 115 feet along the east line of lands now or formerly owned by Florence Ciccarelli according to Book 940 of Deeds at page 252 to the northeast corner thereof; thence westerly about 373 feet along the south line of a street or roadway leading from the Arrowhead Inn Road to the park pavilion to the point of beginning.

EXCEPTING AND RESERVING, HOWEVER, ALL THAT CERTAIN PIECE OR PARCEL OF LAND being in the City of Saratoga Springs, Outside District, County of Saratoga, being bounded and described as follows:

Beginning at the northwesterly corner of Lot No. 54 as shown on the said map of "Hudson Valley Railroad Company... "described above, and running southwesterly along Lot Numbers 54, 53, 52 and 51 as laid out on said map, to the southwest corner of Lot 51; thence running northwesterly to the middle of Avenue B; thence running northeasterly along the center line of Avenue B to a point in the south side of Walker Street; thence running southeasterly to the place of beginning.

Also excepting and reserving the right-of-way over the roadway as laid out on said map, which roadway runs from Union Avenue as extended around the west of the premises herein conveyed to the Arrowhead Inn Road.

Also excepting any water rights heretofore granted over lands of the Kaydeross Park Corporation as described in Book 451 of Deeds at page 396, to adjacent landowners; also reserving to Elmer A. Walker and Edith F. Walker the right or privilege of taking and using

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water from a certain spring located on the premises hereby conveyed, and shown on the aforesaid map on file in the Saratoga County Clerk's Office entitled "Hudson Valley Railway Company, Map Showing Land and Subdivisions of portion of land, Saratoga Lake, New York", together with the right to lay pipes or conduits for carrying said water across the premises hereby conveyed, together with the right to enter in and upon the premises to repair or replace any pipes carrying such water to the residence of the said Walkers.

Kaydeross Park Corporation is to maintain and supply a sufficient pressure of water in the present tank, or any other tank which may replace same to maintain a constant flow of water to the premises of the parties of the first part with the exception of the winter months from November 1 to May 1 of each year.

The Kaydeross Park Corporation does covenant and agree to extend Avenues B and C to the roadway leading from the restaurant, located on the within described parcel of land, to the bath houses also located on said land and to allow owners of lots to the northeast of the within described parcel of land to use for pedestrian purposes said extended Avenues B and C as a means of access to Saratoga Lake. The use of Avenue B and C over the above described parcel to be under the jurisdiction of the Kaydeross Park Corporation.

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**APPENDIX "B"**

SKETCH PLAN

Original on file in the Office of the Planning Board of the City of Saratoga Springs



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**APPENDIX "C"**

TAX MAP IDENTIFICATION

The following tax parcels are within the boundaries of the "Water's Edge/Woodlands on Saratoga Lake PUD" at the date of this Ordinance:

Outside District

Section	Block	Lot
192	1	40.11
192	1	14.2
192	1	40.12
192	1	45
192	1	41.2
192.08	1	1 through 64
192.36	1	1 through 31
192.12	1	51
193.29	1	1 through 48
193.29	2	7 through 36
193.29	2	70
192	1	42
192	1	41.12
192.08	1	98.11
192.08	1	98.2
192.08	1	98.3
198.36	1	32

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**APPENDIX “D”**

AREA AND BULK SCHEDULE

USE: Townhouses (Zone A)

<u>Minimum Lot Size</u>		<u>Minimum Yard Dimensions</u>		
<u>Area</u>	<u>Width</u>	<u>Front</u>	<u>Rear</u>	<u>Side Yard</u>
2500 sq. ft.	20 ft. (A)	30 ft. (B)	25 ft.	10 ft. end units (C)

Principal Buildings

<u>Minimum Floor Area</u>	<u>Minimum Height</u>
1,500 sq. ft. including 1-car garage	25 ft.

- Notes: (A) Lot width for townhouses is measured at the public right-of-way.
- (B) 36 feet for garages after effective date of ordinance, or 275 square feet of contiguous green space.
- (C) Maximum four (4) units per structure for Phases 4 and 5 in Zone A. Maximum six (6) units per structure in Phases 6, 7 and 8 in Zone A.

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ACCESSORY HOA MAINTENANCE BUILDING

Maximum Floor Area	Maximum Height
700 feet	20 feet

Minimum Yard Dimensions

Front	Rear	Side
30 feet	25 feet	10 feet

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USE: Single Family Residences (Zones B and C)

Minimum Lot Size <u>Area</u>	<u>Width</u>	Minimum Yard Dimensions		
		<u>Front</u>	<u>Rear</u>	<u>Side</u>
15,000 sq. ft.	80 ft.	30 ft.	25 ft.	10 ft.

<u>Principal Buildings</u>		<u>Accessory Buildings Minimum Distance to</u>		
<u>Minimum Floor Area</u>	<u>Maximum Height</u>	<u>Principal Building</u>	<u>Side Lot Line</u>	<u>Rear Lot Line</u>
1,600 sq. ft. excluding 2-car garage in Phases 10 and 11.	30 ft.	12 ft.	3 ft.	3 ft.
2,000 sq. ft. excluding 2-car garage in Phase 9.				

Note applicable to all units/lots:

1. Decks and stairs may extend within the 25 foot rear building setback a maximum of 15 feet.

**Appendix C:**

**5. Weibel Plaza Commercial Planned Unit Development (formerly 241.5)**

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "WEIBEL PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, following a public hearing, as follows:

Section I. NAME

This ordinance shall be known as "WEIBEL PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT" and creates a Chapter 241.5 of the Zoning Ordinance of the City of Saratoga Springs, New York.

Section II. AMENDMENT

The Zoning Ordinance of the City of Saratoga Springs and the Zoning Map of the City of Saratoga Springs as set forth therein be and the same are hereby amended by changing the existing zoning district of Rural Residential-2, RR-2, and creating within the boundaries of said newly described area attached hereto as Appendix "A" and made a part hereof, to a Commercial Planned Unit Development District and creating within the boundaries of said described area a commercial planned unit development to be known and described for purposes of this legislation as "Weibel Plaza Commercial Planned Unit Development."

Section III. BOUNDARY

The acreage involved in the Weibel Plaza Commercial Planned Unit Development is 39.12+ acres and it is bounded and described in Appendix "A" attached hereto. The area is located on the City of Saratoga Springs northerly boundary with the Town of Wilton, and is situated on the southwest corner of the intersection of Weibel Avenue and Loudon Road in the City of Saratoga Springs, Saratoga County, New York. The three parcels involved in the site are listed on the City of Saratoga Springs Outside Tax District Map as Section 153, Block 1, Lot 4, Section 153, Block 1, Lot 5, and Section 153, Block 1, Lot 18.

Section IV. SKETCH PLAN

The "Sketch Plan" for the development is attached hereto, marked Appendix "B", and made a part hereof. Appendix "B" shall be used by the City and the developer as a general guideline for the overall development of the site. This plan may be changed, altered or amended pursuant to Section 240-3.13(f) of the Zoning Ordinance of the City of Saratoga Springs. A sepia mylar of the final approved sketch plan shall be filed with the City Planning Board and the City Clerk. A copy shall be filed with the City Building Inspector.

Section V. PURPOSE

It is the purpose of this ordinance to provide for the means of development of a mixed use commercial center in an area containing substantial established commercial development. To allow this commercial center to develop, flexibility in design concepts and criterion, building size, and location must be allowed to permit marketing and utilization of this project in an economically reasonable fashion while employing good design techniques which promote a project of an acceptable visual quality while incorporating concerns for the on-site and off-site environment.

Section VI. USES AND CHARACTERISTICS

There shall be constructed within the boundaries of the Weibel Avenue Plaza Commercial Planned Unit District structures and improvements for commercial utilization, all permitted principal uses, accessory uses and uses permitted upon issuance of a special use permit as set forth in the Commercial-2 District as of the date of the enactment of this legislation, provided in Appendix "C".

The project would be constructed as tenants are identified for use of individual buildings or a portion of a building. The project site shall have two geographic zones, A and B, as shown on the sketch plan. Each zone may be developed in more than one phase.

Zone A shall be developed with a maximum of nine buildings in the eastern portion of the site. It shall contain a maximum of 300,000 square feet of commercial space.

Zone B shall be developed with a maximum of three buildings in the western part of the site. It shall contain a maximum of 200,000 square feet of office space and hotel commercial space.

The applicant shall have the right to increase the density of use in either of the two zones by 15% provided the overall density of the planned unit development is not increased thereby.

Parking which shall be provided within the site shall meet the requirements as to the number of available parking spaces, as specified in Article 240 of the Zoning Ordinance of the City of Saratoga Springs, New York, as that Ordinance exists at the time of the enactment of this legislation, provided in Appendix "C", for those uses established or to be established within this commercial planned unit development.

Parking spaces located off site but within the Planned Unit Development may be utilized to satisfy the parking demand requirements for uses on another lot within the PUD. \_

The area and bulk standards for this planned unit development shall be as follows: minimum lot size - 15,000 square feet; mean width -100 feet; maximum percent of lot to be occupied by a principal building - 30 percent; maximum percent of lot to be occupied by accessory building - 15 percent; minimum yard dimension for principal building - 30 feet for front yard along Loudon Road, 40 for all other front yards, 40 feet for all side and rear yards along the exterior boundary of the PUD, 0 feet for all side and rear yards along the internal lot lines within the PUD; minimum yard dimension for parking, accessory structures and other features - 5 feet on front yards, 0 feet on side and rear yards along the internal lot lines within the PUD; maximum height of principal buildings - 60 feet; accessory building minimum distance to principal building - 10 feet; and, minimum percent of lot to be permeable - 15 percent. In addition to the above, there shall be a special 35 foot landscaped buffer along the western boundary with the "Adirondack Northway", 1-87, property. There shall not be a requirement for a 30 foot densely planted buffer along the boundary of any lands owned by the City of Saratoga Springs, the State

Department of Transportation or the Niagara Mohawk Power Company; even though such lands are in a residential zoning district.

There may be more than one principal building located on a parcel within the project site, and the placement of such buildings shall be negotiated and determined during the site plan approval process.

All signs shall comply with the regulations for commercial signs of that Ordinance that exists at the time of the enactment of this legislation, provided in Appendix "C". All other development standards, not expressly stated within this legislation, shall be those in existence at the time construction approval is sought.

## Section VII: INFRASTRUCTURE

The completed project as developed shall be serviced by municipal water and sewer lines. Zone A of the project, as described above, shall be serviced by municipal water and an on-site sewage infiltration system. Upon the occupancy by a leasehold tenant in any component building in Zone B, the entire development shall be converted so as to be serviced solely by municipal water and sewer lines. These lines shall be installed at the cost and expense of the developer and shall be placed in rights-of-way or run through easements owned or controlled by the City of Saratoga Springs, up to the point where they enter upon the real property described in Appendix "A" attached hereto, except certain water lines within the planned unit development may have easements granted to the City. Any improvements placed in the City of Saratoga Springs right-of-way or easement shall be dedicated to and accepted by the City of Saratoga Springs or the appropriate agency. The City of Saratoga Springs shall accept the easements within the project site which contain the utility lines to be dedicated to the City of Saratoga Springs.

The developer shall construct a storm water infiltration system within the site, which shall be constructed and designed utilizing the appropriate state or local design standards that exist at the time of PUD site plan review. The cost for the construction and maintenance of the storm water infiltration system shall be the developer's. All infrastructure improvements to be dedicated to the City of Saratoga Springs shall be constructed to the then existing City of Saratoga Springs standards and codes.

## Section VIII. OFF-SITE IMPROVEMENTS

The developer shall be responsible for the following off-site improvements.

- A. Louden Road shall be extended so that it intersects with the westerly bounds of New York State Route 50. The construction criterion for the road shall meet all applicable state and local requirements. The roadway shall be wide enough for two travel lanes of 12 feet each in width for the western 600+ feet of the extension, and shall consist of the three travel lanes of 12 feet each in width for the eastern 560+ feet leading east from the existing McDonald's Restaurant entrance/exit up to Louden Road's intersection with the westerly boundary of Weibel Avenue. The roadway shall be completed within 18 months of the issuance of the initial building permit for the first structure, and shall be dedicated to the appropriate municipal government. The road shall be built to the specifications of the appropriate municipal government, with New York State Department of Transportation approval. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- B. Appropriate striping and pavement markings shall be added to the intersection of Weibel

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Avenue and Louden Road and the traffic light situated at that intersection shall be relocated or re-timed to control the additional flow of traffic as directed by the appropriate highway authorities. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

- C. Weibel Avenue, from the intersection of Louden Road going south to the main entrance of the site, shall be widened so that a right-hand turn lane may be added to the southbound lane of traffic on Weibel Avenue, which would permit the free flow of traffic in a northerly and southerly direction on said roadway. An appropriately designed public transit stop or turnout shall also be constructed. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- D. An additional southbound lane shall be installed north of the intersection of Weibel Avenue and Louden Road. This will permit an exclusive southbound left turn lane onto Louden Road and a shared through/right turn lane. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- E. At the intersection of Lake Avenue (Route 29) and Weibel Avenue, a westbound right turn lane shall be constructed in addition to the single westbound lane now provided. With this addition, each leg of the intersection will have two-lane approaches. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- F. The existing lane markings on Weibel Avenue northbound at the intersection of Route 50 shall be changed to allow an exclusive left turn lane and a combined left/through/right turn lane. This change can be accomplished without additional physical construction. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- G. The developer, or its successor, shall contribute an amount not to exceed \$35,000 for the design and installation of a traffic signal system at the intersection of Henning Road and Lake Avenue (Route 29). The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- H. Municipal water services shall be supplied to the site via a 12 inch water line by utilizing an existing line, and where necessary, the construction of new sections of that line, that shall extend from the City's existing 12 inch water main on Excelsior Avenue, at a point  $\pm 700$  feet east of Veteran's Way, approximately at the point of the intersection of the 16 inch force main easement with Excelsior Avenue, through lands, easements, or lines owned or controlled by the City of Saratoga Springs extending in a generally easterly direction from Excelsior Avenue underneath and through the real property and right-of-way owned by the State of New York and known and designated as the "Adirondack Northway." The water supply system that runs through the City of Saratoga Springs controlled property shall be constructed in accordance with all requisite state and local standards, and shall be dedicated to the City of Saratoga Springs. The design of these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- I. Municipal water services shall be looped by the construction a new 12 inch line that shall extend from the planned unit development southerly along the western side of Weibel Avenue, and west of the travel lane, and westerly along Lake Avenue (Route 29) to a connection



point with an existing 8 inch City water main west of the "Adirondack Northway", 1-87. This water line shall be constructed in the public right-of-ways in accordance with all requisite state and local standards, and shall be dedicated to the City of Saratoga Springs. The design of these improvements shall be approved as part of the site plan approval for the first building in Zone B. A financial security for the construction of this looped water line shall be given to the City of Saratoga Springs prior to the occupancy by a leasehold tenant in any component building in Zone A. This security shall be adjusted annually for construction costs and shall be payable to the City of Saratoga Springs on December 31, 2002, or at the time of site plan approval for the first building in Zone B, whichever is sooner, and shall be used only for the actual construction of the looped line or any portion not built at that time.

- J. Upon completion of any component building in Zone B, as described in Section VII above, a sanitary sewer transmission system shall be incorporated within this design and shall bring all effluent to a pump station located on Weibel Avenue which has been designed to meet the Ten State Standards and New York State Department of Environmental Conservation standards. The station shall be a pre-cast submersible pump station with a separate wet well and valve pit. The pump station shall connect to a manhole located on Excelsior Avenue by means of a force main, which shall run through the City of Saratoga Springs easement extending in a westerly direction from the site beneath the Adirondack Northway, or along another route and termination point acceptable to the City, if the construction costs are equal or less. A connection to one or more points in the Town of Wilton shall be deemed acceptable to the City of Saratoga Springs.

The pump station, if required, shall be located on a parcel of land to owned by the City of Saratoga Springs which is no further than 500 feet from the project site. That pump station, if required and upon completion, shall be given to the City of Saratoga Springs or the appropriate agency.

The design of these improvements shall be approved as part of the site plan approval for the first building in Zone B.

- K. The developer, or its successor, shall agree to a traffic monitoring plan if any PUD site approval for any building within the project site is granted on or after July 1, 2004. In this event, new traffic counts must be taken and traffic studies completed to verify the level of traffic service then existing on all segments and intersections identified in the Sketch Plan's traffic impact study report. After reviewing such new traffic study, the City of Saratoga Springs has the right to restrict further development of the Planned Unit Development until the necessary off-site highway improvements are made. In the event that the traffic monitoring plan indicates that "Weibel Plaza PUD" has caused or contributed to a level of traffic service which necessitates off-site highway improvements, the City of Saratoga Springs will require the developer to contribute to the cost of any such off-site highway improvements deemed necessary in proportion to the degree for which "Weibel Plaza PUD" has caused or contributed thereto.

## Section IX. CONSTRUCTION STANDARDS

All construction standards for buildings and public improvements  
and for utilities shall be prepared and approved by licensed

architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer, whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

Section X. OWNERSHIP

In the event that ownership of any of the parcels presently making up the Weibel Plaza Commercial Planned Unit Development is conveyed or transferred to any third party which is not at the time of the passage of this ordinance an owner of a portion of the real property located within the site, or a merger corporation or partnership made up in its majority by parties which are present owners of real property within this site, then the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedure set forth in Section 240-3.14(A) of the Zoning Ordinance of the City of Saratoga Springs.

Section XI. EXPIRATIONS

Planned unit development zoning approval for this site shall expire if final PUD site plan approval for the first phase in Zone A is not granted by the Saratoga Springs Planning Board on or before July 1, 1994. Planned unit development zoning approval shall expire if final PUD site plan approval for the first building in Zone B is not granted on or before July 1, 2012. The zoning for this site shall revert to the zoning districts in existence for this site at the time of the enactment of this legislation.

Section XII. VALIDITY

If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

Section XIII. TIME EXTENSION

On good cause shown, the developer may apply for an extension of its approved site plan review, which request shall not unreasonably be denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

Section XIV. MODIFICATION OF SITE PLAN

The developer may, upon notice to the Planning Board of the City of Saratoga Springs, alter, modify, or change the number, placement and type of structures to be constructed within the site, so long as the alteration, modification and change does not result in an increase in density, based on gross square footage of occupied floor space, as set forth in Section VI.

Section XV. EFFECTIVE DATE

This ordinance shall take effect the day after publication is provided by the provisions of the City

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Charter of the City of Saratoga Springs, New York.

ADOPTED: March 16, 1992

AMENDMED: July 22, 1998

APPENDIX "A"  
LANDS TO BE IN THE "WEIBEL PLAZA PUD"  
(ON FILE IN THE OFFICE OF THE CITY CLERK AND  
THE OFFICE OF THE CITY PLANNING BOARD)

APPENDIX "B"  
SKETCH PLAN  
(ON FILE IN THE OFFICE OF THE CITY CLERK AND  
THE OFFICE OF THE CITY PLANNING BOARD)

APPENDIX "C"  
ZONING ORDINANCE AN MAP IN EFFECT AT TIME OF  
ENACTMENT OF THIS LEGISLATION  
(ON FILE IN THE OFFICE OF THE CITY CLERK AND  
THE OFFICE OF THE CITY PLANNING BOARD)

APPENDIX "A"  
LANDS TO BE IN THE "WEIBEL PLAZA PUD"

All that tract, piece, or parcel of land situate, lying, and being in the City of Saratoga Springs, Saratoga County, NY, and being more particularly described as follows:

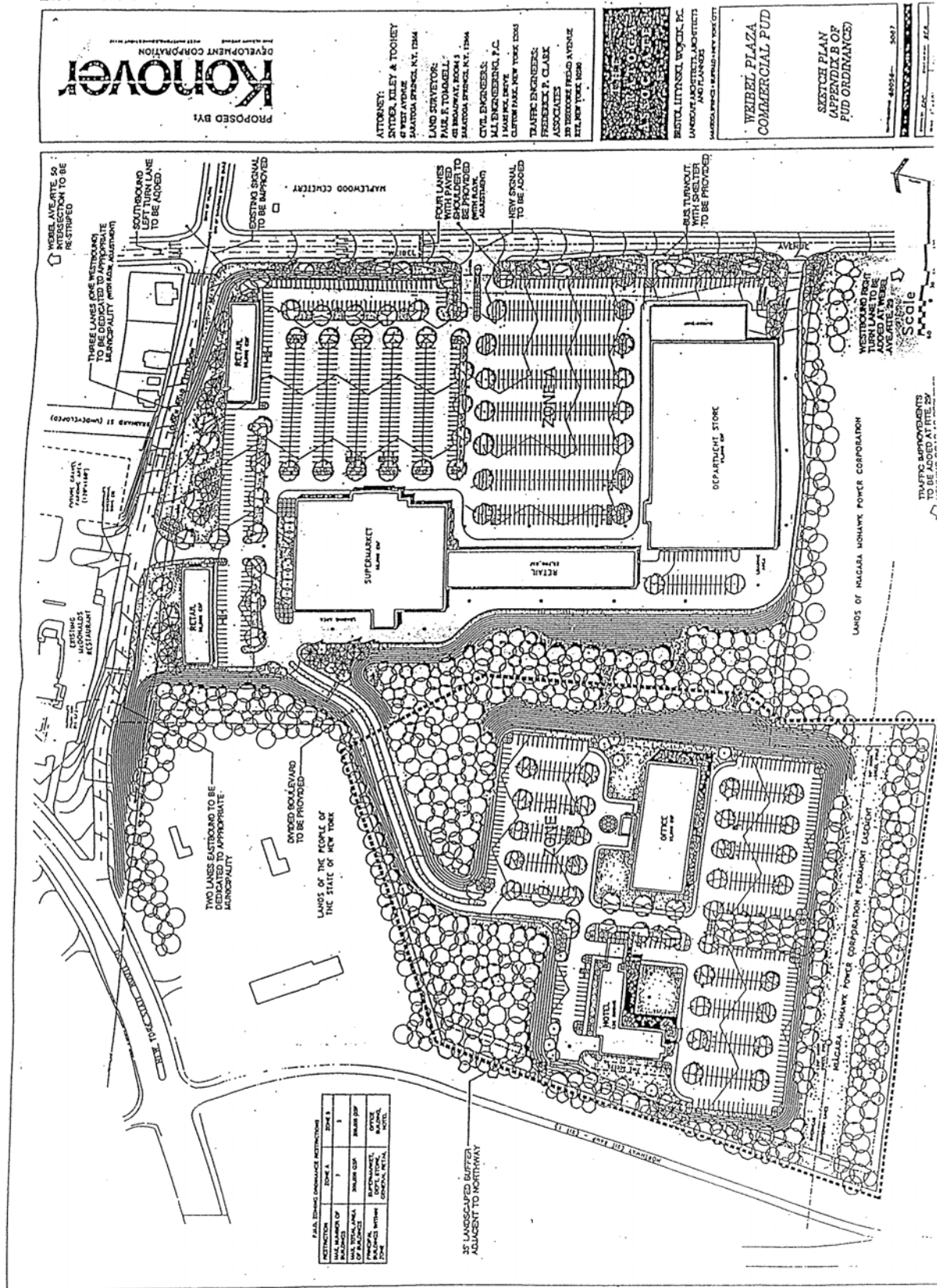
Beginning at an existing 4" x 4" granite monument (Point A) located southwest of the intersection of Weibel Avenue and Louden Road

<u>LINE</u>	<u>BEARING</u>	<u>DISTANCE</u>
AB	S10°21'50"E	762.54'
BC	S22°45'02"E	209.85'
CD	S12°02'06"E	93.58'
DE	S83°40'21"W	221.28'
EF	S53°40'21"W	48.40'
FG	S83°40'21"W	612.00'
GH	S11°40'39"E	295.20'
HI	S84°09'21"W	872.41'
IJ	N06°51'40"E	862.83'
JK	N59°07'27"E	625.76'
KL	N11°19'49"W	406.34'
LM	N87°36'00"E	818.53'
MA	S37°38'56"E	97.14'

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

Note: This property description is subject to minor modifications as required to permit right-of-way adjustments along Loudon Road and Weibel Avenue.

CITY OF SARATOGA SPRINGS ZONING ORDINANCE



PROPOSED BY: **KOROVER** DEVELOPMENT CORPORATION  
 1115 WEST 141ST STREET, NEW YORK, NY 10032-3400  
 ATTORNEY: **SNYDER, KELLY & TOOLEY**  
 65 WEST AVENUE  
 SARATOGA SPRING, N.Y. 12854  
 LAND SURVEYOR: **JOHN J. TONAGHELLI**  
 40 WEST 141ST STREET  
 SARATOGA SPRING, N.Y. 12854  
 CIVIL ENGINEER: **MARK W. WOODS**  
 140 W. 141ST STREET  
 SARATOGA SPRING, N.Y. 12854  
 TRAFFIC ENGINEER: **FREDERICK P. CLARK**  
 100 WEST 141ST AVENUE  
 SARATOGA SPRING, N.Y. 12854  
 ARCHITECT: **REBECCA LITVINSKI WOODS, P.C.**  
 LANDSCAPE ARCHITECT: **LANDSCAPE ARCHITECTS AND PLANNERS**  
 1115 WEST 141ST STREET, NEW YORK, NY 10032-3400  
**WEIBEL PLAZA**  
**COMMERCIAL PUD**  
 SHEET PLAN  
 APPENDIX B OF  
 PUD ORDINANCE(S)

F.A.A. ZONING ORDINANCE RESTRICTIONS

RESTRICTION	ZONE A	ZONE B	ZONE C
MAX. NUMBER OF FAMILIES	1	2	3
MAX. TOTAL AREA OF BALCONY	100 SQ. FT.	150 SQ. FT.	200 SQ. FT.
MAX. NUMBER OF BALCONIES PER UNIT	1	2	3
PERMITTED USES	RESIDENTIAL	RESIDENTIAL, COMMERCIAL, RETAIL	RESIDENTIAL, COMMERCIAL, RETAIL, HOTEL

<b>District Regulations: Use Schedule for Commercial Districts City of Saratoga Springs (Part 3)</b>	
<b>District</b>	<b>Permitted Principal Uses upon Site Plan Review and Approval</b>
Commercial 2 C-2	<p style="text-align: center;"><b>Accessory Permitted Uses upon Site Plan Review and Approval</b></p> <ol style="list-style-type: none"> <li>1. Animal clinic</li> <li>2. Apparel cleaning/dry cleaning</li> <li>3. Automotive sales and services</li> <li>4. Bakery shop</li> <li>5. Barber/beauty shop</li> <li>6. Bathhouse/health center/spa</li> <li>7. Bowling alley</li> <li>8. Building material storage and sales</li> <li>9. Business office</li> <li>10. Churches and religious institutions</li> <li>11. Communication services</li> <li>12. Convenience sales and service</li> <li>13. Day-care center</li> <li>14. Drug store</li> <li>15. Equipment repair shop</li> <li>16. Eating and drinking establishments</li> <li>17. Financial institutions and banks</li> </ol>
	<p style="text-align: center;"><b>Uses Permissible upon Issuance of Special Use Permit and upon Site Plan Review and Approval</b></p> <ol style="list-style-type: none"> <li>1. Canopies for drive-in facilities</li> <li>2. Maintenance facilities</li> <li>3. Storage facilities</li> <li>4. Private garage and parking structure</li> <li>5. Solar/heating/ventilation equipment</li> <li>1. Animal hospital/kennel</li> <li>2. Car washes</li> <li>3. Drive-in facilities</li> <li>4. Gasoline service stations</li> <li>5. Open-air markets</li> <li>6. Outdoor display/storage</li> <li>7. Satellite receiving antennas</li> <li>8. Vehicle repair</li> </ol>

**District Regulations: Use Schedule for Commercial Districts  
City of Saratoga Springs (Part 4)**

<b>Permitted Principal Uses upon Site Plan Review and Approval</b>	<b>Accessory Permitted Uses upon Site Plan Review and Approval</b>	<b>Uses Permissible upon Issuance of Special Use Permit and upon Site Plan Review and Approval</b>
18. Florist		
19. Fraternal lodges/clubs		
20. Funeral home		
21. Furniture store		
22. Greenhouses		
23. General retail		
24. Group entertainment (night-clubs, theater)		
25. Hotel/motel		
26. Laundromat		
27. Medical offices/clinics		
28. Neighborhood center		
29. Nursery (plant)		
30. Outdoor recreation (golf, etc.)		
31. Printing, publishing or engraving		
32. Public utility facilities		
33. Professional offices		
34. Real estate offices		
35. Recreational facilities (indoor)		

**District Regulations: Use Schedule for Commercial Districts  
City of Saratoga Springs (Part 5)**

**Permitted Principal Uses  
upon Site Plan Review  
and Approval**

- 36. Residential use on second floor or above
- 37. Rooming house/tourist home
- 38. Training and educational services, classroom instruction, etc.
- 39. Television and radio station and receiving/broadcasting
- 40. Vehicular fee parking
- 41. Park-and-ride lot

**Accessory Permitted Uses  
upon Site Plan Review  
and Approval**

- 1. Bus depot
- 2. Car washes
- 3. Drive-in facility
- 4. Gasoline service stations
- 5. Motor vehicle repair establishment
- 6. Outdoor display/storage
- 7. Outdoor entertainment (miniature golf, etc.)

**District**

**Commercial 3  
C-3**

- 1. Animal clinic
- 2. Apparel cleaning/dry cleaning
- 3. Bathhouse/health center/spa
- 4. Bed-and-breakfast establishments
- 5. Car rental agency
- 6. Convenience sales and services
- 7. Eating and drinking establishment
- 8. Financial institutions and banks

- 1. Canopies for drive-in facilities
- 2. Storage facilities
- 3. Solar/heating/ventilation equipment



**Appendix C:****6. Woodlawn Oval Planned Unit Development (formerly 241.6)**

AN ORDINANCE PROVIDING FOR THE AMENDMENT  
TO THE ESTABLISHED  
PLANNED UNIT DEVELOPMENT DISTRICT KNOWN AS  
"WOODLAWN OVAL PLANNED UNIT COMMERCIAL DEVELOPMENT"

BE IT ORDAINED, by the City Council of the City of Saratoga Springs, New York, following a public hearing, as follows:

Section I - Name

This ordinance shall be known as THE SECOND AMENDMENT TO THE WOODLAWN OVAL PLANNED UNIT COMMERCIAL DEVELOPMENT and modifies existing Chapter 241.6 of the Code of the City of Saratoga Springs, New York. THIS PROJECT IS ALSO REFERRED TO HEREIN AS "PUCD".

Section II - Amendment

The City Council of the City of Saratoga Springs, on January 4, 1993, passed the ordinance creating the Woodlawn Oval Planned Unit Commercial Development. That Planned Unit Development legislation was amended by the City Council of the City of Saratoga Springs on June 7, 1993. The purpose for this legislation is to further amend the original Woodlawn Oval Planned Unit Commercial Development legislation so that the present and planned development of this commercial site will correspond with the practical, economic and planned needs of the residents presently residing and to reside therein and the residents of the City of Saratoga Springs.

Section III - Boundary

The amended area of the Woodlawn Oval Planned Unit Commercial Development consists of 35 ± acres and is bounded and described in Exhibit "A" attached hereto and made a part hereof. The tax map references for the inside tax district of the City of Saratoga Springs are as follows:

165-3-22; 165-3-11; 165-3-9.1; 165-3-9.2; 165-3-8; 165-3-7; 165.34-1-11.1; 165.34-1-11.2;  
165.34-1-2; 165.34-1-3; 165.3-42-1; 165.34-2-2; 165.42-2-5.11; 165.42-2-5.2; 165.42-2-5.32;  
165.43-1-9; 165.43-1-15.1; 165.35-2-1; 165.42-3-14; 165.42-3-7; 165.42-3-15; 165.42-2-3

The boundary may be expanded without further municipal or legislative action to include any properties identified in Exhibit "B", if and only when, they come under the ownership or control of the PUCD sponsor. When such properties are proposed to be added to the PUCD, the sponsor must provide written notice to the Clerk of the Saratoga Springs City Council. The Council shall have 30 days from the date of notice to object to such action. If an objection is recorded by the Council, the boundary revision shall not be valid until further action of the City Council of the City of Saratoga Springs. If no objection is recorded within the required 30 day period, the amendment shall be valid and the City Clerk shall revise the City zoning maps accordingly.

The boundary may also be expanded upon petition for a zoning change or a PUCD amendment made to the City Council of the City of Saratoga Springs.

Section IV - Sketch Plan

The amended PUCD proposal is described according to a sketch plan filed in the City Engineer's Office of the City of Saratoga Springs, New York, a copy of which is attached hereto as Exhibit "C". The plan shall be used by the City and PUCD as a guide for all development. This plan may be changed, altered or amended pursuant to the terms of this legislation and Section 240- 3.13(f) of the City of Saratoga Springs Zoning Code.

Section V - Purpose

It is the purpose of this amendment to the ordinance to provide for the means for development of a mixed use commercial development which would provide for housing, and medical, pharmaceutical, social services, pastoral and general care and services to the aging, injured, handicapped, terminally ill, mentally ill, socially deprived and their dependents and families with an emphasis toward providing a continuum of medical and non-medical geriatric care. The Commercial Planned Unit Development will incorporate the existing structures known as Embury Apartments and Wesley Health Care Center and will expand by means of additions to those structures and by construction of new structures of various sizes and for various purposes intended to assist in fulfilling the herein specified purpose while maintaining a campus-like setting.

Section VI - Uses and Characteristics

There shall be constructed within the boundaries of the Woodlawn Oval Planned Unit Commercial Development apartments, freestanding attached living units, nursing home facilities, medical offices, associated with uses within the PUCD, pharmacy space, physical, speech, and occupational therapy units, assistive living, professional offices, general office space, community meeting space/classrooms, day care facilities, food preparation and dispersal areas, beauty shop, gift shop, convenience shopping area, garage, storage and warehouse facilities, recreation building and facilities, trash compacting and recycling structure, related and non-related not-for-profit office, conference room space, and services associated with long term chronic care and rehabilitation. The existing 1,200 sq. ft. single family residence on tax parcel 165.42-3-7 shall be permitted to be used for that purpose but the structure located on said parcel shall not be expanded.

The development of this site is determined by projects and not phases to specify that there is no predetermined order in which improvements shall be made on this site.

There are nine telecommunication, radio, telephone cellular antennas transmitting or receiving devices on or above the existing East and West Embury Apartments' towers which extend no further than fifteen (15) feet above the building. These devices shall be considered pre-existing, non-conforming and are governed by the regulations as set forth in Section 240-9 of the Zoning Ordinance of the City of Saratoga Springs. Any additional telecommunication, radio, telephone cellular antennas, transmitting or receiving devices shall only be installed on or above the structures located within the PUCD upon compliance with the then existing codes, rules, statues or ordinance which are in effect at the time of the installation of the device.

The PUCD shall consist of the following:

Project A:

Embury Apartments consisting of 208 apartments, Wesley Health Care Center consisting of 356 beds, administrative office space, and a Refuse/Recycling building and a single family residence.

Maximum: Number of structures:	Five with connecting corridors and the detached Refuse/Recycling building and detached single family residence.
Footprint of Building:	79,400 sq. ft
Gross Square Footage of Buildings:	351,254 sq. ft

Project B:

The Hospice Facility on Clement Street

Maximum: Number of Structures:	1
Permitted Building Square Footage:	7,500 + sq. ft.
Site Plan Approved Sq. Footage:	5,180 +

Project C:

A utility maintenance garage with storage capacity to be used in conjunction with the operation of the structures located within the PUCD.

Maximum: Number of Structures:	1
Building Footprint Sq. Footage:	5,000 ± sq. ft.
Height:	25 ft.

Project D:

An Independent Living/Assisted Living Senescence Center. This shall consist of 60 independent living units, 40 assisted living units along with associated common areas, dining facilities and related offices and spaces for associated services, parking, recreation and the construction of an overflow parking lot to accommodate a maximum of sixty-five (65) motor vehicles that are not required by various parking demand requirements for the permitted uses.

Maximum:	1
Number of structures:	55,575 ± sq. ft.
Building Footprint square footage:	137,705 ± sq. ft.
Building Gross Square Footage:	50 ft.
Height:	

Project E:

An Employee Lounge associated with Wesley Nursing Home.

Maximum:	No additional structures
Number of Structures:	
Building Footprint Square Footage:	3,000± sq. ft.
Building Gross Square Footage:	3,500± sq. ft.
Total Height:	25 ft.

Section VII - Density

Total PUCD land area 35 ± acres = 1,524,600 ± sq. ft.

Total building square footage = 148,655 ± sq. ft. 3.41 ± acres

Maximum building coverage of site: 10%

Pavement:

370,260 ± sq. ft., 8.5 ± acres

Maximum Pavement Area: 24.9% ±

Minimum percentage of site to remain "greenspace" shall be 62%+. This is to include all landscaped areas, ponds and other areas not covered by buildings or pavement.

Section VIII - Issuance of Building Permit

Prior to the issuance of a Building Permit to develop any or all of the structures within the PUCD, the applicant shall receive final PUD site plan approval for the structure(s) to be constructed from the City of Saratoga Springs Planning Board.

It is anticipated that there will be multiple applications for PUD site plan approval and each application shall show the relationship between the building to be developed and the vacant area within the PUCD. Each final PUD site plan shall respond to the requirement set forth in Section 240-5.4(e) of the Zoning Code of the City of Saratoga Springs.

Section IX - Parking/Traffic Flow

For the existing structures and the individual projects, parking will be provided according to the below specified schedule.

Project A:

Embury Apartments	0.5 space per residential unit
Wesley Health Care Center	0.2 space per bed. 1 space for each 2 employees per shift
Administrative Offices	1 space for each 400 square feet of interior space
Refuse / Recycling, Maintenance Facilities	No parking demand
80 Bed Skilled Nursing Unit	0.5 space per bed plus 1 space for each 2 employees per shift.

Project B:

Hospice	1 space for each 300 sq. ft. of interior space
---------	--

Project C:

Maintenance Storage Garage	1 space for each 2,500 sq. ft. of interior space.
----------------------------	---

Project D:

Assisted Living / Independent Living	0.25 per bed in the Assisted Living Unit 1 per apartment in the Independent Living Area 1 per employee per shift
--------------------------------------	--

Project E:

Employee Lounge	No additional parking required.
-----------------	---------------------------------

The parking spaces as constructed shall be 9 ft. x 18 ft. and there shall be 10% greenspace within any parking field which can accommodate more than 25 cars. City handicapped and parking layout standards that exist at the time of the project's PUD site plan review must be met. The roadway within the PUD shall remain within the control of the Sponsor.

Section X - Amendments to this Ordinance

This PUCD shall be developed in general compliance with the final approved sketch plan as specified in this ordinance. Any amendment hereto shall be amended pursuant to the applicable provisions of the Zoning Code of the City of Saratoga Springs or as provided herein.

Section XI - Infrastructure Improvements

The entire project, as set forth herein, will be serviced by city water and sanitary sewer lines. All services and improvements that are to be dedicated to the City of Saratoga Springs will be constructed to city standards as they exist at the time of dedication. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

With regard to water service to the projects, the individual structures and projects within the PUCD shall be required to tap directly off a City main for the purpose of obtaining a water supply.

Storm water disposal area shall be maintained and constructed by Woodlawn Oval Planned Unit Commercial Development.

The roadways and thoroughfares through the project will be private drives maintained by Woodlawn Oval Planned Unit Commercial Development.

Pedestrian Path: During Planned Unit Development site plan approval for Project "D", the Planning Board may only review the installation of a sidewalk/walkway system along Clement Avenue between Lawrence Street and Clinton Street.

Section XIII - Off-Site Improvements

Upon request, the City of Saratoga Springs shall be granted a thirty (30) foot wide easement for the construction and maintenance of a water line through the PUCD site along the private improved portion of Lawrence Street as it would be extended north to Clement Street. If this easement is requested by the City, the water line will be constructed at the City's cost and expense.

The City, upon request, may take over ownership, control and responsibility for any infrastructure main, pipe or line presently within or constructed within the PUCD site and the City shall further be granted reasonable easements to interconnect with any infrastructure main, line or pipe for which they have taken responsibility.

The City is hereby granted the right to enter upon the PUCD site for purpose of making emergency

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

repairs to any privately owned main, pipe or line. The City shall have the right to charge the individual project's sponsor whose pipe, line or main is repaired for said services.

All private water and sewer lines connecting into any structure in any project shall be individually metered.

All infrastructure improvements that are constructed in the City of Saratoga Springs roadway and right-of-way shall be dedicated to and accepted by the City of Saratoga Springs and shall be the City of Saratoga Springs' responsibility for all purposes including maintenance and reconstruction. The water lines existing with the PUCD site shall be owned, maintained and repaired by the PUCD sponsor unless transferred to the City of Saratoga Springs.

Potable Water Lines: An eight (8") inch potable water line will be extended from the PUCD to a connection with the existing four (4") inch potable water line owned by the City of Saratoga Springs within the VanDorn Street right-of-way. This extension shall be constructed at the expense of the PUCD sponsor and shall be constructed in conjunction with Project "D".

An eight (8") inch potable water line will be extended from the PUCD to a connection with the existing six (6") inch potable water line owned by the City of Saratoga Springs within the Clinton Street right-of-way. The extension shall be constructed at the expense of the PUCD sponsor and shall be constructed in conjunction with Project "D".

Storm Water Management: The runoff generated by all zones will be retained on site and released into the existing municipal system at its present point of discharge at the same rate as it is presently discharged.

Traffic Improvement: During Planned Unit Development site plan approval for Project "D", the Planning Board may only review the installation of:

1. Traffic control signs and/or pavement markings near the intersection of Clement Avenue and Lawrence Street to assist in sight distance issues.
2. Traffic control signs and/or pavement markings on Clinton Street between Clement Avenue and Waterbury Street to assist with pedestrian safety issues.

### Section XIII - Setbacks

All properties covered by the Commercial Planned Unit Development shall be considered as one parcel without the requirement of setbacks between individual parcels. The property owners holding title to parcels of land to be included in this PUCD hereby agree that individual internal boundary lines shall not be considered with regard to establishing setbacks other than as specified in this section.

There shall be a minimum setback of fifty (50) feet between the exterior boundary lines of the Panned Unit Commercial Development and any structure on the north boundary line, on all other boundaries the setback shall be thirty-five (35') feet and a minimum setback of twenty (20') feet between all exterior boundary lines of the PUCD and a road or parking lot. As opposed to the thirty (30') feet densely planted buffer required by Section 240-3.5A(2)(e), the extent of planting material required between any project proposed under this legislation and adjacent residential zones, shall be determined on a project by project basis by the Planning Board of the City of Saratoga Springs as a part of the PUD site plan application but in no case shall be

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

construed to require a densely planted buffer larger than thirty (30') feet in depth. No building shall be constructed within forty (40') feet of another building unless the buildings are connected with an enclosed hallway, meeting all local and state building codes.

There shall be no requirement for setbacks around the detention pond established within the PUCD.

### Section XIV - Time Extensions

On good cause shown, Woodlawn Oval may apply for an extension of an approved PUD site, which request shall not be unreasonably denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

### Section XV - Construction Standards

Unless otherwise noted in this ordinance, all City construction standards current at the time of PUD site plan approval for any project shall be met, with regard to improvements that are to be made in a public right-of-way or with regard to improvements that are intended to be dedicated to the City of Saratoga Springs.

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects or engineers. All costs associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

### Section XVI - Ownership

It is anticipated that the ownership of the parcels presently and in the future making up the PUCD will remain in the control of multiple owners. Project "D", with associated real property may be conveyed to the County of Saratoga Industrial Development Agency. If new properties are added or transfer of ownership of parcel(s) take place other than Project "D" as specified herein to persons or entities other than to owners of parcels at the time the ordinance is passed then the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee or the owner of the property which is added in accordance with the procedure set forth in Section 2403.14(A) of the Zoning Ordinance of the City of Saratoga Springs.

All lands within the PUCD must be owned by a not-for-profit corporation or a Public Benefit Corporation.

### Section XVII - Waiver Municipal Fees

All projects within this PUCD shall be exempt from payment of any subdivision cash-in-lieu of land requirement and shall be exempt from any water service connection fee.

### Section XVIII - Expirations

Planned Unit Development zoning approval for the individual projects as shown on the amended sketch plan shall expire on December 31, 2007 if site plan approval for that or those individual project(s) is not obtained from the City of Saratoga Springs. If a project does not receive Planned Unit Development site plan approval prior to the expiration of this ordinance, then that project(s) will not be permitted without further action of



## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

the City Council of the City of Saratoga Springs. On good cause shown, an application for an amendment to this expiration date may be made to the City Council of the City of Saratoga Springs.

### Section XLX - Validity

If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected.

### Section )0( - Modification

The developer may, upon approval of the Planning Board of the City of Saratoga Springs, alter, modify or change the number, placement and type of structures to be constructed within the site so long as the alteration, modification and change does not result in an increase in density based on the maximum square footage of ground coverage, as set forth in Section VI.

### Section XXI - Effective Date

This ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: January 4, 1993

AMENDED: June 7, 1993

June 16, 1998

EXHIBIT "A"

LEGAL DESCRIPTION

LANDS TO BE IN THE AMENDED  
WOODLAWN OVAL PLANNED UNIT DEVELOPMENT

(ON FILE IN THE OFFICE OF THE CITY CLERK AND  
THE OFFICE OF THE CITY PLANNING BOARD)

**EXHIBIT "B"**  
**LOCATION PLAN**

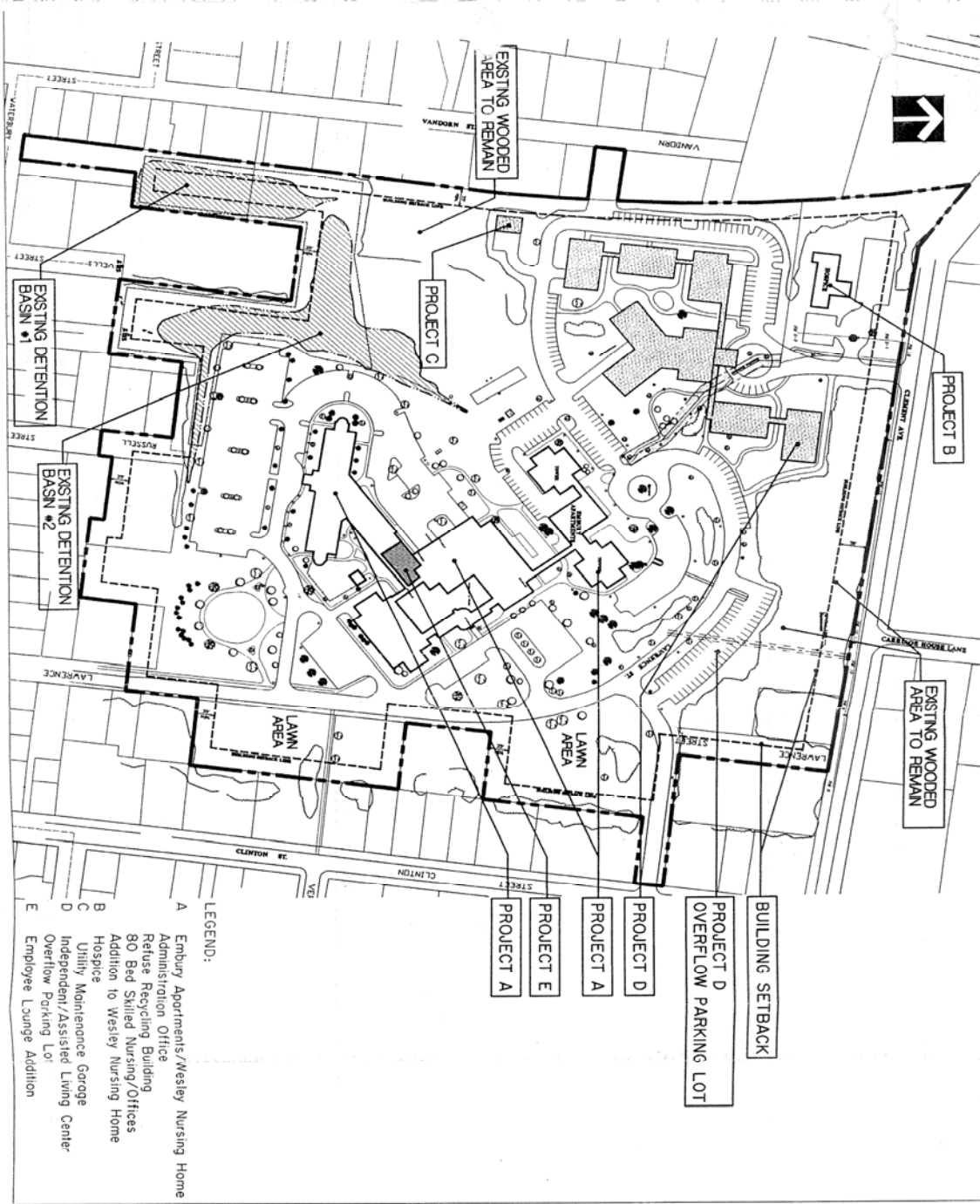
<u>Tax Parcel</u>	<u>Owner</u>
165.43-1-17	Robert L. Gorham
165.43-1-11.1	John and Mary Ann Still
165.43-1-11.2	John and Mary Ann Still
165.42-2-5.31	Michael Mulholland

EXHIBIT "C"

SKETCH PLAN

(ON FILE IN THE OFFICE OF THE CITY CLERK AND  
THE OFFICE OF THE CITY PLANNING BOARD)

CITY OF SARATOGA SPRINGS ZONING ORDINANCE



**WOODLAWN OVAL P.U.C.D.**  
SARATOGA SPRINGS, NEW YORK

**Title:** SKETCH PLAN

**Revisions:**

Project No.	1
Rev.	1
CD #	1
DATE	1/1/2000

**Figure 5**

**THE LA GROUP**  
Saratoga Springs, NY  
12153-1000  
Tel: 518/584-1000  
Fax: 518/584-1001  
E-mail: info@thelagroup.com

**DATE:** JCK  
**DRAWN:** JCK  
**CHECKED:** DBC

Revised 11/1/99

**Appendix C:**

**7. Congress Park Planned Unit Development (formerly 241.7)**

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF  
A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS  
"CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT"**

*BE IT ORDAINED* by the City Council of the City of Saratoga Springs, following a public hearing, as follows:

**Section I NAME:**

This Ordinance shall be known as "CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT" and Amends Chapter 240 of the Code of the City of Saratoga Springs, New York. This project is also referred to herein as "PUCD".

**Section II AMENDMENT:**

The Zoning Ordinance of the City of Saratoga Springs, New York and the Zoning Map of the City of Saratoga Springs as set forth therein shall be and the same hereby are amended by changing the land owned by Eton Centers Company, designated as Tax Parcel 165.67-1-23 on the Inside Tax District Tax Map for the City of Saratoga Springs which is presently situated in a Commercial-1 Downtown Business Zone (C-1) to a Planned Unit Commercial Development creating within the boundaries of said described area a Planned Unit Development District to be known and described as "CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT".

**Section III BOUNDARY:**

The area of the CONGRESS PARK CENTRE PLANNED UNIT COMMERCIAL DEVELOPMENT consists of 6.02 + acres and is bounded on the north by Washington street, on the south by Congress Street, on the east by Broadway and on the west by Federal Street. The real property consists of an entire City block except for the real property owned by the Bethesda Episcopal Church. The Tax Map reference for the Inside District of the City of Saratoga Springs is 165.67-1-23. Said real property is described in Exhibit "A" attached hereto.

**Section IV PURPOSE:**

It is the purpose of this Ordinance to provide for the means and to encourage the development of a mixed use commercial center in the core of the central business district of the City of Saratoga Springs. To allow this commercial center to develop over such a significant portion of the Saratoga Springs downtown area, flexibility in design concepts and criterion, building size and parking requirements must be allowed so as to permit the economically viable development of this site while remaining cognizant of the historic significance of the area and the need to employ good design techniques while incorporating

concern for the on-site and off-site urban nature of the environment in which the site exists.

### **Section V SKETCH PLAN:**

The "Sketch Plan", entitled Proposed Master Plan, for the development of this project at its anticipated build out, is attached hereto, marked Exhibit "B" and made a part hereof. It is anticipated that this project will go through multiple phases of construction over an extended period of years. As a result, the Sketch Plan may be changed, altered or amended pursuant to Section 240.3-13(f) of the Zoning Ordinance of the City of Saratoga Springs as it exists at the time of the passage of this Ordinance. A mylar of the final approved Sketch Plan shall be filed with the City Planning Board and the City Clerk.

### **Section VI USES AND CHARACTERISTICS:**

There shall be constructed within the boundaries of the Congress Park Centre Planned Unit Commercial Development structures and improvements for commercial and residential utilization as permitted in the City of Saratoga Springs Commercial-1 Downtown Business (C-1) Zone, see Exhibit "C" attached hereto and made a part hereof, as that zone is defined at the time of the passage of this Ordinance and as the uses within the zone in which this project is located may increase, but not as they may decrease, as a result of future amendments to the Zoning Ordinance of the City of Saratoga Springs. The permitted principal use shall also include movie theaters, indoor performance facilities, drive-thru facilities as specifically enumerated in Phase 1 d and with the structures to be located on the southeast corner of Broadway and Congress Street, except a drive-thru facility cannot be associated with a restaurant. A Special Use Permit is required for an outdoor performance facility. Permitted uses also shall include all Accessory Permitted Uses and Special Permitted Uses as designated for the uses within the Commercial-1 Downtown Business (C-1) Zone in the City of Saratoga Springs at the time this Ordinance is enacted and as those uses may increase, but not as they may decrease, as a result of future amendments to the Zoning Ordinance of the City of Saratoga Springs.

In the construction and leasing of the structures involved within this project, flexibility in use is desired, as a result, all permitted uses may be interchanged, i.e., restaurant for retail. The parking criterion for each use as established in Section IX is intended to accommodate those shifts and changes within the maximum gross square feet permitted for each phase and subphase of the project.

The development of the site will be staged over four primary phases each of which may have one or more building projects. All phases may be undertaken as tenants are identified for use of an individual building or a significant portion of an individual building.

Because this site is already improved with occupied commercial space and ground level parking, as individual building construction is undertaken certain portions of the existing structures will be demolished and the parking field will be reconfigured. New structures will be completed and granted a Certificate of Occupancy before existing structures are demolished, so long as adequate parking is provided.

- Phase 1: May consist of four structures intended to be primarily utilized for retail and general and professional office uses.
- Phase 1a: May consist of the construction of retail space with associated loading docks and storage area and associated on-site parking. This shall be the first structure constructed in the PUCD.

Characteristics are as follows:

Maximum:

Number of structures:	1
Gross Leasable Square Feet:	23,500 sq. ft. ±
Footprint Square Feet:	27,750 sq. ft. ±
Height Structure:	30 ft.
Height Tower:	50 ft.

The building constructed in this phase shall be set back from the PUCD site's south property line on Congress Street by ten (10) feet from a point commencing on the PUCD Site at the intersection of Federal Street and Congress Street running in a generally easterly direction along the north line of Congress Street for a distance of 140 feet.

Demolition: During the construction of Phase 1a, the structure at the northwest corner of Washington Street and Federal Street shall be demolished. Prior to occupancy of the new structure in this initial phase, the garage on Federal Street will be demolished. Subsequent to the occupancy of the building in this subphase, the structure at 307 Broadway and 315 Broadway shall be demolished. Subsequent to the demolition, 31,310 gross square feet+ of the previously existing shopping center will remain.

Subsequent to the destruction of the structures at 307 Broadway and 315 Broadway, the existing parking area associated with this site shall be landscaped as specified in Exhibit "E" attached hereto and made a part hereof.

Phase 1b, 1c and 1d are interchangeable as to the construction sequence within the PUCD, subject to the limitations specified in Section XVII but shall be granted PUCD Site Plan Approval subsequent to Phase 1 a.

Phase 1b: Shall consist of either of two structures, one would occupy the northeast corner of the site at the intersection of Washington Street and Broadway and the second would occupy the southeast corner of the site to be located at the intersection of Broadway and Congress Street. The choice as to which of these structures shall be constructed first shall be controlled by the real property owner subject to PUCD Site Plan approval as described in Section VIII. The anticipated primary use for these structures shall be retail and general and professional offices. The timing for submission for PUCD Site Plan approval of one of the structures shall be controlled by Section XVII. The structure to be located at the intersection of Congress Street and Broadway may have a drive-thru window exiting onto Congress Street. The exit shall be signed and constructed so as to permit only right-hand



turns.

The characteristics of these buildings are as follows:

Structure: Intersection of Washington Street and  
Broadway:

This structure may consist of retail on the first and possibly second floor and general and professional offices on the second and third floors.

Characteristics are as follows:

Maximum:

Number of structures:	1
Gross Square Feet	37,224 sq. ft ±
Gross Leasable Square Feet: Footprint Square Feet:	31,750 sq. fl. ±
Feet:	12,408 sq.ft.±
Height:	<del>75</del> ft

Structure: Intersection of Congress Street and Broadway:

This structure may consist of retail on the first and possibly second floor and general and professional offices on the second, third and fourth floors.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	42,905 sq. ft.±
Gross Leasable Square Feet:	36,500 sq. ft.±
Footprint Square Feet:	11,250 sq. ft. ±
Height Structure:	75ft

Demolition: Depending on which structure is first constructed on Broadway, the remaining portion of the previously existing structures will be demolished either during construction or immediately after construction and the issuance of a Certificate of Occupancy by the City of Saratoga Springs for the first structure on Broadway.

Phase Ic: May consist of retail space, general and professional office space.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	15,876 sq. ft. ±
Footprint Square Feet:	9,514 sq. ft. ±
Height Structure:	45 ft.
Height Tower:	60 ft.

Phase Id: May consist of retail space and/or general and professional office space, with a drive-thru facility.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	15,000 sq. ft. ±
Gross Leasable Square Feet:	13,200 sq. ft. ±
Footprint Square Feet:	7,500 sq. ft ±
Height Structure:	30 ft.

The building to be constructed at the intersection of Washington Street and Federal Street shall have a set back of 10 feet from the PUCD site's northerly boundary on Washington Street for a distance of 20 feet from the intersection of Washington Street and Federal Street running in a general easterly direction.

Phase 2: Shall consist of the second structure to be constructed as described in "Phase Ib" above.

Phase 3: May consist of the construction of a connecting building on Broadway between the two structures constructed in Phases Ib and 2. The structures shall be a mixed use retail/office building.

Characteristics are as follows:

Maximum:

Number of structures:	1
Gross Square Feet:	30,500 sq. ft. ±
Gross Leasable Square Feet:	25,000 sq. ft. ±
Footprint Square Feet:	8,064 sq. ft. ±
Height Structure:	75 ft.

Phase 4: May consist of a Cinema with several theaters housing a total of up to 1,000 seats to be constructed to the east of the easterly boundary of Bethesda Episcopal Church and west of the building designated in Phase 2, Ib. If a theater is constructed, the films shown to the general public shall be consistent with all Ordinances of the City of Saratoga Springs.

Characteristics are as follows:

Maximum:

Number of Structures:	1
Gross Square Feet:	
Gross Leasable Square	41,334 sq. ft. ±
Feet: Footprint Square	35,250 sq. ft. ±
Feet:	20,700 sq. ft. ±
Height:	40 ft.

The maximum height of any building within the PUCD shall be 75 feet. So as to allow flexibility in design and architecture, the appurtenance to any structure may include, but not be limited to, clocks, clock towers, non-occupied mechanical rooms, tower and flag poles which may extend above the herein specified maximum height limitation but not to exceed 110 feet.

The real property owner is permitted to increase the Gross Leasable square footage within the entire PUCD by fifteen (15%) percent without the requirement of an amendment to this ordinance.

The Gross Leasable Area is as follows:

<u>Building</u>	<u>Gross Leasable Square Feet</u>
1a	23,500 sq. ft. ±
1b, 2	31,750 sq. ft. ±
1b, 2	36,500 sq. ft. ±
1c	13,500 sq. ft. ±
1d	13,200 sq. ft. ±
3	25,000 sq. ft. ±
4	35,250 sq. ft. ±

Gross Leasable Square Feet = 178,700 sq. ft. +

Total permitted gross leasable square feet = 205,505 sq. ft. + with addition of 15 percent.

Because traffic control ingress and egress from the PUCD is of significant importance and based on the assumption that the site when fully built out will generate 682 vehicle trips per peak hour, the real property owner agrees that at the time of any PUCD site plan approval, if the, trip generation figures for the peak hour exceed 807 vehicle trips per peak hour, the City has the right to ask that real property owner to conduct another traffic impact analysis and the applicant will negotiate with the City any additional improvements required as a result of that analysis.

**Section VII DENSITY:**

For the purpose of determining building, pavement and parking lot coverage maximums, the entire project shall be treated as if it is being constructed in the Commercial-1 Downtown Business (C-1) Zone as that zone is defined in the Zoning Ordinance of the City of Saratoga Springs and shall be controlled by the "District Regulations: Area and Bulk Schedule for

Commercial District City of Saratoga Springs" of the Zoning Ordinance of the City of Saratoga Springs for the Commercial-1 Downtown Business Zone as that schedule is written at the time of the passage of this Ordinance.

### **Section VIII ISSUANCE OF BUILDING PERMIT:**

Prior to the issuance of a Building Permit to develop any or all of the structures within the PUCD, except as exempted in Article 204.5 of the Zoning Ordinance of the City of Saratoga Springs, the Applicant shall receive final PUD Site Plan approval for the structure(s) to be constructed from the City of Saratoga Springs Planning Board.

It is anticipated that there will be multiple applications for PUD Site Plan approval and each application shall show the relationship between the building to be developed and the vacant areas within the PUCD. Each final PUD Site Plan shall respond to the requirements set forth in Section 240-5.4 of the Zoning Code Ordinance of the City of Saratoga Springs.

### **Section IX PARKING/LOADING DOCKS:**

The interactive nature of the uses proposed in the project allows for a parking scheme which incorporates the "shared parking concept" so as to best utilize existing parking and parking to be constructed as a portion of this project.

So as to accommodate the various order in which construction of new structures and the demolition of existing structures within the PUCD will take place, as portions of the PUCD are presented for PUD Site Plan Approval, parking shall be supplied in the below specified ratios. Parking may be supplied on-site, within a parking structure, or by means of a long term (5 year) lease of under utilized parking on properties within 500 feet of the project site.

Parking requirements shall be based on gross leasable square feet ("GLSF") to be occupied within the site as follows:

- a. Retail: 4 parking spaces for each 1,000 GLSF.
- b. Mixed Use as specified in Exhibit "C": Take the GLSF, multiply that figure by one-tenth (0.1), subtract that number from the Mixed Use Gross Leasable Square Feet and divide that number by Three Hundred square feet to determine the number of parking spaces required.
- c. Residential: 1.2 parking spaces per residential unit.
- d. Cinemas: If 100,000 or more GLSF exist within the PUCD, then a 450 seat credit shall be granted. Thereafter, three parking spaces for each 100 additional theater seats. If 100,000 GLSF do not exist within the PUCD, then three parking spaces shall be required for each 100 theater seats.

The surface parking areas subsequent to reconstruction shall have eight percent green space within or contiguous to the parking fields. There shall be no green space requirement associated with a parking structure.

Because of the urban setting of the project and the requirements needed to maximize parking and on-site traffic flow, loading docks, access from the public right-of-way shall be established as follows:

- a. Federal Street to access the structure in Phase I a.
- b. Federal Street to access the structure to be located at the intersection of Federal Street and Washington Street.

During the construction of a structure in the Phase 4 location in the PUCD, the introduction of a loading dock off of Washington Street shall be subject to review and approval of the Planning Board of the City of Saratoga Springs at the time of the PUD Site Plan review for that aspect of the project.

The site shall have entrance and exit location(s): two on Washington Street with one to be used in conjunction with the structure to be located at the intersection of Federal Street and Washington Street, two on Federal Street with one entering and exiting the garage structure and also permitting the one-way vehicular access to the drive-thru window associated with the structure located at the intersection of Federal Street and Washington Street and two on Congress Street as specified herein. No direct vehicular access point shall be permitted onto or off of Broadway.

As a portion of Phase I b or 2, a drive-thru exit onto Congress Street shall be permitted. This exit shall be designed and signed for right turn only so as to allow exiting traffic to flow only in a westerly direction on Congress Street. Also, a drive-thru window may be constructed in conjunction with the Phase Ib or 2 structure to be located at the intersection of Broadway and Congress Street.

The total number of parking spaces required during any Phase of this project may be decreased but not increased by the Planning Board of the City of Saratoga Springs at the time of PUD Site Plan approval.

### **Section X AMENDMENTS TO THIS ORDINANCE:**

This PUCD shall be developed in compliance with the final approved "Sketch Plan" as specified in this Ordinance. Any amendment thereto shall be pursuant to the applicable provisions of the Zoning Ordinance of the City of Saratoga Springs unless otherwise specified herein.

### **Section XI INFRASTRUCTURE IMPROVEMENTS:**

The entire project, as set forth herein, will be serviced by City water and sanitary sewer lines. All services and improvements that are to be dedicated to the City of Saratoga Springs will be constructed to City standards as they exist at the time of construction. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations.

Storm water disposal shall be by means of direct access into the municipal storm water

drain and piping system.

With regard to water service to the structures within the PUCD, they shall not be required to directly tap off a City main for purposes of obtaining a water supply.

The City is hereby granted the right to enter upon the PUCD Site for purposes of making emergency repairs to any privately owned main, pipe or line. The City shall have the right to charge the real property owner whose pipe, line or main is repaired for said services.

All private water/sewer lines connecting into any structure in the PUCD shall be individually metered.

## **Section XII OFF-SITE IMPROVEMENTS:**

The real property owner and the structures located within the PUCD shall be exempt from all water service connection fees.

The real property owner shall, upon certification in writing that a fully functional three way traffic light is to be constructed and installed at the intersection of Congress Street and Federal Street, pay to the City of Saratoga Springs Twenty-Five Thousand (\$25,000.00) Dollars which sum shall be used exclusively to assist in the payment for the herein specified traffic light.

The City, prior to the issuance of a Certificate of Occupancy for the structure in Phase Ia, shall install "Stop" signs at the three corners of the intersection of Federal Street and Congress Street.

As a portion of the construction of the building in Phase Ia, a standard warning sign shall be placed on Federal Street indicating a stop sign at the intersection of Federal Street and Congress Street. The location of the warning sign shall be determined at PUCD Site Plan review for this Phase.

Improvements shall be made off of the project site on a phase by phase basis.

### **Phase Ia:**

- a) The existing water line on Federal Street between Washington Street and Congress Street shall be replaced with a ten inch line.
- b) A ten inch water line incorporating a butterfly valve, at the Broadway main, shall be constructed and installed, which line shall be extended through the Congress Street right-of-way entering the site at a point to the west of the building to be constructed at the intersection of Broadway and Congress Street. The line will be constructed through the site and shall end at a tie-in with the 10 inch water line to be constructed in Federal Street.
- c) The structures at the northwest and southwest corners of the PUCD site shall directly tap into the sanitary sewer lines existing within the municipal right-of-way adjacent to the structures. The remaining structures within the PUCD shall be serviced by means of access to a tap off of the trunkline within Congress Street which shall enter the site at a point west of the location of the

structure to be constructed at the corner of Broadway and Congress Street.

d) If directed by the Planning Board of the City of Saratoga Springs during PUD Site Plan approval, the existing curbs and sidewalks from a point 100 feet west of the intersection of Broadway and Congress Street on the north bounds of Congress Street running westerly to the intersection of Federal Street, thence along the easterly boundary of Federal Street to the intersection of Washington Street, thence easterly along the south bounds of Washington Street to the westerly property line of Bethesda Episcopal Church shall be replaced.

e) The existing traffic signal at the intersection of Congress Street and Hamilton Street shall be improved with the installation of two sets of three section signal head assemblies to assist traffic flow at the southern site entrance/exit. These will include new loop detectors at the site driveway approach. Also, new pavement markings will be applied at the intersection.

f) The real property owner, at the time the curbs and sidewalks along the north boundary of Congress Street are replaced, as specified herein, shall install within the public right-of-way, in proximity to the curbs that are to be installed, a two inch conduit needed to house the wires and mechanisms required to "hard wire" the traffic signal systems at Broadway and Congress Street with the traffic signal system at Hamilton Street and Congress Street. The installation of the wire and mechanisms within the conduit, other than as specified herein, shall be undertaken by the City at the City's cost and expense.

g) Pedestrian "Walk/Don't Walk" signal shall be installed on the corners of the intersection of Hamilton Street and Congress Street.

## **Phase Ib**

a) The PUCD real property owner shall transfer to the City of Saratoga Springs a strip of land described as follows upon the demolition of the existing northern most structure on the PUCD site:

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate lying and being in the City of Saratoga Springs, Saratoga County, New York beginning at the intersection of the south bounds of Washington Street and the west bounds of Broadway and running south five feet to a point; thence running in a general westerly direction parallel with the south bounds of Washington Street 200 feet to a point; thence in a general northerly direction five feet to the south bounds of Washington Street and thence in a general easterly direction along the south bounds of Washington Street to the west bounds of Broadway.

The PUCD real property owner, in conjunction with the construction of the structure at the northwest corner of the intersection of Broadway and Congress Street, shall purchase and deliver to the City one Type 179 controller, or its equivalent to be installed at the intersection of Broadway and Congress Street by the City. Also, the PUCD real property owner shall supply and install along the eastern frontage of the PUCD site, two-inch conduit from the traffic signal at Congress Street and Broadway to the traffic signal at Washington Street and Broadway. The responsibility and cost for placing wiring and mechanisms within

this conduit to "hard wire" connect the traffic control signals at Washington Street and Broadway, Spring Street and Broadway and Congress Street and Broadway shall be the City's unless that responsibility is specifically accepted by the PUCD real property owner.

b) Because the PUCD site is presently occupied with extensive leasable space, which will be demolished during the various phases of this project, the construction of the Phases of this project in conjunction with the demolition of the existing structures will not have an adverse impact on the roadways and signalization of the City of Saratoga Springs until such time as more than 61,000 square feet of the new gross leasable space is built. During the phase of construction that reaches the above specified square footage, the real property owner shall construct a new signal installation at the Washington Street and Broadway intersection which shall include new signal poles, loop detectors, wiring and signal head equipment to install a fully functioning signal. Also, at the intersection of Spring Street and Broadway, a new signal installation shall be constructed to include new signal poles, loop detectors, wiring and signal head equipment to install a fully functional signal. This installation shall include a Type 179 controller, or its equivalent, which will operate both of these newly installed signals.

The real property owner shall also purchase and deliver to the City of Saratoga Springs one Type 179 controller, or its equivalent to be installed in the traffic signal at the intersection of Division Street and Broadway.

Pedestrian "Walk/Don't Walk" signals shall be installed at the corners of Washington Street and Broadway and Spring Street and Broadway.

The work described in this paragraph shall be undertaken either in coordination with the building to be constructed when 61,000 new gross leasable square feet of construction has been approved for this site and being constructed.

Phase IC and D: Other than as specified herein, no off-site infrastructure improvements shall be required for the structures in these Phases.

**Phase 2 or 1b, whichever building is second on Broadway:**

The streetscape along Broadway shall be replaced, if directed by the Planning Board of the City of Saratoga Springs during PUD Site Plan approval. If directed by the Planning Board, the curbs and sidewalks from the intersection of Broadway with Congress Street on the north bounds of Congress Street to their point of intersection with the sidewalk improvements made in Phase I shall be replaced. Also, if directed by the Planning Board, the curbs and sidewalks from Broadway along the south bounds of Washington Street to the easterly boundary of the Bethesda Episcopal Church property shall be replaced.

The real property owner shall supply the City with 500 feet of two inch conduit to be installed by the City, at the City's expense, from the traffic light signal at Division Street and Broadway through the intersection of Washington Street and Broadway. The responsibility and cost for placing wiring and mechanisms within this conduit, to "hard wire"



connect traffic signals at Division Street and Broadway, and Washington Street and Broadway shall be the City's, unless that responsibility is specifically accepted by the real property owner herein.

For the construction of the structures in Phase 3 and 4, the municipal systems are adequate for the structures and uses intended and no further infrastructure improvements shall be requested, other than as specified herein, during site plan review for any of the projects.

### **Section XIII SETBACKS:**

Upon further subdivision of this property, the setback requirements shall be as exist at the time of the enactment of this legislation. Upon subdivision, parking by fee ownership or by covenants or cross-easements shall be adequate for each individually subdivided property.

### **Section XIV TIME EXTENSIONS:**

On good cause shown, the PUCD may apply for an extension of an approved PUD Site Plan which request shall not be unreasonably denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

### **Section XV SIGNAGE:**

A. All signs shall be part of a uniform program for the entire site and individual signage shall be compatible with respect to the architectural standards for Congress Park Centre.

B. The following types of signs may be erected with permits, but without permit fees, and maintained, providing such signs comply with the general requirements of this section:

1. (a) A single sign tower at the entrance to the site located at the intersection of Hamilton Street and Congress Street shall be permitted, provided it substantially conforms to the design presented in Appendix F. The total area of the tower signage shall not exceed 120 square feet per tower face. The sign tower may have sign panels on the south and north side of the sign tower. The sign panel shall be no higher than 41 feet from ground level and the maximum height of the tower shall be 60 feet. The sign panel will list the tenants within the site. The sign panels may be externally lighted or internally lighted. If the real property owner chooses to internally light the tower signs, then only the lettering of the sign and not the background of the sign shall be lit. In addition, incorporated as a structural feature of each of the sides of the sign tower and not exceeding 56 square feet per side, may be the name of the Centre and/or the logo representing the Centre.

(b) At the site entrance on Federal Street and Washington Street, a site identification tower sign shall be permitted. The sign shall not exceed 40 square feet per tower and may be illuminated as specified in Paragraph "B.1(a)" above.

- 2) Building sign panels on the structures on the corner of Broadway and Congress Street and Broadway and Washington Street: the four panels, one on Congress Street, one on Washington Street and two on Broadway, are allowed to be attached to the face of the buildings with each panel not exceed 190 square feet. The top of the panel may be located above the ground floor of the structure but shall be not higher than the window sill of the highest story of the structure or 45 feet above ground level, whichever height is lower. The sign panel will list the major stores and commercial units throughout the site with not more than ten entities to be listed on any panel.
- 3) Within the arcade connecting Broadway and the internal parking field for the site, a directory of tenants with site locate map may be attached to the arcade wall or placed on a free standing pedestal. The directory, with map, may be up to 120 square feet.
- 4) Horizontal sign bands may be permitted on the street facade and the internal facade of all structures. The signs shall be placed no higher than the lower sill of the second floor window or below the roof line on a single story structure. The band on which the signs are located shall be no higher than 30 inches and shall identify the tenant of the space below which it is affixed.
- 5) Below the roof line on each structure upon the site, on each facade facing a public street and on the internal facade of the structure facing the interior parking field, signage identifying the building may be constructed as an integral part of the facade or as a sign added to the facade of the structure but integral to the building design. This building identification sign may be one or two signs on each facade.
- 6) A sign marque shall be constructed in association with the cineplex. The marque shall be located on the internal side of the site and may extend over the private sidewalk. The sign shall have two faces each of which may be 120 square feet with the sign to be no higher than 40 feet above ground level. The sign may be allowed to be internally illuminated with an external grid to support individual letters not higher than 15 inches.
- 7) On premises directional signs identifying private property, restrictions, public parking, fire zones, entrances and exits signs shall be located on the external side of the site and shall not be illuminated. Each sign lettering panel shall not exceed four square feet per side. The signs may be free standing and two sided. The total square footage of the sign structure and lettering shall not exceed 6.5 square feet per side.
- 8) Temporary non-illuminated "For Rent" signs may be permitted within the windows of the site but shall be no larger than 30 percent of the window area.
- 9) An analogue clock which does not exceed 10 square feet in diameter per face

is allowed to occupy the four faces of a tower incorporated in a Broadway building design and shall not be higher than 96 feet above grade.

10) Awnings projecting over the property lines of the public street facade of the site and on the external side of the site which incorporates signage on front: Awning graphics shall only be allowed on the front flap and shall be no larger than 12 inches in height and may include logos. Signage must be of the same type, size, color as the sign band described in subparagraph (B)(4) herein and may be included only on the front of the awning. The awning on the street facade of the site may not be internally illuminated. The awning on the internal facades of the site may be internally illuminated.

11) Banners, flags or pennants may be flown from the towers upon the site and upon the internal sidewalks and parking field of the site. The flags located at ground level may be no higher than 20 feet in height. There shall be no advertising located on the banners, flags or pennants other than the site's commercial name and/or logo. The placement of these banners, flags and pennants shall be by the property owner and not the individual site tenants.

#### C. General:

##### 1) Tower Signs:

a) All of the letters, except tenant logos, will be of the same type, face and color, and the background will be a uniform color. The letters shall not be more than 8 and no less than 6 inches high. Such height limitation shall not apply to the lettering for the Centre name and logo on the tower.

##### 2) Sign Panels:

a) All of the letters, except tenant logos, will be of the same type, face and color, and the background will be of a uniform color. The letters shall not be more than 15 inches high.

##### 3) Sign Band:

a) The architectural design of the structures are allowed to include the sign band described in subparagraph (B)(4) which band would continue over all of the rental store fronts interrupted only • by architectural pilasters or columns. The signage may be no longer than 50 percent of the length of the store frontage occupied by an individual tenant. In general, the lettering, except for tenant logos, shall be the same type, face and color, and the background will be the same color as the general scheme of the building.

b) The signs shall be externally illuminated with the lettering and logo to be no more than 15 inches high.

c) Any tenant with special logos or special color signage that wishes the logo to be part of the exterior signage must apply to the real property owner for approval.

## 4) Building Identifier Signs:

- a) The letter for this sign, which is incorporated within the facade or the design of the structure, shall be no more than two feet in height.
- b) The signs may be located on any portion of the facade except that it shall not extend above the building line.
- c) The total size of all building identifier signs for each facade shall be no larger than five percent of the facade of the building side upon which they are constructed."

**Section XVI CONSTRUCTION STANDARDS:**

Unless otherwise noted in this Ordinance, all City construction standards current at the time of PUD Site Plan approval for any project, shall be met, with regard to improvements which are to be made in a public right of way or with regard to improvements that are intended to be dedicated to the City of Saratoga Springs.

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects or engineers. All costs associated with this shall be borne by the real property owner whether the plans are provided by the City of Saratoga Springs or by the real property owner. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

**Section XVII EXPIRATIONS:**

The Planned Unit Development Zoning approval of this site shall expire if:

- (a) final PUD Site Plan approval for the initial structure in Phase 1 is not granted by the City of Saratoga Springs Planning Board on or before July 1, 1995, or within six (6) months of submission of the initial PUD site plan application, whichever date occurs first; or
- (b) The Planned Unit Development Zoning legislation shall expire if a PUD site plan application has not been submitted by the real property owner by the 31st day of December 1998 for a structure located in Phase Ib; or
- (c) The Planned Unit Development Zoning Legislation shall expire if PUD site plan approval has not been granted within 24 months of submission of the application for PUD site plan approval for a structure in Phase Ib; or
- (d) Planned Unit Development building approval for the individual structures within each phase as shown on the "Sketch Plan" shall expire on December 31, 2003 if PUCD site plan approval for those individual

structures is not applied for the real property owner to the City of Saratoga Springs.

The zoning for the real property upon which a PUCD Site Plan approval has not been granted shall revert to the Zoning District in existence at the time of the enactment of this Ordinance. On good cause shown, an application for an amendment to the expiration date may be made to the City Council of the City of Saratoga Springs, which approval shall not be unreasonably withheld.

**Section XVIII VALIDITY:**

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected.

**Section XIX MODIFICATION:**

The developer may, upon approval of the Planning Board of the City of Saratoga Springs, alter, modify or change the number, placement and type of structure to be constructed within the site so long as the alteration, modification and change does not result in an increase in density for which on-site parking cannot be provided, constructed or obtained.

**Section XX EFFECTIVE DATE:**

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: June 22, 1993

AMENDED: June 16, 1998  
September 1, 1998  
January 19, 1999

EXHIBIT "A"  
LEGAL DESCRIPTION

ALL THAT TRACT, PIECE OR PARCEL OF LAND situate lying and being in the City of Saratoga Springs, Saratoga County, State of New York beginning at the intersection of the south side of Washington Street and the west side of Broadway and running thence south 04 degree 53 minutes 47 seconds west, a distance of 445.94 feet to a point at the intersection of the west line of Broadway and the north line of Congress Street and running thence south 84 degrees 38 minutes 49 seconds west, a distance of 480.72 feet to a point; thence north 64 degrees 39 minutes 11 seconds west, a distance of 132 feet to a point which is the intersection of the north line of Congress Street and the East line of Federal Street; thence north 04 degrees 05 minutes, 49 seconds east, a distance of 470.44 feet to a point which is the intersection of the east line of Federal Street and the south line of Washington Street and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 153.62 feet to a point which is the northwest corner of the lands now or formerly of Bethesda Episcopal Church and running thence south 03 degrees 30 minutes 49 seconds west a distance of 152.75 feet to a point which is the southwest corner of the lands now or formerly of Bethesda Episcopal Church and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 193.75 feet to a point which is the southeast corner of the lands now or formerly of Bethesda Episcopal Church and running thence north 03 degrees 30 minutes 49 seconds east, a distance of 152.75 feet to a point on the south line of Washington Street which is also the northeast corner of lands now or formerly of the Bethesda Episcopal Church and running thence south 86 degrees 29 minutes 11 seconds east, a distance of 256.10 feet to the point and place of beginning.

EXHIBIT "C"

PERMITTED USES WITHIN PUCD AND USES IDENTIFIED  
FOR PARKING DEMAND

C-1 DISTRICT

PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL	ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL	USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT & UPON SITE PLAN REVIEW & APPROVAL
<ul style="list-style-type: none"> <li>*1. Animal clinic</li> <li>*2. Apparel cleaning/dry cleaning</li> <li>3. Art gallery</li> <li>4. Bakery shop</li> <li>*5. Barber/beauty shop</li> <li>*6. Bathhouse/health center/spa</li> <li>7. Boutique</li> <li>*8. Business office</li> <li>*9. Car rental agency</li> <li>*10. Churches &amp; religious institutions</li> <li>*11. Communication services</li> <li>12. Convenience sales and services</li> <li>*13. Daycare center</li> <li>14. Drug store</li> <li>*15. Eating &amp; drinking establishments</li> <li>*16. Financial institutions &amp; banks</li> <li>*17. Florist</li> <li>18. Furniture store</li> <li>19. General retail</li> <li>*20. Hotel/motel</li> <li>*21. Library</li> <li>*22. Medical offices/clinics</li> <li>*23. Museum</li> </ul>	<ul style="list-style-type: none"> <li>*1. Private garages &amp; Parking Structures</li> <li>*2. Solar/heating/ventilation equip.</li> </ul>	<ul style="list-style-type: none"> <li>*1. Bus Depot</li> <li>*2. Civic center/convention center</li> <li>*3. Fraternal lodges/clubs</li> <li>*4. Group entertainment (nightclubs, theater)</li> <li>*5. Laundromat</li> <li>*6. Satellite receiving antennas</li> </ul>

EXHIBIT "C"

PERMITTED USES WITHIN PUCD AND USES IDENTIFIED

FOR PARKING DEMAND

C-1 DISTRICT

PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL	USES PERMISSIBLE ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL SITE PLAN REVIEW &	UPON ISSUANCE OF SPECIAL USE PERMIT & UPON
_____	_____	_____
		<u>APPROVAL</u>

- \*24. Neighborhood center
- \*25. Newspaper plant
- 26. Open-air market (farmers' market)
- \*27. Printing, publishing & engraving
- \*28. Professional offices
- \*29. Real estate office
- \*30. Recreational facilities (indoor)
- 31. Residential use on 2nd floor or above
- \*32. Training & educational services, classroom instruction, etc.
- \*33. Vehicular fee parking
- \*34. Visitors center

\* = Mixed use utilization for purposes of parking demand



"EXHIBIT D"

Exhibit "D" removed as per an amendment adopted on January 19, 1999.



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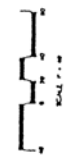
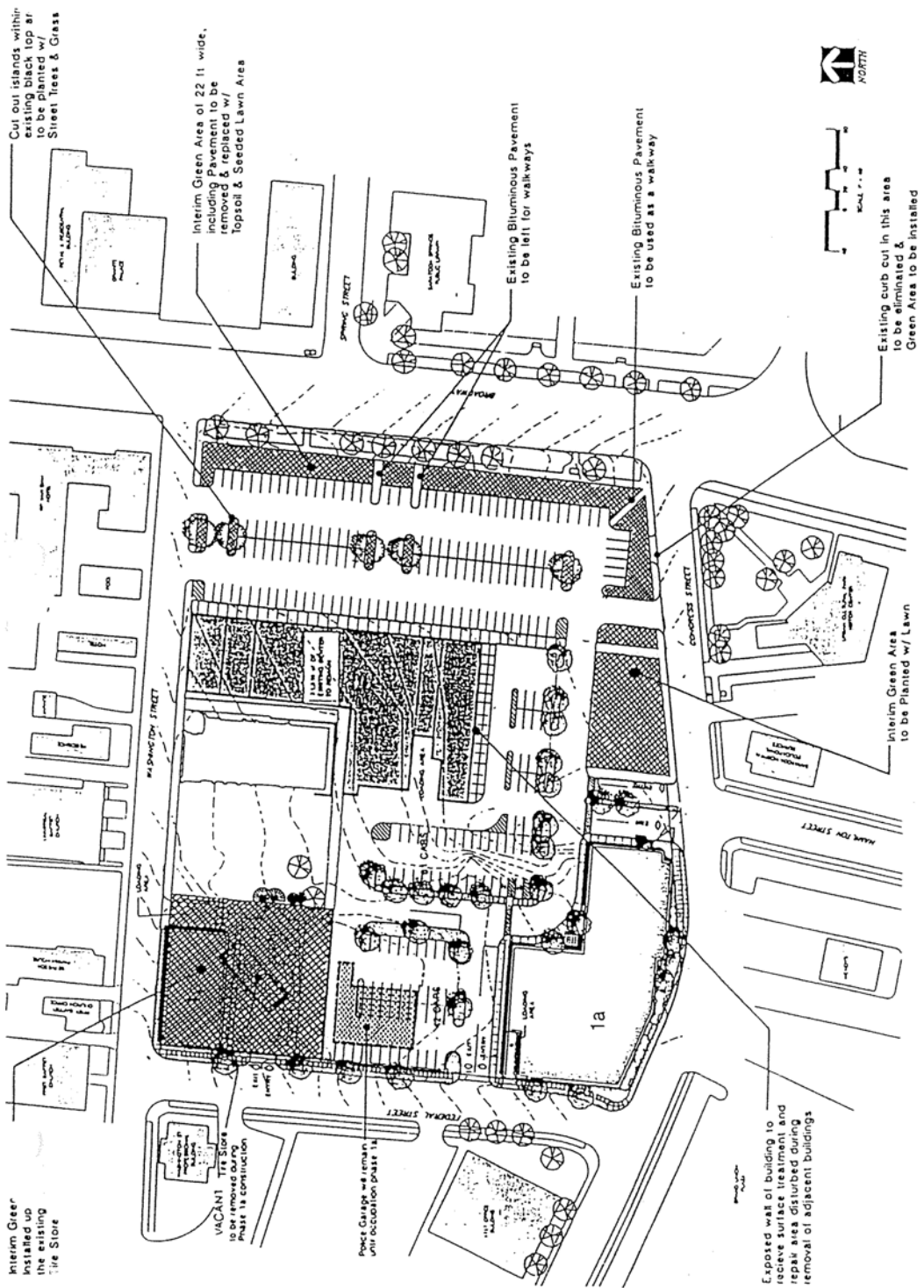
Design:  
Drawn:  
Checked:

Phase 1A SITE GREEN SPACE  
Sheet No.  
Saratoga Springs, New York  
CONGRESS PARK CENTRE

Figure

EXHIBIT

11E 11



**Appendix C:**

**8. The Village At Saratoga Planned Unit Development (formerly 241.8)**

Chapter 241.8

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED  
UNIT DEVELOPMENT DISTRICT  
TO BE KNOWN AS  
"THE VILLAGE AT SARATOGA PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

Section 1 - Name:

This Ordinance shall be known as "The Village at Saratoga Planned Unit Development" and amends Chapter 240 of the Code of the City of Saratoga Springs, New York entitled "Zoning".

Section II - Zoning Change:

The Zoning Ordinance of the City of Saratoga Springs and the zoning map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing zoning district of UR-2, Urban Residential-2, as hereinafter described, and creating within the boundaries of said newly described area a residential planned unit development district to be known and described as "The Village at Saratoga Planned Unit Development".

Section III - Boundaries:

The area of "The Village at Saratoga Planned Unit Development" consists of approximately nineteen (19.78) acres located in the City of Saratoga Springs and is bounded and described as set forth in Appendix A - Legal Description, attached hereto and made a part hereto, and Appendix B - Sketch Plan, which is on file in the City Engineer's Office of the City of Saratoga Springs, New York. The property is designated on the Assessor's Map of the Outside Tax District as set forth on Appendix C - Tax Map Identification.

Section IV - Purpose:

It is the purpose of this Ordinance to provide a means, to establish parameters and limits of residential growth in the Crescent Street Area. It is the further purpose of this Ordinance to promote flexibility in the development and design of that area by creating a variety of residential types that will result in the more efficient use of land, promote good site design and visual quality and result in a more pleasing environment than otherwise possible.

Section V - Uses and Density:

## CITY OF SARATOGA SPRINGS ZONING ORDINANCE

There shall be constructed within the boundaries of "The Village at Saratoga Planned Unit Development" residential use types consisting of single family detached dwelling units and two family duplex dwelling units.

Within the PUD the following uses are allowed:

Single family detached - 50 ft. wide lots. Approximately 9.05 acres can be developed with a maximum of 59 single family detached dwellings. The gross density shall not exceed 6.6 units per acre.

Two family duplex- 50 ft. wide lots. Approximately 1.36 acres can be developed with a maximum of 11 two family duplex structures with a maximum of 22 dwellings units . The gross density shall not exceed 16.2 units per acre.

Single family detached- 40 ft. wide lots. Approximately 4.08 acres can be developed with a maximum of 37 single family detached dwellings. The gross density shall not exceed 9.1 units per acre.

Recreation- Clubhouse/Sales and Marketing Center and related recreational amenities (swimming pool, outdoor court games, etc.) can be developed. The center shall be at least 2,400 square feet, but shall not exceed 3,500 square feet.

The applicant shall have the right to increase the density of one product type above and beyond the total number of units for each housing type set forth above, provided, however, that the overall density of the planned unit development is not increased and in no event to exceed 118 total dwelling units. In no event may any one product type increase more than 25% of the maximum totals listed above.

### Section VI - Homeowner's Association:

There shall be established a "Village at Saratoga" homeowners association or, as an alternative a municipal park district or similar entity, created in accordance with law, which shall hold in common ownership of all open spaces, and other common amenities and shall maintain the same. The assets of this association or entity shall be maintained by the developer until 90% of the total approved units for the entire PUD have a certificate of occupancy.

### Section VII - Sketch Plan:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for overall development of "The Village at Saratoga Planned Unit Development". It may be amended and modified by the Saratoga Springs Planning Board as so long as the use, density and development regulations as set forth in this Ordinance are met.

### Section VIII - Utilities:

The entire "The Village At Saratoga Planned Unit Development" area will be serviced by municipal water and sanitary sewer lines in the manner directed by the Saratoga Springs Planning Board during the PUD site plan review process.

All water and storm drainage lines and sanitary sewer lines shall be constructed to City standards and when completed shall be turned over to the city for ownership and maintenance. All utilities will be dedicated to the City of Saratoga Springs and meet city standards at time of dedication.

Section IX - Development Process:

Prior to the issuance of a building permit to develop any of the area within "The Village at Saratoga Planned Unit Development" the developer shall receive preliminary and final PUD site plan approval from the Planning Board of the City of Saratoga Springs pursuant to Chapter 240-3.13 . Such PUD site plan approval, road improvements and all other right-of-way improvements, on or off-site, shall be in conformance with Chapter 240-3.13 of the Zoning Ordinance of the City of Saratoga Springs. If in the development of the PUD site plan it becomes apparent that certain elements of the Sketch Plan are infeasible and in need of significant modification, any significant modification thereof must be approved in accordance with the Zoning Ordinance of the City of Saratoga Springs. Any standard concerning the construction of residential units to be constructed within "The Village at Saratoga Planned Unit Development" shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of site plan approval for the units to be so constructed.

Within sixty (60) days of receipt of the final PUD site plan, the Planning Board of the City of Saratoga Springs shall approve, approve with modification or disapprove the final site plan according to the procedure and time as specified in Chapter 240.13 of the Zoning Ordinance of the City of Saratoga Springs.

Section X - Streets Roads:

All interior roads servicing the "The Village at Saratoga Planned Unit Development" as per the Sketch Plan shall be constructed in accordance with standard road specifications developed by the City of Saratoga Springs. The developer, or its successor, shall be required to post a performance bond, irrevocable letter of credit or similar instrument providing for the completion of all road improvements within "The Village at Saratoga Planned Unit Development" as per the PUD site plan approval and specifications established by the City of Saratoga Springs. Such bond, irrevocable letter of credit or similar instrument shall be in the form and for the amounts directed by the City of Saratoga Springs.

All streets within "The Village at Saratoga Planned Unit Development" shall be built by the developer and offered for dedication to the City of Saratoga Springs. Once accepted for dedication by the City of Saratoga Springs, the streets will be public and maintained by the City of Saratoga Springs, New York. At the time of dedication to the city, all improvements shall meet the city's standard standards applicable at that time.

The developer, or its successor, shall install sidewalks, curbing, street trees, street lights, etc. within the proposed public rights-of-way for all streets within the project site.

Section XI - Off-site Improvements:

The developer, or its successor, shall be responsible for the following off-site improvements:

- a. The developer shall design and construct a 8 inch water line from the corner of Vanderbilt Avenue to: 1) the intersection of Joshua Road and Crescent Street via Crescent Street; and 2) a location on Route 9 via a route through the streets of the PUD, the design of the water lines shall be approved as part of the PUD site plan approval for Phase I; the improvements must be financially secured in the manner directed by the Saratoga Springs Planning Board and completed within 18 months from the date of issuance of the first

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

building permit in Phase I. The developer will secure all necessary easements and permits required for this construction. All improvements and easements will be dedicated to the City of Saratoga Springs for ownership and maintenance. At the time of dedication to the city, all improvements shall meet the city's standard standards applicable at that time.

b. The developer shall design and construct any off-site improvements to the sanitary sewer lines and storm sewer over flow connections as required by the City of Saratoga Springs. At the time of dedication to the city, all improvements shall meet the city's standard standards applicable at that time.

c. The developer shall not be responsible for any curbs, pavement improvements, street trees, street lighting within the existing public rights of ways of that portion of Crescent Street and Vanderbilt Avenues that have frontage on the PUD.

d. The developer shall design and construct a pedestrian path system along Crescent Street from the PUD site to Route 9. This pedestrian path shall be constructed as part of the PUD site plan approval for Phase I.

e. The developer shall construct an eight foot high, standard industrial-weight(9 gauge),galvanized chain link fence with vine plantings along the entire property line which border the lands of the Greenridge Cemetery Association. If this fence is located on the lands within the boundaries of the PUD, it shall be owned and maintained by the Greenridge Cemetery Association, with appropriated easements being granted by the developer. If this fence is to be located on the properties owned by the Greenridge Cemetery Association the height of the fence shall be governed by the applicable zoning regulations that pertain to that property, and said fence shall be owned and maintained by the Greenridge Cemetery Association. This fence shall be constructed as part of the PUD site plan approval for Phase I.

Section XII - Phasing:

"The Village at Saratoga Planned Unit Development" shall be developed in accordance with the following phasing plan:

PHASE	MAX NUMBER OF LOTS			PUD SITE PLAN APPROVAL <u>MUST BE OBTAINED BY</u>
	Single family detached 50' lots	Two family duplex detached 40' lots	Single family lots	
1	30	11	22	6/1/97
2	29	--	15	12/1/99
<b>Totals</b>	<b>59</b>	<b>11</b>	<b>37</b>	

The phasing plan is illustrated in Appendix D.

Planned Unit Development zoning approval for the project shall expire for a phase and all subsequent phases if PUD site plan approval is not obtained from the

Saratoga Springs Planning Board by the dates specified above. The zoning for this site shall revert to the zoning districts established and in force at the time of enactment of this Ordinance.

The developer may, upon notice to the Saratoga Springs Planning Board, and the Saratoga Springs Planning Board may, upon receipt of such notice, alter, modify or change the number and type of units to be constructed within any particular phase, provided, however, that such alteration, modification or change does not result in an increase in the maximum density for the Phase subject to such change as provided herein and that the altered, modified or changed phasing plan remains consistent.

The developer, or its successor, shall obtain building permits for seventy (70%) percent of the units proposed to be constructed in each phase prior to final site plan approval for subsequent phases.

#### Section XIII - Community Center:

Approximately 0.43 acres will be the site of the Community Center as per the Sketch Plan. The homeowners association or, as an alternative a municipal park district or similar entity, for "The Village at Saratoga" shall be responsible for the maintenance and management of the facilities.

The design for the improvements in this area shall be part of site plan approval for Phase I. The Community Center will be constructed during the initial phase of the development. The Community Center shall not have an on-site parking requirement except when it is used as a sales/marketing office. When used as a sales/marketing office this facility shall have an off-street parking requirement of five (5) spaces.

The ownership of any portion of the Community Center cannot be sold, transferred or conveyed without prior approval by the City Council of the City of Saratoga Springs unless such transfer or conveyance of the Community Center is to the homeowners association or, as an alternative a municipal park district or similar entity, for the "The Village at Saratoga". The developer will own and maintain the Community Center/Sales and Marketing Center until at least 90% of all occupancy permits are issued.

#### Section XIV - Area and Bulk Regulations:

The area and bulk schedule for "The Village at Saratoga Planned Unit Development" is attached hereto as Appendix E.

#### Section XV - Buffers:

There shall be a special forty (40) foot setback requirement for the principal buildings along Crescent Street and Vanderbilt Avenue. Within this setback, the twenty (20) feet closest to Crescent Street and Vanderbilt Avenue shall be maintained as a vegetated no cut buffer. An exception to the above, the lot number one (1) shall have a ten (10) foot no cut vegetative buffer and a fifteen (15) foot front yard setback on the Crescent Street side.

There shall be a special thirty-five (35) foot setback requirement for principal buildings along all land adjoining the State Park and cemetery property. Within this setback, the fifteen (15) feet closest to the State Park and cemetery land shall be maintained as a vegetated no cut buffer. An exception to the above, lots number twenty (20) and twenty-nine (29) shall have a five (5) foot side yard setback and no vegetated no cut buffer. The attached garages for homes built on these two lots will



face the cemetery lands.

Within the no cut buffers only removal of healthy vegetation under five (5) inches diameter, measured at breast height shall be allowed to removed. Noxious, dead, and potentially harmful vegetation may be removed, regardless of size, with appropriate authorization from the Homeowner's Association, or similar entity. In addition, the developer shall grant the Greenridge Cemetery Association an easement to maintain the no cut buffers along the property lines of lands owned by the Greenridge Cemetery Association.

Section XVI - Severability:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

Section XVII - Construction Standards:

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. City may require any or all costs connected with this to be borne by the developer.

The residential units within this PUD shall have the following architectural features: 1) the roofs for all dwellings shall have a minimum slope of 8/12; all garage doors shall be situated at least 5 feet further back than the front line of the main house structure and/or the front porch; and, 3) a minimum of 70% of dwellings shall have front porches which are 50 square feet or larger.

The exterior design features of the homes and the community center, and the configuration of all structures on the lots shall be subject to the approval of the Saratoga Springs Planning Board during PUD site plan approval.

The following definitions apply to this ordinance:

ACCESSORY BUILDING shall be defined as per Section 240-1.5 of the Saratoga Springs Zoning Ordinance and shall further be defined for the PUD as a detached structure from the principal building that shall be a garage or storage building, constructed to conform to all Building Codes, PUD design and construction standards, area and bulk standards.

DECK shall be defined for this PUD as an attachment to the principal building or detached permeable wood structure that may be constructed to conform to all Building Codes and PUD design, area, bulk and construction standards.

PATIO shall be defined for this PUD as constructed on brick, concrete, stone, wood or patio block to conform to all Building Codes and PUD design, area, bulk and construction standards, subject to the same setback requirements as decks.

Section XVIII - Change In Ownership:

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

In the event that ownership of the area wholly encompassed by "The Village at Saratoga Planned Unit Development", is transferred or conveyed to any third person, firm, corporation, partnership or other entity by the applicant herein, the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedures set forth in Chapter 240-3.14 of the Zoning Ordinance of the City of Saratoga Springs.

Section XIX - Effective Date:

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: May 7, 1996

AMENDED: June 3, 1997

AMENDED: October 21, 1997

APPENDIX "A"

LEGAL DESCRIPTION OF PUD

ALL THAT PARCEL OR PIECE OF LAND situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of new York, more particularly bounded and described as follows:

Beginning at a point on the north side of Crescent Street at its intersection with the west line of Parkview Terrace; thence in an easterly direction along the north side of said Crescent Street to a point that is the intersection with the west line of Vanderbilt Avenue extended southerly to the north line OE Crescent Street aforesaid; thence in a northerly direction along the west line of Vanderbilt Avenue to its point of intersection with the north side of Fremont Street and the lands now or formerly of the Green Ridge Cemetery; thence westerly along the north line of Fremont Street and the southerly line of the lands of the Green Ridge Cemetery to the point of intersection with the east line of Canton Street with the north line OE Fremont Street; thence in a northerly direction along the east side of Canton Street and the lands of the aforesaid cemetery on the east to a point on the north side of Clifton Street where it intersects the east line of Carlton Street; thence westerly along the north side of Clifton Street to a point at the southeast corner of tax parcel 178.3-2-4 reputedly owned by W. J. Grande & Sons, Inc.; thence northerly along the lands of the aforesaid cemetery on the east and the lands of W. J. Grande & Sons, Inc. aforesaid on the west 100 +/- feet to a point at the northeast corner of tax parcel 178.35-2-4; thence westerly along the north line of W. J. Grande & Sons, Inc. (18.35-2-4) and C. M. Kolowski (178.35-2-3) to a point at the northeast corner of lands conveyed to Carole Murtha aforesaid and the northerly prolongation of the west line of Parkview Terrace; thence southerly along the east line of Murtha aforesaid 100 feet and continuing southerly along the west line of Parkview Terrace to a point that is at the intersection of the west line of Parkview Terrace with the north line of Crescent Street and the point and place of beginning.

All streets referred to above are shown on map of Lincoln Park Estates made by S. J. Mott, C.E. dated 8,111/26 and filed in the Saratoga County Clerk's Office on 8/21/26 and on tax map numbers 178.35 & 178.44.

APPENDIX "B"

SKETCH PLAN

On file in the office of the City Engineer of the City of Saratoga Springs.

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

APPENDIX "C"

CURRENT TAX PARCEL OF THE PUD

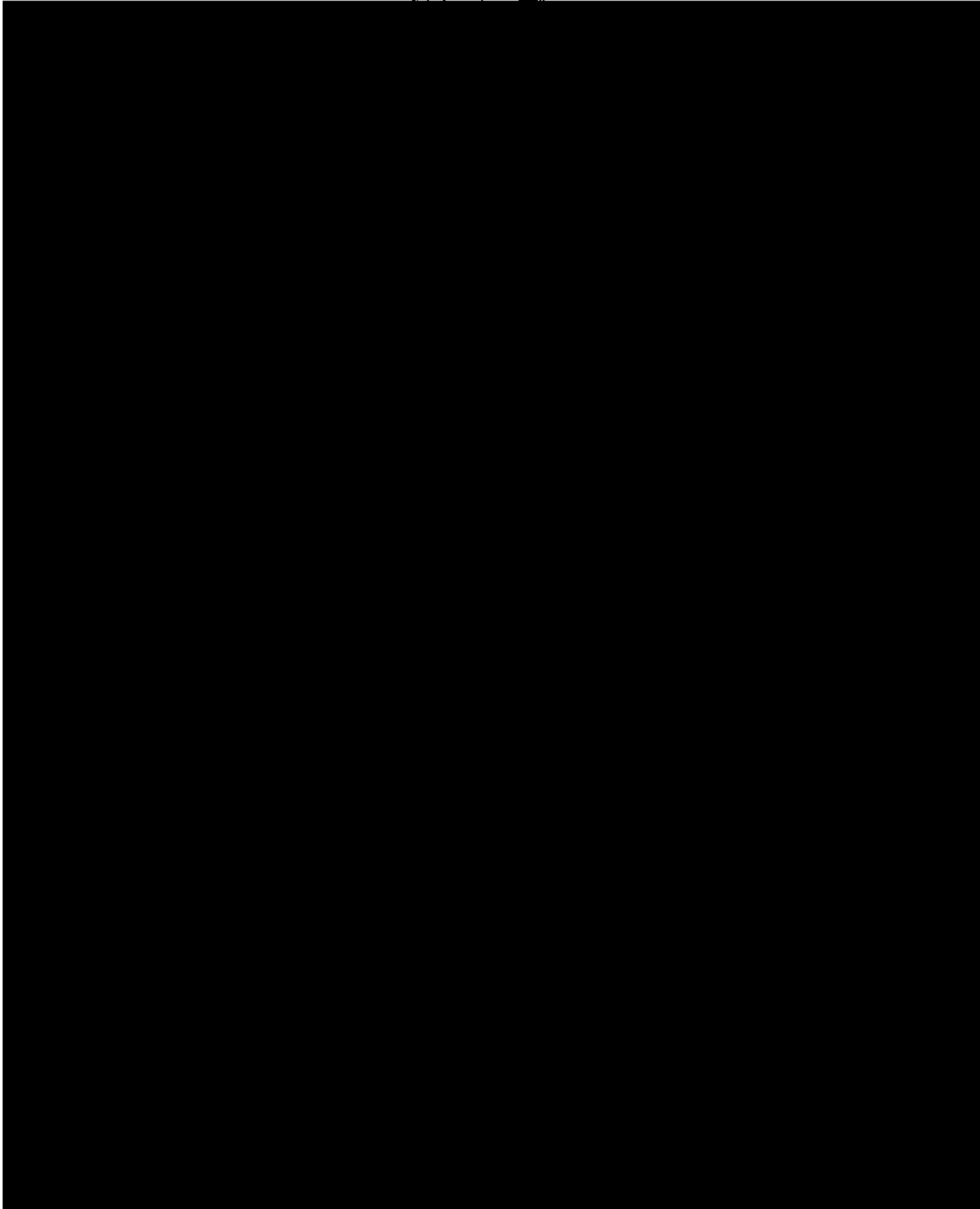
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- 178. 35 -2-4
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- 178. 35 -2-6.1
- 178. 35 -2-6.2
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- 178. 43 -1-2
- 178. 43 -1-9
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- 178. 44-1-10
- 178. 44-1-11
- 178. 44-1-12
- 178. 44-1-13

v1.c  
DEV

D: 8.VILLAGE AT SARATOGA PLANNED UNIT

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

VANDERBILT AVENUE  
SARATOGA SPRINGS



CITY OF SARATOGA SPRINGS ZONING ORDINANCE

Appendix "E"

AREA & BULK SCHEDULE  
VILLAGE AT SARATOGA PUD

Use	Minimum Lot Size		Maximum Yard Dimensions		Minimum Yard Dimensions		Principal Buildings		Principal Buildings		Accessory Decks & Patios		Accessory Building		Minimum Percent of Lot to be Permeable	
	Area sq. feet	Mean Width (feet)	Front (feet)	Rear (feet)	Front (feet)	Rear (feet)	Minimum First Floor Area sq. feet	Maximum Height (feet)	Principal Building (feet)	Side Lot line or no cut buffer (feet)	Rear Lot line or no cut buffer (feet)	Principal Building (feet)	Side Lot line (feet)	Accessory Building line (feet)		Minimum Distance to:
Single Family Detached Dwellings 50 foot wide lots	5,000	50	25	20	5	35(A)	1,100	40	-	5	5	5	5	5	5(B)	35%
Two Family Duplex Dwellings 50 foot wide lots	5,000	50	25	20	5	35(A)	1,100	40	-	5	5	5	5	5	5(B)	35%
Single Family Detached Dwellings 40 foot wide lots	4,000	40	20	20	5	35(A)	800	40	-	5	5	5	5	5	5(B)	35%

Notes:

- (A) 20 feet for lots #21 thru #27 and #33 thru #39
- 40 feet for lots #81 thru #107

(B) No accessory buildings permitted on lots which back up on Crescent Street, Vanderbilt Avenue, Greenidge Cemetery and the State Park land.

**Appendix C:**

**9. Green Acres Planned Unit Development (formerly 241.9)**

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF PLANNED  
UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS  
"GREEN ACRES PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, New York, following a public hearing as follows:

Section 1 - Name:

This Ordinance shall be known as "Green Acres Planned Unit Development" and amends Chapter 240 of the Code of the City of Saratoga Springs, New York entitled "Zoning" .

Section II - Zoning Change:

The Zoning Ordinance of the City of Saratoga Springs and the zoning map of the City of Saratoga Springs as set forth herein be and the same are hereby amended by changing from the existing zoning district of UR-2 as hereinafter described, and creating within the boundaries of said newly described area a residential planned unit development district to be known and described as "Green Acres Planned Unit Development", hereinafter referred to as "Green Acres".

Section III - Boundaries:

The area of "Green Acres Planned Unit Development" owned by Green Acres of Saratoga Lake, Inc., hereinafter the "Corporation") consists of approximately thirteen (13.2) acres located in the City of Saratoga Springs and is bounded and described as set forth in Appendix A- Legal Description, and Appendix B - Sketch Plan, attached hereto and made a part hereto.

The property is designated on the Assessor's Map of the Outside Tax District as set forth on Appendix C - Tax Map Identification.

Section IV - Purpose:

Historically, the area included in Green Acres developed outside the now applicable zoning ordinance. It is the purpose of this Ordinance to provide a means to establish regulations and limits of residential growth in the already developed area. It is the further purpose of this Ordinance to promote flexibility in the development and design of Green Acres by incorporating this area which has existed and been developed over the last 30 years into the City's zoning ordinance so as to legislative ratify the residential nature of the area and facilitate the use of land, promote good site design and visual quality and result in a more pleasing environment than otherwise possible. The Comprehensive Plan for the City of Saratoga Springs (as revised) proposes that this area be developed as a PUD.

Section V - Uses and Density:

There shall be constructed within the boundaries of "Green Acres Planned Unit Development" residential use types consisting of single family detached dwelling



units. The maximum number of units that can be constructed shall be twenty (20). The maximum number of lots upon which said units can be constructed is nineteen (19). No more than one unit can be constructed upon a lot unless other provided for in this ordinance.

Within the PUD the following uses are allowed:

Single family detached:

Each lot will be established by surveyed descriptions incorporated in this legislation by reference on the attached sketch plan. No further development will be permitted on said lots other than as expressly provided for in this act.

Recreation:

Recreational facilities may be established on the 4.092 acre lot described as remaining lands of Green Acres of Saratoga Lake, Inc., which facilities may include a Clubhouse Center and related recreational amenities (swimming pool, outdoor court games, etc.). PUD site plan approval shall be required for development of the open space and/or common land.

Accessory:

Accessory uses permitted are as follows: private garages, storage sheds, swimming pools, solar/heating/ventilation equipment, private docks (up to 110 feet in length), temporary accessory dwelling, antennas and satellite dishes, home occupation and greenhouses (non-commercial).

Section VI: Ownership, Tenancies and Homeowner's Association:

The PUD shall consist of 19 parcels (totaling approximately 7 acres) leased to corporation members and the remaining land (approximately 6 acres) shall be common space retained by the corporation. The leased lots are surveyed and the lot lines described in the PUD will be the same as the lot lines contained in the members' leases. Green Acres retains the right to convey the leased premises to its members or to other persons in fee simple. The common space shall be maintained by the corporation and expenses for the same shall be paid through revenues generated by the leases to the tenants. In the event that the lots are transferred to individuals, the corporation shall require said lot owners as a condition of the conveyance to agree through association or otherwise to contribute sufficient funds to maintain all common property retained by Green Acres.

Section VII - Sketch Plan:

The attached Sketch Plan, Appendix B, shall be used by the City and the developer as a guide for overall development of "Green Acres Planned Unit Development". It may be amended and modified by the Saratoga Springs Planning Board so long as the use, density and development regulations as set forth in this Ordinance are met.

Section VIII - Utilities:

The entire "Green Acres Planned Unit Development" area will be serviced by municipal water and sanitary sewer lines in the manner directed by the Saratoga Springs Planning Board during the PUD site plan review process.

The water lines shall service all units on Garside Road as well as Garside Road Extension. Access to the water lines on Garside Road and Garside Road Extension shall be insured by Green Acres giving to the City a thirty two (32) foot permanent easement to Garside Road and a twenty (20) foot permanent easement to Garside Road Extension for the maintenance of said water lines.

All water lines shall be constructed to City standards and when completed shall be offered for dedication to the City of Saratoga Springs.

All lots shall continue to be serviced by County Sewer District #1. Said sanitary sewer facilities will be owned and maintained by the Saratoga County Sewer District #1.

#### Development Process:

Prior to the issuance of a building permit to develop any of the residential lots within "Green Acres Planned Unit Development" (other than a building permit which would otherwise be permitted under the Code) the Corporation shall receive PUD site plan approval from the Planning Board of the City of Saratoga Springs pursuant to Chapter 240-3.5. Such PUD site plan approval shall be limited to road improvements and all other right-of-way improvements, on or off-site, utilities and drainage system and shall be in conformance with Chapter 240-3.5 of the Zoning Ordinance of the City of Saratoga Springs. If in the development of the PUD site plan it becomes apparent that certain elements of the Site Plan are infeasible and in need of significant modification, any significant modification thereof must be approved in accordance with the Zoning Ordinance of the City of Saratoga Springs. Any standard concerning the construction of residential units to be constructed within "Green Acres Planned Unit Development" shall be governed by and comply with the appropriate codes, laws, rules and regulations, including the New York State Building Codes in force and effect at the time of site plan approval for the units to be so constructed.

Once PUD site plan approval has been granted for Phase I, PUD site plan approval shall not be required for any residential lot in the PUD.

#### Section X - Streets Roads:

Garside Road, which services the "Green Acres Planned Unit Development" as indicated upon the Sketch Plan, shall remain owned by Green Acres. It shall be constructed in accordance with city specifications, excluding width, curve radius, turnaround and slope. Its paved width shall be fourteen (14) feet. There shall also be installed along Garside Road wing curbs, along with street lights. No sidewalks will be installed. A permanent easement shall be given to the City for maintenance of the City water lines running under said extension.

Garside Road Extension shall remain owned by Green Acres. It shall be improved by paving of the same to a width of ten (10) feet. A permanent easement shall be given to the City for maintenance of the City water lines running under said extension.

Should any emergency cause the City of Saratoga Springs to operate, maintain or repair Garside Road, Garside Road Extension, or the drainage system in order to protect the health, safety and welfare of the residents, the City Department of Public Works shall be empowered to bill the real property owners of the improved land in an amount to be determined by the Commissioner of Public Works so as to reimburse the Department of Public Works for all expense incurred for such purpose.

Section XI - Off-site Improvements:

The developer, or its successor, shall not be responsible for any curbs, pavement improvements, street trees, street lighting within the existing public rights of ways of that portion of Crescent Street or Kaydeross Park Road that has frontage on the PUD.

Section XII - Phasing:

"Green Acres Planned Unit Development" shall be developed in accordance with the following phasing plan:

PHASE I RESIDENTIAL AREA

Water System, Drainage, Road Improvements, and Residential Lot Designations

PUD site plan approval must be obtained by December 31, 1999. If not obtained by said date, the zoning for the PUD shall expire and the property shall revert to RR-1 zoning.

PHASE II: RECREATION AREA

Clubhouse and Recreation Amenities

PUD site plan approval can be obtained at any time. There shall be no expiration date.

The approximate boundaries of these phases are shown on the sketch plan in Appendix B.

Section XIII - Drainage:

Storm Sewer. A storm sewer system for the road improvement shall be constructed that shall be sufficient to convey a 25 year storm.

Storm Management Facility. A storm management facility shall be constructed that shall be sufficient to treat the first flush and will utilize an overflow basin that will

protect sediments and potential pollutants from entering Saratoga Lake.

Section 4IV - Height, Setback, Area and Bulk Regulations (and Exceptions):

A11 lots shall comply with the requirements set forth in Schedule D attached hereto and made a part of this act, subject to the exceptions which appear in the schedule entitled "Green Acres Planned Unit Development, Area and Bulk Schedule Exceptions" attached hereto as Appendix E.

Height setback and area and bulk regulations for recreation facilities shall be determined by the Planning Board during PUD site plan approval for Phase II.

Section XV Reconstruction of Existing Structures:

The owner, its successors, assigns or its lessee of each lot shall have the right to replace, reconstruct or otherwise improve any existing structure including principal buildings and accessory buildings now situate (as shown on the site plan or as permitted pursuant to Appendix E herein) on a lot, whether or not within the area, bulk and/or setback requirements contained herein so long as said replacement, reconstruction, improvement does not require construction outside the existing footprint of said structure or said footprint as permitted in Appendix E.

Section XVI - Severability:

If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance shall not be affected thereby.

Section XVII - Construction Standards:

All construction standards for buildings, private and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects, or engineers. All costs associated with this shall be borne by the owner whether the plans are provided by the City of Saratoga Springs or by the owner. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith. City may require any or all costs connected with this to be borne by the owner.

Section XVIII - Change In Ownership:

In the event that ownership of the area wholly encompassed by "Green Acres Planned Unit Development", is transferred or conveyed to any third person, firm, corporation, partnership or other entity by the applicant herein, the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedures set forth in Chapter 240-3.5 of the Zoning Ordinance of the City of Saratoga Springs.

Section XIX - Effective Date:

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

ADOPTED: September 22, 1999

APPENDIX "A"  
Legal Description



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BOUNDARIES OF GREEN ACRES PLANNED UNIT DEVELOPMENT DISTRICT  
GREEN ACRES OF SARATOGA LAKE, NY  
SARATOGA SPRINGS, NY

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the City of Saratoga Springs, County of Saratoga, State of New York lying along the southeasterly line of Crescent Avenue, County Road No. 22 and the easterly line of Kaydeross Park Road and being further bounded and described as follows:

Beginning at a point marked with a capped iron rod found at the point of intersection of the southeasterly line of Crescent Avenue, County Road No. 22 with the common the division line of lands now or formerly of Saratoga Settlement, Inc. as conveyed in Book 1028 of Deeds at Page 1183 to the northeast and the parcel herein being described to the southwest; thence from said point of beginning along said common division line the following two (2) courses and distances:

- 1) South 55 deg. 53 min. 50 sec. East, 292.50 feet to a point;
- 2) South 64 deg. 52 min. 00 sec. East, 304.70 feet to a marked with a capped iron rod found near the west shore line of Saratoga Lake; thence along the west shore line of Saratoga Lake as it winds and turns in a general southerly direction approximately 1,050 feet to the point of intersection of said west shore line with the common division line lands now of formerly of Mary Jane

---

900 Route 146, Clifton Park, New York 12065

phone (518) 371-7621 - fax (518) 371-9540



Hales and Timothy Ross as conveyed in Book 1191 of Deeds as Page 322 to the south and the parcel herein being described to the north, said shore line having the following twelve (12) tie line courses and distances:

- 1) South 50 deg. 22 min. 10 sec. West, 115.27 feet to a point;
- 2) South 49 deg. 11 min. 00 sec. West, 103.45 feet to a point;
- 3) South 35 deg. 10 min. 00 sec. West, 45.96 feet to a point;
- 4) South 28 deg. 29 min. 30 sec. West, 47.53 feet to a point;
- 5) South 18 deg. 52 min. 10 sec. West, 111.98 feet to a point;
- 6) South 07 deg. 07 min. 10 sec. West, 120.32 feet to a point;
- 7) South 04 deg. 32 min. 00 sec. West, 59.16 feet to a point;
- 8) South 10 deg. 07 min. 10 sec. East, 67.14 feet to a point;
- 9) South 14 deg. 56 min. 20 sec. East, 82.85 feet to a point;
- 10) South 07 deg. 29 min. 40 sec. East, 94.16 feet to a point;
- 11) South 12 deg. 06 min. 40 sec. East, 51.98 feet to a point;
- 12) South 43 deg. 01 min. 30 sec. East, 117.94 feet to a point;

thence along said common division line in part, and the common division line of lands now or formerly of Milton Ross Associates, Inc. as conveyed in Book 1092 of Deeds at Page 203 to the south and the parcel herein being described to the north the following three (3) courses and distances:

- 1) North 68 deg. 44 min. 40 sec. West, 569.88 feet to a point marked with a concrete monument found;
- 2) North 39 deg. 29 min. 30 sec. West, 9.70 feet to a point;




3) North 68 deg. 59 min. 30 sec. West, 328.92 feet to a point marked with an iron rod found in the easterly line of Kaydeross Park Road; thence along the easterly line of Kaydeross Park Road and the southeasterly line of Crescent Avenue, County Road No. 22 the following four (4) courses and distances:

- 1) North 24 deg. 26 min. 20 sec. East, 524.76 feet to a point;
- 2) North 23 deg. 07 min. 40 sec. East, 113.48 feet to a point of curvature;
- 3) Along a curve to the right an arc length of 113.29 feet to a point of tangency, said curve having a radius of 375.00 feet and a chord length of North 31 deg. 46 min. 50 sec. East, 112.86 feet;
- 4) North 40 deg. 26 min. 10 sec. East, 216.41 feet to a the point or place of beginning containing 13.2± acres of land to be the same more or less.

Said parcel made subject to any and all enforceable covenants, conditions, easements and restrictions of record as they may appear.

The purpose of this description is to describe a proposed P.U.D. and not to be used for the conveyance of Real Property.

Prepared by: TJM  
March 18, 1999

  
E. Daniel Fuller, P.L.S. No. 49,135

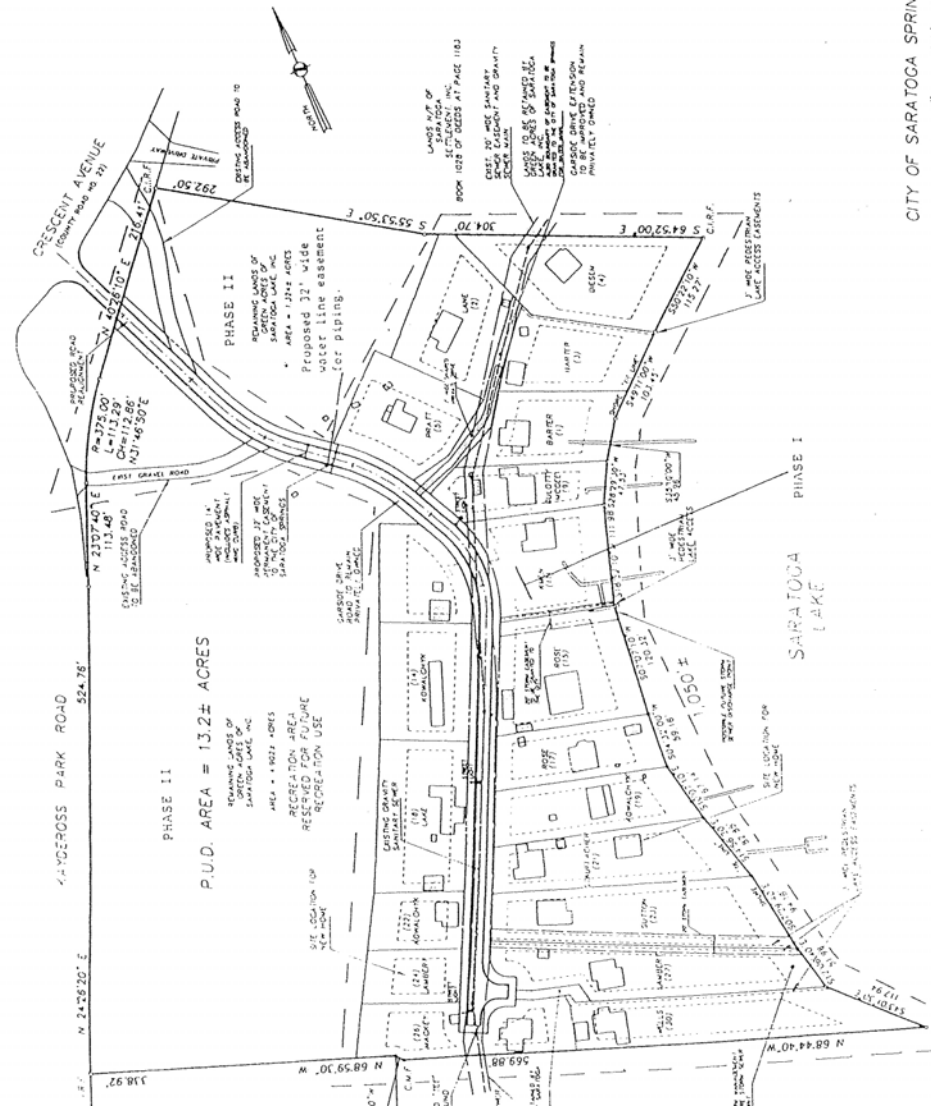
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CITY OF SARATOGA SPRINGS ZONING ORDINANCE

LEGEND:

- ..... BUILDING ENVELOPE
- FRONT SETBACK : 1' F
- REAR SETBACK : 5' F
- ..... DENSES
- ..... ACCESSORY BUILDINGS
- ..... CLAMPED IRON ROD FOUNG
- ..... IRON ROD FOUNG
- ..... CONCRETE MONUMENT FOUNG
- ..... EXISTING HOUSE NUMBER
- (18) RESIDENTIAL LOTS IN THE PUD

LOT NUMBER	OWNER	AREA
3	PRAET	12,627± S.F.
2	LANE	14,228± S.F.
4	DIESEN	19,408± S.F.
J	BARTER	11,678± S.F.
1	BARTER	10,772± S.F.
9	COLOTTI/MACCEE	9,674± S.F.
11	KANEV	24,206± S.F.
15	ROSE	17,508± S.F.
17	ROSE	10,344± S.F.
19	KOWALCHYK	12,622± S.F.
21	STAUFFACHER	15,328± S.F.
23	SUTTON	20,366± S.F.
27	LAMBERT	17,552± S.F.
30	WELLS	16,871± S.F.
26	MACKAY	12,027± S.F.
24	LAMBERT	5,982± S.F.
22	KOWALCHYK	6,205± S.F.
18	LAKE	15,862± S.F.
14	KOWALCHYK	12,746± S.F.



APPENDIX B  
 SKETCH PLAN  
 GREEN ACRES PLANNED UNIT DEVELOPMENT

CITY OF SARATOGA SPRINGS SARATOGA COUNTY, N.Y.  
 SCALE: 1" = 100' DATE: AUGUST 1999



APPENDIX "C"  
CURRENT TAX PARCEL OF THE PUD

180.17-1-12 (13.06 acres) Leased as follows:

- 180.17-1-12-21
- 180.17-1-12-22
- 180.17-1-12-23
- 180.17-1-12-24
- 180.17-1-12-25
- 180.17-1-12-26
- 180.17-1-12-27
- 180.17-1-12-28
- 180.17-1-12-29
- 180.17-1-12-30
- 180.17-1-12-31
- 180.17-1-12-32
- 180.17-1-12-33
- 180.17-1-12-34
- 180.17-1-12-35
- 180.17-1-12-36
- 180.17-1-12-37
- 180.17-1-12-38
- 180.17-1-12-39

APPENDIX "C"  
CURRENT TAX PARCEL OF THE PUD

180.17-1-12 (13.06 acres) Leased as follows:

- 180.17-1-12-21
- 180.17-1-12-22
- 180.17-1-12-23
- 180.17-1-12-24
- 180.17-1-12-25
- 180.17-1-12-26
- 180.17-1-12-27
- 180.17-1-12-28
- 180.17-1-12-29
- 180.17-1-12-30
- 180.17-1-12-31
- 180.17-1-12-32
- 180.17-1-12-33
- 180.17-1-12-34
- 180.17-1-12-35
- 180.17-1-12-36
- 180.17-1-12-37
- 180.17-1-12-38
- 180.17-1-12-39

APPENDIX "D"  
"Green Acres Planned Unit Development  
Area and Bulk Schedule Exceptions

General:

a. All lots bordering Saratoga Lake shall be permitted to construct a dock extending to the shoreline.

Specific:

a. The owner or lessee of lot No. 9 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage extending from and parallel to the northerly line of the principal building. No side setback or lot coverage variance shall be required for construction of the same.

b. The owner or lessee of Lot No. 17 shall be permitted to construct improvements and additions to the principal building (including an attached garage). No side setback or lot coverage variance shall be required so long as the lot coverage shall not exceed sixteen (16) percent for the principal building and eight (8) percent for the ancillary building. In addition, said building shall be permitted to encroach on the southerly side setback only.

c. The owner or lessee of Lot No. 21 shall be permitted to construct or otherwise retain two (2) principal buildings on said lot subject to the following conditions:

1. The existing building located nearest the westerly line of the property shall be limited in size to the footprint currently existing on said lot as shown on the site plan.

2. The second building shall be constructed upon the existing foundation located nearest the easterly line of the property. The owner or lessee shall of Lot No. 21 shall be permitted to construct a twenty eight (28) foot by forty four (44) foot residence, which building shall be confined to the existing northerly and southerly lines of said foundation (i.e. 28 feet) and shall extend the easterly and/or westerly lines of said foundation to a maximum of forty four (44) feet. No side setback or lot coverage variance shall be required for construction of the same.

d. The owner or lessee of Lot No. 27 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage and ten (10) foot enclosed walkway connecting said garage and principal building. No side setback or lot coverage variance shall be required for construction of the same so long as said garage and walkway shall be located on

the westerly side of the premises and encroach upon the southerly side setback only.

e The owner or lessee of Lot No. 3 shall be permitted to construct a walkway/ramp from the northerly entrance of the principal building to a deck to be constructed on the easterly side of the principal building. No side setback or lot coverage variance shall be required for construction of the same so long as the walkway/ramp is of not in excess of five (5) feet in width and of the minimum length necessary to connect the northerly entrance to said deck.

f. The owner or lessee of lot No. 4 shall be permitted to construct a thirty five (35) foot by thirty five (35) (35) foot garage attached to the principal residence within the required setbacks. In addition, said owner or lessee shall be permitted to construct a thirty (30) foot by thirty (30) foot boathouse over the permitted dock. No set back or lot coverage variance shall be required for construction of the same.

APPENDIX "D"  
 "Green Acres Planned Unit Development  
 Heights, Setback, Area and Bulk Schedule  
 For Residential Lots in Phase I

Maximum Percent of Lot to be Occupied	Minimum Yard Dimensions			Principal Building Maximum Height (feet)	Principal Building (feet)	Front Lot Line (feet)	Side Lot Line (feet)	Rear Lot Line (feet)
	Front (feet)	Rear (feet)	One Side (feet)					
15	5	30	10	35	5	25	10	30

APPENDIX "E"  
"Green Acres Planned Unit Development  
Area and Bulk Schedule Exceptions

General:

a. All lots bordering Saratoga Lake shall be permitted to construct a dock extending to the shoreline which dock shall not exceed 110 feet in length.

Specific:

- a. The owner or lessee of lot No. 9 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage extending from and parallel to the northerly line of the principal building. No side setback or lot coverage variance shall be required for construction of the same.
- b. The owner or lessee of Lot No. 17 shall be permitted to construct improvements and additions to the principal building (including an attached garage). No side setback or lot coverage variance shall be required so long as the lot coverage shall not exceed sixteen (16) percent for the principal building and eight (8) percent for the ancillary building. In addition, said building shall be permitted to encroach on the southerly side setback only.
- c. The owner or lessee of Lot No. 21 shall be permitted to construct or otherwise retain two (2) principal buildings on said lot subject to the following conditions:
  1. The existing building located nearest the westerly line of the property shall be limited in size to the footprint currently existing on said lot as shown on the site plan.
  2. The second building shall be constructed upon the existing foundation located nearest the easterly line of the property. The owner or lessee shall of Lot No. 21 shall be permitted to construct a twenty eight (28) foot by forty four (44) foot residence, which building shall be confined to the existing northerly and southerly lines of said foundation (i.e. 28 feet) and shall extend the easterly and/or westerly lines of said foundation to a maximum of forty four (44) feet. No side setback or lot coverage variance shall be required for construction of the same.
- d. The owner or lessee of Lot No. 27 shall be permitted to construct a twenty (20) foot by twenty four (24) foot garage and ten (10) foot enclosed walkway connecting said garage and principal building. No side setback or lot coverage variance shall be required for construction of the same so long as said garage and walkway shall be located on the westerly side of-the premises and encroach upon the southerly side setback only.

- e. The owner or lessee of Lot No. 3 shall be permitted to construct a walkway/ramp from the northerly entrance of the principal building to a deck to be constructed on the easterly side of the principal building. No side setback or lot coverage variance shall be required for construction of the same so long as the walkway/ramp is of not in excess of five (5) feet in width and of the minimum length necessary to connect the northerly entrance to said deck.
  
- f. The owner or lessee of lot No. 4 shall be permitted to construct a thirty five (35) foot by thirty five (35) (35) foot garage attached to the principal residence within the required setbacks. In addition, said owner or lessee shall be permitted to construct a thirty (30) foot by thirty (30) foot boathouse over the permitted dock. No set back or lot coverage variance shall be required for construction of the same.

**Appendix C:**  
**10. YMCA Planned Unit Development (formerly 241.10)**

AMENDMENT CHAPTER 240 ZONING  
ORDINANCE OF THE CITY OF  
SARATOGA SPRINGS

AMENDMENT TO THE ZONING ORDINANCE OF  
THE CITY OF SARATOGA SPRINGS TO ESTABLISH  
THE PLANNED UNIT DEVELOPMENT DISTRICT  
KNOWN AS "YMCA OF SARATOGA  
COMMUNITY CAMPUS"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, following a public hearing as follows:

Section I: NAME: The ordinance shall be known as the "YMCA of Saratoga Community Campus Planned Unit Development" and amends Chapter 240 of the Zoning Ordinance of the City of Saratoga Springs, New York. This project is also referred to herein as "PUD".

Section II: AMENDMENTS: The Zoning Ordinance of the City of Saratoga Springs, New York, (the "Code") and the Zoning Map of the City of Saratoga Springs as set forth therein shall be and the same hereby are amended by changing the permitted uses for the land owned by Young Men's Christian Association of Saratoga Springs, Inc. ("Applicant" or "YMCA") designated as tax parcels 178-4-17; 178-4-18.1; 178-4-18.2; 178-4-19; 178-4-20.112; 178-4-21; 178.41-1-2; 178.41-1-3; 178.41-1-4; 178.41-1-5; 178.41-1-8; and 178.41-1-9 on the Inside Tax District Tax Map for the City of Saratoga Springs and real property designated as Tax Parcels 178-2-1; 178.48-1-35; 178.48-1-37 on the Outside Tax District Tax Map for the City of Saratoga Springs, which property is presently located in two zones for purpose of zoning classification under the Code, that being Transect Zone 4 – Urban Neighborhood for those parcels immediately adjacent to West Avenue and Transect Zone 5 General Urban Zone for those parcels located to the east of West Avenue, but not adjacent thereto, as specified herein.

Section III: BOUNDARY: The area of the YMCA of Saratoga Community Campus Planned Unit Development consists of 25+ acres made up of the following Tax Parcels: 178-4-17; 178-4-18.1; 178-4-18.2; 178-4-19; 178-4-20.112; 178-4-21; 178.41-1-2; 178.41-1-3; 178.41-1-4; 178.41-1-5; 178.41-1-8; and 178.41-1-9 on the Inside Tax District Tax Map for the City of Saratoga Springs and real property designated as Tax Parcels 178-2-1; 178.48-1-35; and 178.48-1-37 on the Outside Tax District Tax Map for the City of Saratoga Springs. Said property is described in Exhibit "A" attached hereto.



The boundary may be expanded without further municipal or legislative action to include any of the following properties immediately adjacent to the PUD site: Tax Parcel 178.41-1-1, 178.41-1-6, 178.41-1-7, 178.33-1-17, 178.33-1-18, 178.33-1-19, 178.33-1-20 and 178.33-1-24 on the Inside Tax District Map for the City of Saratoga Springs and Tax Parcel 178.48-1-16 and 178.41-1-14 on the Outside Tax District Map for the City of Saratoga Springs, if and only when, they come under the ownership or control of the applicant. When such properties are proposed to be added to the PUD, the applicant must provide written notice to the Clerk of the Saratoga Springs City Council. The Council shall have 30 days from the date of the notice to object to such action. If an objection is recorded by the Council, the boundary revision shall not be valid until further action of the City Council of the City of Saratoga Springs. If no objection is recorded with the required 30-day period, the amendment shall be valid and the City Clerk shall revise the City zoning maps accordingly.

The boundaries may also be expanded upon petition for a zoning change or a PUD amendment made to the City Council of the City of Saratoga Springs.

Section IV: OBJECTIVE:

It is the objective of the Ordinance to bring about a creative land use allowing the buildout of the site to be achieved in an integrated fashion. The mixed-use concept that is proposed will allow the development of a significant interactive indoor/outdoor recreational facility on the interior of the site with the construction and development of office, retail, commercial and/or residential uses along the West Avenue corridor. The PUD will be constructed in a way that takes into consideration the "West Avenue – Southern Area" Special Development Area recommendations as set out in the Saratoga Springs Comprehensive Plan to include the construction of multi-story buildings, diminished setbacks for structures along West Avenue, shared driveways and parking lots and pedestrian access to the PUD Site.

Section V: SKETCH PLAN:

A "Sketch Plan" of a build out scenario of this site showing the development of the entire site is attached hereto as Exhibit "B". It is anticipated that beyond the construction of the YMCA the site may evolve and over the decades re-evolve. As a result, the attached Sketch Plan may change, be altered, or amended pursuant to Section 240-3.6 of the Zoning Ordinance.

Section VI: USES AND CHARACTERISTICS:

The PUD shall be divided into two zones with Zone A being the first to be developed as a YMCA facility, to include the public bike and pedestrian path. A second area designated as Zone B shall be primarily located along the West Avenue corridor and shall offer the opportunity for structures to be constructed along the West Avenue frontage of a more commercial/office/retail related nature. These structures may be

constructed on property through a long term lease from the PUD real property owner, constructed by the PUD real property owner or may be located on a subdivided parcel.

In the long te \_\_ in construction, leasing and possible subdivision of this site, flexibility in use is desired. As a result uses peimitted in Zone A may shift to Zone B and uses in Zone B may shift into Zone A upon the granting of a special use permit by the Planning Board of the City of Saratoga Springs. A plan showing the areas of Zone A and Zone B is attached as "Exhibit C".

The structures to be constructed in Zone A may have a gross usable square footage of up to 130,000 square feet. Attached as Exhibit D and made a part hereof are the uses that are permitted within Zone A of the PUD site.

The structures to be constructed in Zone B may have a gross leasable square footage of up to 100,000 square feet. Attached as Exhibit E and made a part hereof is the uses that are permitted in Zone B.

Area and Bulk Standards for Buildings within Zone A shall be as follows:

1. Principal Structures:

- a) Gross leasable square footage - maximum 130,000 square feet.
- b) Building height excluding appurtenances – 60 ft. maximum.
- c) Building height - 18 feet minimum.
- d) Street frontage - no requirement for street frontage other than for driveway access to West Avenue and New Street/or Congress Avenue.
- e) Front/side/rear yard setbacks - minimum of 24 feet to property boundary or Zone boundary.
- f) Permeable area to include permeable area within the deeded pedestrian/bike path – minimum 40%.
- g) Parking - there will be no setback for parking spaces for principal uses where Zone A and Zone B abut, along the pedestrian/bike path or along a public road extended through the PUD site. Parking shall be setback a minimum 24 feet from all other PUD site boundaries.

2. Accessory Structures:

- a) Building height - 30 feet maximum.
- b) Front/side/rear yard setbacks - 10 feet minimum to property boundary or Zone A boundary.

Area and Bulk Standards for Buildings within Zone B shall be as follows:

1. Principal Structures:

- a) Gross leasable square footage – maximum 100,000 square feet.
- b) Building height - two story minimum, 40 feet maximum excluding appurtenances
- c) Build-to-line – minimum 5 feet and maximum 10 feet from West Avenue property line.
- d) Build-out - 50% minimum of the leased or subdivided real property that has frontage on West Avenue
- e) Side yard setback - 0 minimum for each side or for the side on an interior public roadway, or driveway; except where building lot abuts residential property where the setback shall be a minimum of 12 feet.
- f) Rear yard setback - minimum 12 feet from leasehold or subdivision line.
- g) Permeable Area within leasehold or subdivided property – minimum 10%.
- h) Parking - parking spaces must be located to the side opposite West Avenue or to the sides of the structure, even when the structures located on an interior public roadway or driveway.

2. Accessory Structures:

- a) Side yard setbacks – 0 feet.
- b) Rear yard setbacks – minimum 5 feet.
- c) Front yard setback – minimum 10 feet.

Section VII: ISSUANCE OF BUILDING PERMIT:

Prior to the issuance of a building permit to develop any or all structures within the PUD, except as exempted in Article 240.5 of the Zoning Ordinance of the City of Saratoga Springs, the applicant shall receive final PUD site plan approval for the structure(s) to be constructed from the City of Saratoga Springs Planning Board. All building permits or sign permits within this PUD shall require architectural review approval from the Design Review Commission of the City of Saratoga Springs pursuant to the provisions as set forth in Article 240.8 of the Zoning Ordinance.

It is anticipated that there will be multiple applications for PUD site plan approval and each application shall show the relationship between the building(s) to be developed, the vacant areas within the PUD and any improvements from a prior PUD site plan approval. Each final PUD site plan shall respond to the requirements set forth in Section 240-5.4 of the Zoning Code of the City of Saratoga Springs.

Section VIII: PARKING/LOADING DOCKS:

The interactive nature of the uses proposed in the PUD allows for a parking plan which incorporates the "shared parking concept" so as to best utilize the parking to be constructed within the zones of this site. As a result, upon reasonable proof being supplied at PUD site plan review the Planning Board may reduce the amount of required on-site parking up to thirty percent (30%) of the total parking demand.

Because of the intermittent demand for parking within the structures to be constructed in Zone A, thirty percent (30%) of the parking required or requested may be constructed on permeable grass surfaces.

The required on-site parking for any use in Zone A or Zone B does not have to be located on the same owned or leased parcel. The required on-site parking must, unless waived by the Planning Board during PUD site plan approval, be located on a parcel within the PUD with appropriate easements.

Parking requirements shall be the same as those set forth in Article 240-11 of the Zoning Ordinance except as noted below:

Parking Zone A:	Health Club Establishment – 1 parking space for every 250 gross square feet of indoor facility and 1 parking space for every 5 participants that the outdoor facilities are designed to accommodate when used to the maximum capacity.
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The parking area within Zone A shall have a minimum of ten percent (10%) green space within the parking area or adjacent to the parking fields, unless waived by the Planning Board during PUD site plan approval. The Zone B parking fields shall have a green space requirement of five percent (5%) green space within the parking area or adjacent to the parking field, unless waived by the Planning Board during PUD site plan approval.

The delivery area for all Zone B structures shall be situated to the side or rear of the structure fronting on West Avenue. The delivery parking/loading area for structures in Zone A shall be determined at the time of PUD site plan approval.

The PUD at build out shall at a minimum have two (2) entrance/exit locations on West Avenue and one (1) on either New Street or Congress Street. The vehicular ingress and egress for the structures constructed in Zone B will be at a minimum by the three (3) common entrance/exit locations specified above. The tenants and/or owners of the structures in Zone B shall be given cross lot easements through Zone A for the purpose of ingress and egress to their individual site from the public roadways. Zone B building, unless subdivided with proof of on-site parking in compliance with this legislation shall be given an easement for non-exclusive excess parking in Zone A. The development of

the Zone A uses shall at a minimum require two entrance/exit locations: one (1) on West Avenue and one (1) on either New Street or Congress Street.

Section IX: AMENDMENTS TO THIS ORDINANCE:

This PUD shall be developed in general compliance with the final approved "Sketch Plan" as specified in this Ordinance. Any amendments thereto shall be pursuant to the applicable provisions of the Zoning Ordinance of the City of Saratoga Springs, New York unless otherwise specified herein.

Section X: INFRASTRUCTURE IMPROVEMENTS:

The entire project, as set forth herein, will be serviced by municipal water and sanitary sewer lines. All services and improvements that are to be dedicated to the City of Saratoga Springs will be constructed to City standards as they exist at the time of construction. All other services and improvements shall be constructed in compliance with applicable codes, rules and regulations, with the exception that the public mains may be located within cross-lot easements.

Potable water will be supplied to the structures constructed in Zones A by means of an eight (8) inch main entering the PUD site from West Avenue. As a portion of PUD site plan approval for the first building in Zone A, the applicant shall replace approximately two hundred (200) linear feet of existing six (6) inch potable water main in West Avenue with a new twelve (12) inch main. This extension of the main in West Avenue will go from the intersection of the northwest corner of the PUD site in a generally southerly direction along West Avenue. At the time of PUD site plan review for the any structure within Zone B of the PUD site, the Planning Board may require the replacement of the existing six (6) inch water main in West Avenue along the remaining frontage of the Zone B properties with a new twelve (12) inch water main.

All private water/sewer lines connecting into any structure in the PUD shall be individually metered.

Storm water disposal shall be by means of a retention/detention and/or infiltration system located on the site with outfall into the municipally controlled storm water system.

The City is hereby granted the right to enter upon the PUD site for purposes of making emergency repairs to any privately owned main, pipe or line. The City shall have the right to charge the real property owners whose pipeline or main is repaired for said service.

Prior to the time of the first PUD site plan approval for the PUD, the Applicant shall grant to the public by means of offering and if accepted, conveying to the City of Saratoga Springs, New York a strip of land being approximately fifty (50') feet in width west of the PUD site's easterly boundary. The Applicant shall retain the right to cross

said strip of land, at a location or locations to be determined at any PUD site plan approval for the purpose of extending driveways/roadways, sidewalks, utility and storm water drainage easements through said pedestrian/bike path. These crossings shall be created so as to allow vehicle, pedestrian, utility and storm water easements to extend into and out of the PUD site to and from the real property and public roadway which exists to the east of the PUD site. If the strip of land, which is conveyed, primary use as a path open to the general public is discontinued, or if the land is transferred without restrictions that it be primarily used as a path and trail open to the general public, then title to the real property shall revert to the Applicant or its successors or assigns. The Applicant shall not be responsible for the construction, care, maintenance, improvements, reconstruction, security, or landscaping of the pedestrian/bike path and shall seek to be held harmless for all injuries, damages, judgments, fees and provided a legal defense from all claims and actions, arising from incidents on the pedestrian/bike path not caused by the direct action of the applicant or its successors. The Applicant and its successors shall be responsible for the reasonable restoration of the pedestrian/bike path arising from the introduction, construction, maintenance and reconstruction of driveways/roadways, sidewalks and utilities across said pedestrian/bike path.

During PUD site plan approval for the first building within the PUD provision will be made for the accommodation of a future public road extending from the easterly boundary of the PUD site south of the main parking area, to the easterly boundary of West Avenue. This portion of the roadway/driveways shall be built to City of Saratoga Springs specifications for a public street and shall be dedicated to the City of Saratoga Springs upon written demand from the City of Saratoga Springs upon the construction of a public road from New York State Route 50, through the lands presently owned by the Espey Manufacturing Co. to the easterly boundary of the PUD site. The City of Saratoga Springs will be responsible for the construction of the connection of the road from the easterly edge of the PUD site to the roadway/driveway constructed on the PUD site.

#### Section XI: OFF-SITE IMPROVEMENTS:

The Planning Board of the City of Saratoga Springs may require a traffic analysis and traffic mitigation improvements related to the structure to be constructed during PUD site plan approval for structures in Zone A or Zone B.

As a portion of the PUD approval for the first structure in Zone A a public sidewalk and curb if not already in existence or a requirement of an approved plan will be extended south on the east side of West Avenue to the northwest corner of the site. Also a sidewalk and curb shall be constructed along the New Street frontage. A pedestrian walking system shall be constructed within the PUD so as to gain access to the buildings therein constructed. As a portion of the PIJD site plan approval for structures in Zone B a public sidewalk shall be constructed along the east side of West Avenue, along the leased/purchased frontage of the structure that is to be constructed.

CITY OF SARATOGA SPRINGS ZONING  
ORDINANCE

Section XII: TIME EXTENSIONS:

On good cause shown the PUD owner may apply for an extension of an approved PUD site plan which request shall not be unreasonably denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

Section XIII: SIGNAGE:

Signs within the PUD shall conform to all provision of Article 240-10 with the exceptions set forth below:

ZONE A:

1. Freestanding signs:
  - (a) A freestanding externally illuminated sign with a maximum signage size of 24 square feet per side constructed to a maximum height of 12 feet may be placed at the New Street or Congress Street entrance/exit and at one of the West Avenue entrances/exits to the site.
  - (b) A freestanding sign with a maximum signage size of 12 square feet per side with a maximum height of 6 feet may be placed at the second West Avenue entrance/exit.
  - (c) If more than one user is incorporated into Zone A, then two (2) directional/information signs may be constructed within Zone A on the entrance thereto. This sign shall be no greater than six square feet per side and no taller than five (5) feet and may contain the name of the user/business, but is subject to architectural review by the Design Review Commission.
2. In addition to the wall signs permitted pursuant to Article 240-10(c)(2), the YMCA may place a logo sign which may be internally illuminated on the general southerly and westerly walls of the YMCA structure. The logo (d) shall be no greater than 24 square feet and is subject to architectural review by the Design Review Commission.
3. Non-illuminated directional signage may be placed within Zone A for the purpose of internal circulation and direction to user parking for Zone B. These signs shall be no larger than four square feet per side and five feet in height and may contain the name of the user/business, but shall be subject to architectural review by the Design Review Commission.

ZONE B:

1. For each leased or subdivided parcel a freestanding sign may be erected in the "Build-to" area along West Avenue. If the structure is to be occupied

by one tenant or user, then the sign shall be 12 square feet per side. If the structure is to be occupied by more than one tenant or user then the freestanding sign may be 24 square feet per side. The sign may be externally illuminated.

2. Each structure in Zone B may have a wall sign on its West Avenue facade and the façade opposite the West Avenue facade. The total area of the wall signage per façade shall not exceed two (2) square feet for each linear foot of building frontage attributable to the particular business or businesses which the sign will identify or fifteen percent (15%) of the total area of the building facade upon which the signage is to be placed or one hundred (100) square feet, whichever is less.

Section XIV: CONSTRUCTION STANDARDS:

Unless otherwise noted in this Ordinance, or not required by law, all City construction standards current at the time of PUD site plan approval for any project, shall be met with regard to improvements which are to be made in a public right-of-way or with regard to improvements which are to be made in a public right-of-way or with regard to improvements that are intended to be dedicated to the City of Saratoga Springs, N.Y.

All construction standards for buildings and public improvements and for utilities shall be prepared and approved by licensed architects, landscape architects or engineers. All costs associated with this shall be borne by the real property owner whether the plans are provided by the City of Saratoga Springs or by the real property owner. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

Section XV: EXPIRATIONS:

Planned unit development zoning approval for this site shall expire if final PUD site plan approval for the first building in Zone A is not granted by the Saratoga Springs Planning Board on or before December 31, 2008. Planned unit development zoning approval for this site shall expire if final PUD site plan approval for the first building in Zone B is not granted by the Saratoga Springs Planning Board on or before December 31, 2015. If the PUD legislation expires the zoning for this site shall revert to the zoning districts in existence for this site at the time of the enactment of this legislation.

Section XVI: VALIDITY:

If any provisions of this Ordinance shall be held invalid the remainder of the Ordinance shall not be affected.



Section XVII: MODIFICATIONS:

The Applicant may, upon approval of the Planning Board of the City of Saratoga Springs, alter, modify or change the number, placement and type of structures to be constructed within the site so long as the alterations, modifications and changes does not result in an increase in density for which on-site parking cannot be provided, constructed or obtained.

Section XVIII: EFFECTIVE DATE:

This Ordinance shall take effect the day after publication as provided by the provisions of the City Charter of the City of Saratoga Springs, New York.

Adopted: June 21, 2005

## EXHIBIT A

## PUD BOUNDARIES

All that piece or parcel of land situate, lying and being in the City of Saratoga Springs, County of Saratoga and State of New York being bounded and described as follows:

Beginning at a point on the southwest bounds of Congress Avenue approximately 1300 feet from the intersection of said southwest bounds of Congress Avenue with the east bounds of West Avenue, said point being the most easterly corner of lands mapped as the "Congressville" subdivision as shown on a map prepared by 3. S. Mott and filed in the Saratoga County Clerk's Office on August 18, 1902 as Map number AA-121, said point also being the most easterly corner of lands of Saratoga County Economic Opportunity Council, Inc.; running thence along said south bounds of Congress Avenue the following three courses:

S 49° 15' 00" E 49.50'; S 52° 55' 55" E 50.12'; S 82° 40' 00" E 41.14' to a point at the northwest corner of lands of Espey Mfg. and Electronics Corp.; running thence along the northwest bounds of said lands of Espey Mfg & Electronics Corp., being generally along a chain-link fence, the following four courses:

Along a curve which bears to the left having a central angle of 09° 55' 23", a radius of 789.52', a length of 136.74' and a chord of S 45° 56' 14" W 136.57';

S 40° 59' 00" W 602.00'; N 49° 01' 00" W 10.00'; S 40° 59' 00" W 1200.54' to a corner of said chain-link fence at the approximate north corner of lands of Sol & Ruth Pinsley; running thence along the northwest bounds of said lands of Pinsley, being generally along a stockade fence.

S 40° 59' 00" W 190.36' to an iron pipe capped "N.Y.S." in the center of the founer right-of-way of West Avenue and at the north corner of lands of the People of the State of New York and the Saratoga Springs State Park; running thence along said lands of the People of the State of New York the following two courses:

S 40° 59' 00" W 284.22"; N 83° 01' 00" W 156.81' to a point at the southeast corner of lands of Ralph A. & Brenda L. Henderer; running thence along the southeast bounds of said lands of Henderer and lands of First Auriesville Corp., trustee

N 40° 59' 00" E 509.99' to a point on the west bounds of the foliner right-of-way of West Avenue and lands of the City of Saratoga Springs; running thence along said right-of-way and lands of the City of Saratoga Springs the following three courses:

S 06° 12' 00" W 26.29'; N 40° 59' 00" E 92.91';

N 06° 12' 00" E 232.60' to a point at the southwest corner of lands of Oscar W. & Angela M. Ovitt; running thence along said lands of Ovitt the following three courses:  
S 83° 48' 00" E 123.50'; N 06° 12' 00" E 120.00';

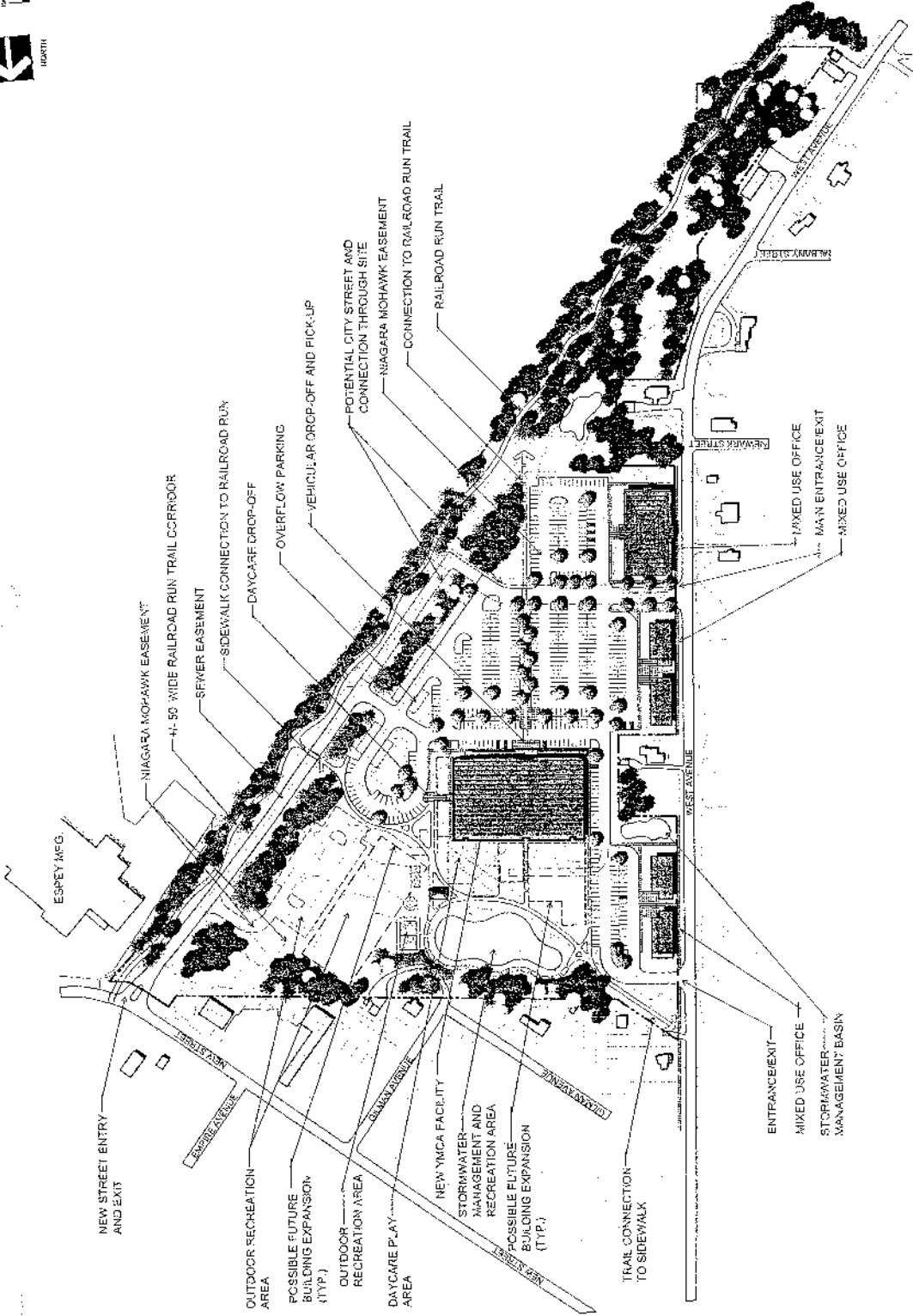
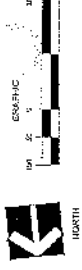
N 83° 48' 00" W 123.50' to a point on the east bounds of West Avenue; running thence along said east bounds of West Avenue

N 06° 12' 00" E 13.10' to a point at the southwest corner of lands of Niagara Mohawk Power Corp.; running thence along said lands of Niagara Mohawk Power Corp. the following three courses:

S 83° 26' 25" E 123.50'; N 06° 12' 00" E 50.00"

N 83° 26' 25" W 123.50' to a point on the east bounds of West Avenue; running thence along said east bounds of West Avenue

N 06° 12' 00" E 568.90' to a point at the southwest bounds of lands of Steven A. & Sandra J. Swart; running thence along said lands of Swart the following three courses: S 83° 48' 00" E 123.50'; N 06° 12' 00" E 173.00';  
 N 83° 48' 00" W 123.50' to a point on the east bounds of West Avenue;  
 running thence along said east bounds of West Avenue  
 N 06° 12' 00" E 498.72' to a point at the southwest corner of the aforementioned "Congressville" subdivision and lands of D.H. & M. J. Farenell; running thence along the south bounds of lands of Steven A. & Sandra J. Swart; running thence along said lands of Swart the following three courses:  
 S 83° 48' 00" E 123.50'; N 06° 12' 00" E 173.00';  
 N 83° 48' 00" W 123.50' to a point on the east bounds of West Avenue; running thence along said east bounds of West Avenue  
 N 06° 12' 00" E 498.72' to a point at the southwest corner of the aforementioned "Congressville" subdivision and lands of D.H. & M.J. Farenell; running thence along the south bounds of the "Congressville" subdivision and said lands of Farenell the following two courses:  
 S 49° 25' 00" E 156.43'; S 06° 16' 26" W 24.21'; running thence along said south bounds of the "Congressville" subdivision, being along said lands of Farenell, lands of David E. Frantz and Carol A. Frantz, lands of David F. Madden, Jr. and Debra L. Madden, lands of Harold A. Post and Shirley A. Post, lands of Shirley Post and Robert McDonough, and the aforementioned lands of Saratoga Economic Opportunity Council, Inc.  
 S 82° 58' 00" E 937.55' to a point; running thence along the east bounds of the "Congressville" subdivision and said lands of Saratoga County Economic Opportunity Council, Inc.  
 N 40° 59' 00" E 28.00' to the point and place of beginning. Containing 24.839 acres of land.

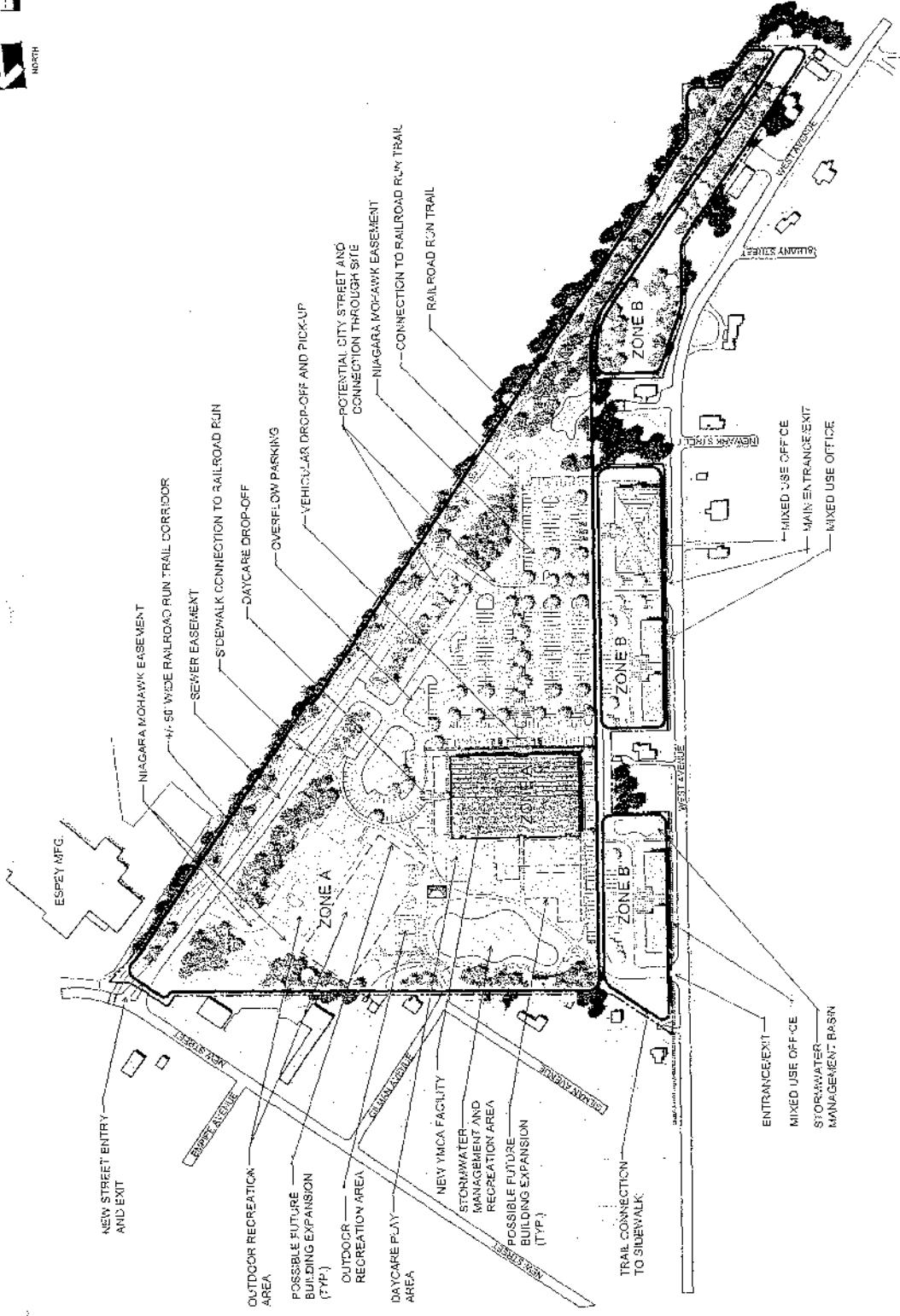


The YMCA of Saratoga  
Saratoga Springs, NY

# The YMCA of Saratoga - Community Campus P.U.D

## Exhibit B - Sketch Plan

March 4, 2005  
Rev. May 23, 2005



JULY 2005  
 PREPARED BY  
 THE YIMCA OF SARATOGA  
 SARATOGA SPRINGS, NY  
 March 4, 2005  
 Rev. May 23, 2005



# The YMCA of Saratoga - Community Campus P.U.D

## Exhibit C - Zone Plan

The YMCA of Saratoga  
 Saratoga Springs, NY

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

EXHIBIT E  
PERMITTED USES WITHIN PUD

PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL	ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL	USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT & UPON SITE PLAN REVIEW & APPROVAL
<ul style="list-style-type: none"> <li>a) Health Club Establishment</li> <li>b) Day Care Center</li> <li>c) Bath House/Health Center/Spa</li> <li>d) Training &amp; Educational Services</li> <li>e) Eating &amp; Drinking Establishment</li> <li>f) Retail</li> </ul>	<ul style="list-style-type: none"> <li>a) Storage Facilities</li> <li>b) Maintenance Facilities</li> <li>c) Solar/heating/ventilation equipment</li> <li>d) Private garages and</li> <li>e) Parking Structures</li> <li>f) Antenna and satellite dishes</li> <li>g) Outdoor Pool(s)</li> </ul>	

Definition: For the purposes of this PUD the use "Health Club Establishment" shall be defined as follow: "A membership based recreation establishment that is available to members and their guests that may provide indoor and outdoor recreational facilities. Such facilities may include swimming pools, spas, bath houses, gymnasiums, fitness centers, court games, recreation rooms, lockers rooms, changing rooms, classrooms, athletic field, etc. Such establishments may also include ancillary support facilities such as administrative office, eating and drinking establishment, retail, etc. for its members and guests."

CITY OF SARATOGA SPRINGS ZONING ORDINANCE

EXHIBIT E  
PERMITTED USES WITHIN PUD

ZONE B

PERMITTED PRINCIPAL USES UPON SITE PLAN REVIEW AND APPROVAL	ACCESSORY PERMITTED USES UPON SITE PLAN REVIEW AND APPROVAL	USES PERMISSIBLE UPON ISSUANCE OF SPECIAL USE PERMIT & UPON SITE PLAN REVIEW & APPROVAL
<ul style="list-style-type: none"> <li>a) Animal Clinic</li> <li>b) Animal Hospital/Kennel</li> <li>c) Art Gallery</li> <li>d) Artist Studio</li> <li>e) Barber/Beauty Shop</li> <li>f) Bath House/Health Center/Spa</li> <li>g) Eating and Drinking</li> <li>h) Business Office</li> <li>i) Convenience Sales and Service</li> <li>j) Business Office</li> <li>k) Convenience Sales and Service</li> <li>l) Drugstore</li> <li>m) Financial Institution/Bank</li> <li>n) Retail</li> <li>o) Medical Office/Clinic</li> <li>p) Neighborhood Convenience Store</li> <li>q) Professional Office</li> <li>r) Multi-family Residence</li> <li>s) Two Family Residence</li> </ul>	<ul style="list-style-type: none"> <li>a) Storage Facilities</li> <li>b) Maintenance Facilities</li> <li>c) Solar/heating ventilation equipment</li> <li>d) Private Garages</li> <li>e) Parking Structures</li> <li>f) Antenna and satellite dishes</li> <li>g) Canopies for Drive-In facilities</li> <li>h) Home Occupation</li> <li>i) Swimming Pools</li> </ul>	<ul style="list-style-type: none"> <li>a) Drive-In Facility</li> </ul>